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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 08-30C [25 M Street Holdings, LLC -
Modification of Capitol Gateway Overlay Review at
Square 700, Lots 33, 802, 840, 841, 850, 864, 865,
868, and 871-875.]

6:33 p.m. to 7:37 p.m.

Thursday, March 31, 2016

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

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 PETER MAY, Commissioner

4 ROBERT MILLER, Commissioner

5 MICHAEL TURNBULL, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JOEL LAWSON

12 MATT JESICK

13

14 DDOT:

15 ANNA CHAMBERLIN

16 BRANDICE ISRAEL

17

18

19

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

2 CHAIRPERSON HOOD: Okay. We ready to get
3 started? Good evening, ladies and gentlemen. This
4 is a public hearing of the Zoning Commission for the
5 District of Columbia. Today's date is March 31st,
6 2016.

7 My name is Anthony Hood and joining me are
8 Commissioner May, Commissioner Miller, and
9 Commissioner Turnbull. We're also joined by the
10 Office of Zoning staff, Ms. Sharon Schellin, as well
11 as the Office of Planning staff and the District
12 Department of Transportation, Office of Planning
13 staff, Mr. Lawson and Mr. Jesick, District Department
14 of Transportation, Ms. Chamberlin and Ms. Israel.

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

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

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

4 The following time constraints will be
5 maintained in this meeting. The applicant has up to
6 60 minutes. I'll let you know I think this record is
7 complete. We may have a few questions. I see you
8 asked for 20 but I think we probably could do it a
9 little sooner than that. Organizations five minutes,
10 individuals three minutes.

11 All persons appearing before the Commission
12 are to fill out two witness cards. These cards are
13 located to my left on the table near the door. Upon
14 coming forward to speak to the Commission please give
15 both cards to the reporter sitting to my right before
16 taking a seat at the table.

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

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

25 [Oath administered to the participants.]

1 MS. SCHELLIN: Thank you.

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

5 MS. SCHELLIN: Yes, sir. They have -- the
6 applicant has proffered one expert witness which the
7 Commission has previously approved and that is their
8 expert in architecture from HOK and ask the
9 Commission to consider accepting him in this case
10 also.

11 CHAIRPERSON HOOD: Okay. We usually don't go
12 back on our first judgments, Mr. Hellmuth. Let's see
13 if anybody wants to rescind his expert status. Okay.
14 Not seeing anyone we will continue to give him expert
15 status.

16 Anything else, Ms. Schellin?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: Okay. Mr. Tummonds, you
19 may begin.

20 MR. TUMMONDS: All right. Thank you very
21 much. We're here this evening to present our
22 proposed modifications to the previously approved
23 office building to be located at 25 M Street
24 Southeast. We only have two witnesses this evening
25 and we'll try and move this along as quickly as we

1 can.

2 Adam Gooch, on behalf of the applicant, will
3 talk about impetus behind these changes we're
4 presenting. And then we'll have Bill Hellmuth run
5 you through those.

6 Before we start our testimony I want to
7 inform the Zoning Commission that this project is no
8 longer seeking penthouse relief. We have revised the
9 penthouse structure so that it does now satisfy all
10 penthouse setback requirements.

11 Second, in response to an issue raised by the
12 Office of Planning, we took a look at the numbers
13 again with regards to the amount of ground floor
14 arts, entertainment, retail uses for this northern
15 half of the project, as well as the southern half,
16 and I think we've now been able to confirm that just
17 like for the project you reviewed to the south, the
18 JBG West Half Residential Building, this project will
19 satisfy that requirement that 75 percent of all of
20 the ground floor along Half Street and the ground
21 floor of this project be those preferred uses.

22 So we're only really looking to perpetuate
23 two areas of relief from the previous approval, that
24 is the setbacks along M Street, and then the setbacks
25 along Half Street at certain levels of the building.

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1 We will note that the Office of Planning and
2 DDOT have conditioned support. We think that in our
3 testimony this evening will have addressed all of the
4 Office of Planning's requests for additional
5 information, and we know that ANC 6D has submitted a
6 letter in support. With that I'll have Mr. Gooch
7 present his testimony.

8 MR. GOOCH: Thank you, Commissioners. This
9 is a project that we've been involved with for a long
10 time, for about seven years. And we're excited about
11 it today as we were seven years ago.

12 Last year we capitalized the project with
13 Brandywine Realty Trust, our new partner, and we took
14 that opportunity to relook at the design in light of
15 the changing market conditions over those prior seven
16 years. And we came to two conclusions.

17 The first conclusion was that we still really
18 loved the architecture that HOK put together. We
19 loved the use of brick, stone, industrial windows,
20 the copper element that cut through the building. We
21 really still like that.

22 The other conclusion that we came to was that
23 our floor plates were too deep; that our floor plates
24 were 60 feet deep from window line to core, and that
25 no longer met the market that we're trying to reach,

1 which is a high quality tenant in the marketplace.
2 We really need to be less than 45 feet from window
3 line to core to get the tenants that we're attracting
4 for this building.

5 And all of the changes that you're going to
6 see tonight from Bill Hellmuth really result from our
7 decision to narrow those floor plates and essentially
8 take some density off the table, create a higher
9 quality building, with a little less density.

10 You know, it's important to note that we
11 still place a lot of focus on the ground floor and
12 the retail. We still have 20 feet floor to floor on
13 the ceiling height. We still are paying a lot of
14 attention to making sure that we have an active
15 vibrant streetscape. We're working collaboratively
16 with the other property owners on Half Street to
17 create a uniform curbless, hopefully, street, that
18 goes from M Street to N Street and could be a great
19 front door to the District as they go into National's
20 Ballpark.

21 I'll let Bill get into the design here in a
22 sec. I do want to say, I want to close by saying
23 that Ackridge has been headquartered in D.C. for 42
24 years. We're imminently committed to the District's
25 success and economic development. We control about 3

1 million square feet of development in the Capitol
2 Riverfront neighborhood alone, and we feel strongly
3 that the design that HOK put forth is a great front
4 door to this neighborhood. It's the first thing you
5 see when you come out the Metro station. And we're
6 really excited about the design and getting this
7 project to reality. So, I'll turn it over to Bill.
8 Thanks, Bill.

9 MR. HELLMUTH: Great. Thank you.

10 CHAIRPERSON HOOD: You want to make sure your
11 microphone is on.

12 MR. HELLMUTH: Oh, sorry about that. Okay.
13 As both Paul and Adam mentioned, basically the
14 building, we kept the essence of the building that we
15 had an approval on before, and it was a building that
16 we were very very excited about. Part of what that
17 original building did was create a series of smaller
18 scale pieces, two and three-story facades of retail
19 along Half Street, really enlivening Half Street in
20 terms of the entertainment district leading down to
21 the stadium, the ballpark, that it really will become
22 and has started to become, and will become even more.

23 I'm going to click to the next -- oh, I can
24 do that. As you know, the site is M Street and Half
25 Street, and then Van Street to the west, and what we

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1 call the Via, which is a 30-foot passage between the
2 residential building on the south and the office
3 building just north of it.

4 On the left is the original scheme, which we
5 were very excited about. And part of the key to that
6 is the building had massing which stepped down along
7 Half Street. It had major setbacks, but also had
8 this element that when you were in here it really
9 focused you like blinders on a horse, looking down
10 into the bowl of the ballpark. And you could tell
11 where the boardroom would always go. It would go
12 right there. Or the big cheese office would go right
13 there with this focus down on the ballpark.

14 The new scheme, and you'll see in plans, what
15 we've done is we've lowered this element at the
16 corner, we've made the building thinner, and the
17 setbacks from Half Street to the building are far
18 greater than they were in the original scheme.

19 This is a view of the original on the left
20 and looking down towards the ballpark with the copper
21 element which came through. This is that building
22 today, and you can see there's more articulation of
23 the two and three-story retail pieces in here with
24 greater setbacks and larger terraces, and so forth,
25 on the second and third level of the building.

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1 In these massing diagrams you can see, this
2 was the original. It's a little hard to read here.
3 Maybe it's easier to read in your handouts. But the
4 setbacks in here, which were doing the job there, are
5 just enhanced in the new scheme, where it's been
6 pushed back even further. And that's really part and
7 parcel of this whole idea of making a thinner floor
8 plate so that the floors are more marketable.

9 This is really one of the first times in
10 architectural history that a developer is coming to
11 your group and asking for 26,000 fewer square feet,
12 or 23,000 fewer square feet. The original building
13 was wider, and this is where the 60-foot span was,
14 and that was done at a time where the types of
15 tenants that would come down here could use that kind
16 of a space. The type of tenants that are now being
17 attracted to this area really are looking for the
18 classic 45-foot window wall to core distance, which
19 is really kind of the recommended in GSA-2020,
20 recommended in the daylighting studies for LEED and
21 so forth, to optimize the amount of daylight that
22 gets into the building, and minimum the amount of
23 interior space on the building.

24 So now what we have is essentially a 45 foot
25 span that's column free, and the building, the box of

1 the building becomes much thinner, and these are the
2 setback terraces which become much greater.

3 On the upper floors, this is the corner where
4 we set back that corner, set it down even further so
5 there's another opportunity for an outdoor terrace up
6 there as well. So it's really following all of the
7 ideas of the original, but it's essentially because
8 it's a thinner building and a somewhat smaller
9 building in terms of total area, we're able to
10 articulate those pieces along Half Street to a
11 greater degree.

12 Up on the roof, first of all, this is the
13 area where in an earlier version we were looking for
14 some relief on the penthouse. We have now worked out
15 all of the functions so that this does not
16 requirement relief in terms of the penthouse anymore.
17 It's a one-to-one slope from the edge and so forth.
18 So that's working all the way around here.

19 There's a fitness center in this area.
20 There's essentially a party room here, and then
21 mechanical area, and the rest is occupiable roof.
22 You know, this is sort of where I want to sit during
23 ballgames so I can mildly pay attention to the
24 ballgame and more pay attention to the food and
25 beverage which might be served by some tenant that

1 hopefully is entertaining us up there.

2 Again, you can see here, this is that upper
3 terrace which is now lower than the original. These
4 terraces are deeper than the original. So it's
5 really, we're articulating those pieces along Half
6 Street to a greater degree.

7 This is also looking along Half Street and
8 you can see the retail. And the retail is left a
9 little bit to market and the different retailers will
10 come in with their own designs and their own
11 signature designs for how their shopfront will work.
12 And that's all really part of the strategy of the
13 building to create a vibrant retail area. You can
14 see in here, that's the via. That's the 30-foot
15 space which is between the residential building and
16 the office building. This is M Street up here, and
17 then that's Half Street down through there.

18 One of the things we think is critically
19 important is that that continuity of retail which
20 comes along the Via, and we'll talk a little bit
21 about how it comes up Van Street, that that be a very
22 vibrant, vibrant active area on all days, not just on
23 game day.

24 And this is going around. This is at the
25 front of the building. This is on M Street, showing

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1 the entrance. And this is the feature that slices
2 through at a diagonal, very similar to the original
3 approved scheme.

4 Here, we're looking down the Via, and this
5 Van Street, and this really starts to show how
6 important it is to bring and -- I keep mentioning
7 this because there is an issue having to do with the
8 DOT and separation between curb cuts which would sort
9 of endanger some of this shopfront area in there.

10 This is really sort of an elevation along
11 Half Street. And one of the things, if you can see
12 in here, in the dotted area, depending on how this
13 leases out there may be some double-height retail in
14 there and some of these windows in this area will
15 become operable. Right now it's drawn as though it's
16 an office building, which is one of the outcomes.
17 Another outcome is that some portion of that might
18 become double-height retail, and if it does we want
19 that to become operable so that they can open and
20 people can enjoy the street life of Half Street
21 during the good weather.

22 This is looking down from M Street, down
23 towards the ballpark. And you can see the effect of
24 the greater setbacks which really punches out the
25 massing of this lower three and two-story retail in a

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1 very convincing way, we think.

2 This starts to show -- this was the approved
3 plan and seven years ago when we were doing this, the
4 requirement was to get a five or six-foot pedestrian
5 peninsula between the intake of the parking garage
6 ramp and the loading dock, and we had achieved that
7 in here. They're now looking for a larger span which
8 we're finding to be quite difficult because it will
9 endanger all of this retail frontage. It will be
10 taken up with air shafts and other kinds of things,
11 and I think that continuity of the retail frontage
12 attracting people for Van Street down into the Via
13 and along to Half Street is very important to the
14 both visual as well as actual success of the retail
15 in the project.

16 This just shows what would happen if we
17 didn't get relief with DOT on that and have the
18 closer to the 24-foot island that they're looking for
19 here. We start to just have a little sliver of
20 shopfront, a little sliver of shopfront, and the rest
21 is air shaft which has to be separated from the
22 entrance to the garage by a certain number of feet
23 and so forth.

24 This is, again, looking at that area of shop
25 front on Van Street and then down the Via.

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1 In terms of materials, the materials are very
2 similar to what we proposed before. It's essentially
3 brick, metal, and glass, stone at the base, and then
4 in here we're looking for -- actually I think before
5 we talked about a green metal. Now we've advanced to
6 talking about copper and/or turn coated metal.

7 This shows the brick and the window systems.
8 And then this is typical of the base where we have
9 the stone with the windows inset there. So what
10 we're really trying to do is create a variety of
11 experiences along here, have it be a very organic
12 retail experience. The entry to the building is
13 directly below here on M Street. That marks the
14 entry and the diagonal that comes through the
15 building and gives the tenants this great view of the
16 ballpark and gives some dynamism to the overall
17 building. And then the variety of retail experiences
18 that you have along Half Street.

19 MR. TUMMONDS: And with that, that concludes
20 our presentation. We're ready to answer any
21 questions you may have.

22 CHAIRPERSON HOOD: Okay. Thank you very much
23 for a very succinct presentation. Let's see if we
24 have any questions up here, or comments.
25 Commissioner May.

1 MR. MAY: Okay. So I appreciate what you've
2 done with the building. I think generally speaking
3 it's an improvement over the previous design, and not
4 that the last one was bad, but I think this is good.
5 You know, it's improved in some ways and I like the
6 extent of the relief and the setbacks and I think it
7 makes a very interesting building.

8 That being said, first of all I'm glad you
9 addressed the setback issue because that was going to
10 be a problem. That's for the setback from the Via.

11 There was an issue from the Office of
12 Planning raised in their report regarding handrail
13 setbacks. Has that been clarified? All the
14 handrails have to be set back one to one. Has that
15 been done?

16 MR. HELLMUTH: Yes.

17 MR. MAY: Okay. Is that clear in the
18 drawings somewhere and we just missed it? I mean, I
19 didn't look for it carefully after I saw it mentioned
20 in the OP report.

21 MR. HELLMUTH: Cloe, are you signed in?

22 MR. MAY: You all have to talk for her, or
23 we'll have to --

24 MR. HELLMUTH: Okay.

25 MR. MAY: -- swear her in. She can find the

1 drawing for you.

2 MR. HELLMUTH: Yeah. Okay. So basically
3 what we have from here to here, there is --

4 MR. MAY: Okay. So I know where the
5 handrails would go.

6 MR. HELLMUTH: Oh, okay.

7 MR. MAY: The question is, is it documented
8 in the drawings that they are set back one to one?

9 MR. HELLMUTH: Well, there's no handrail
10 here.

11 MR. MAY: Got it.

12 MR. HELLMUTH: And then this piece here is a
13 cornice which is --

14 MR. MAY: So the parapet wall extends high
15 enough up to be the handrail.

16 MR. HELLMUTH: Yeah.

17 MR. MAY: And the parapet wall meets the
18 height restrictions to the extent that it has to.
19 Doesn't have to, probably.

20 MR. HELLMUTH: Well, it literally comes in
21 definition of parapet versus the embellishment wall
22 and the cornice line. So we've had discussions with
23 the Zoning Administrator and about his comfort with
24 what we're proposing is consistent with the Height
25 Act.

1 MR. MAY: Okay.

2 MR. HELLMUTH: And then what is
3 embellishment. And so I think we are confident that
4 yes, we don't have a handrail setback issue and we
5 don't have a Height Act issue.

6 MR. MAY: Okay. So let's talk about the
7 embellishment because before when the embellishment
8 was -- can we go back to the side-by-side -- do you
9 have the side-by-sides of the previous and the
10 approved, that show that view from across M Street.

11 You know, I don't have any doubt that you can
12 convince the Zoning Administrator that it's an
13 architectural embellishment because I think he thinks
14 almost anything is an architectural embellishment.

15 Okay. So this view here, and what this shows
16 is that you have what I would consider to be
17 traditionally speaking, a, you know, a tower element
18 or something else that's typically considered an
19 embellishment in the approved view, right? The way
20 that angled component of the building shows on M
21 Street. That piece there. Yeah, I mean, that looks
22 fairly typical. Or not fairly typical, but it's not
23 unusual in the realm of things that can be, you know,
24 considered a tower element or something like that.

25 And then the one along, is it Half Street

1 there? Is that where we're looking on the left?

2 Yeah. So that one.

3 And that one kind of fits the definition. I
4 think it was a stretch last time around, but it was
5 okay. And it's somewhat mitigated by other factors
6 having to do with the massing of the building.

7 The problem that I have with the revised view
8 of the building is that what we are seeing here, and
9 if this is a true perspective view from a real
10 location on Earth and not, you know, up in the
11 building somewhere or something like that, is that we
12 start to read that entire element as a single
13 element. Which in itself is not a bad -- that angled
14 element, reading it as a single piece, is not a bad
15 thing.

16 But when you put a hat on top of it, an
17 architectural embellishment, you know, and it reads
18 essentially like the façade extended up to that
19 height, and I have a problem with that. And I've had
20 a problem with that on other cases. I don't think
21 that the extension of a façade over a significant
22 portion of a building constitutes an architectural
23 embellishment. It's not a tower or a spire or a dome
24 or anything. I don't care what the Zoning
25 Administrator thinks. I think he's off-based on a

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1 lot of his interpretations of things like
2 architectural embellishments based on what I've seen
3 around the city.

4 So that's what I have a problem with. And I
5 think the Office of Planning pointed that out in part
6 because what we are seeing there, and it doesn't show
7 up as much on this view. It did certainly show up on
8 the views that we had on paper. But that façade that
9 we see, that long façade where you have the trellis
10 on top, it really, I mean, it's composed as if it's
11 simply the façade extended.

12 And in the previous iteration, as you see on
13 the left, it actually looks like a trellis piece on
14 top. So that -- yeah, look on the left there. That
15 part -- no, not -- the far left part there.

16 MR. HELLMUTH: There.

17 MR. MAY: It looks like a trellis on top of a
18 building, whereas on the right what we're seeing is a
19 much taller component of the building.

20 MR. HELLMUTH: Well, in actuality this one is
21 a quarter of an inch shorter than that one. But I
22 know that that doesn't matter.

23 They are the same height. Actually we've
24 decomposed that wall so it is much more of a trellis
25 as it goes up. It was much more of a wall without

1 windows in the original.

2 MR. MAY: Right. And I mean, I think that's
3 part of the problem but I think the other part of the
4 problem is essentially that it still does read like
5 it is part of the bar of that building, and that's
6 what I have a problem with. I think it has to --
7 because you've reduced the mass of the building in
8 front of that piece, I think that it reads too much
9 like an entire façade that has been extended up above
10 the height limit.

11 Again, I don't care what the Zoning
12 Administrator thinks about it. I just think it's a
13 problem because I don't want to read large expanses
14 of façade extended up above the height limit.

15 MR. HELLMUTH: Here, you can start to see
16 sort of the trellised nature of that as you look at
17 it from H Street.

18 MR. MAY: Right.

19 MR. HELLMUTH: It's also, you know, I think
20 one of the things we want to note is, it clearly
21 isn't the same façade. It comes, it dematerializes,
22 it becomes a trellis up there.

23 MR. MAY: The end piece of it is exactly the
24 same material extended up to the roof.

25 MR. HELLMUTH: This piece right here.

1 MR. MAY: The intermediary --

2 MR. HELLMUTH: Yeah.

3 MR. MAY: -- mullion kind of pieces are
4 extensions of the mullions between the glass
5 elements. Yes, it doesn't have glass in it and it
6 does not have a solid roof, but it very much reads as
7 an extension of the façade.

8 MR. HELLMUTH: Well, the --

9 MR. MAY: I'm not saying it doesn't look
10 good. I think it looks good.

11 MR. HELLMUTH: Well, the --

12 MR. MAY: It's just that it --

13 MR. HELLMUTH: The idea before and the idea -
14 - I mean one of the, you know, one of the things
15 that's occurring here, first of all this is a 110
16 foot building in a valley of 130 foot buildings on
17 either side. It won't ever appear higher --

18 MR. MAY: What's the height limit here?

19 MR. HELLMUTH: A hundred and ten.

20 MR. MAY: Right. So, I don't care. I don't
21 care what's around it.

22 MR. HELLMUTH: Okay. So really the question
23 is, the dematerialization of this. You know, one of
24 the things, we think it's really important to the
25 massing of the building. Let's go back to the --

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1 yeah, right there. That's fine. We think there's
2 something very important about allowing that to read
3 all the way through so that you see, you know, from
4 one side to the other and you understand it.

5 MR. MAY: Right. And you're saying exactly
6 that it's important for it to read as a taller
7 element all the way through. And I'm telling you
8 it's important for it not to read as a taller element
9 all the way through. I mean, this is my opinion
10 about it, and there are multiple commissioners
11 obviously. But I mean, I feel very strongly about
12 this sort of an issue because it is -- you know,
13 everyone is always trying to stretch the limits. We
14 just made changes to the Height Act. We allowed
15 certain -- you know, we allowed uses on the roof that
16 weren't allowed before, and so I'm really, really a
17 stickler about it. I was a bit of a stickler before.
18 I'm really, really a stickler about it now.

19 I don't want to see elements of the building
20 where I just see an extension of the façade. I mean,
21 you know, I understand what you were trying to do. I
22 understand the architectural importance of what
23 you're trying to do. You know, you could do the same
24 thing if you lopped off a floor of that extension of
25 the building and got rid of the trellis completely,

1 and it would read as an element. I know that would
2 cost you FAR and you're already cutting the FAR.
3 Which, by the way, this is not the first time we've
4 seen that. We've seen it on many occasions. But,
5 you know, I've only been doing this for 11 years, and
6 Anthony has been here longer. He's seen more of
7 them.

8 I'm just not buying it. Are you trying to
9 argue that it should be what it is, and I'm telling
10 you, based on what it is, it doesn't work for me.

11 MR. HELLMUTH: Let me ask a question. You
12 started, when you started this you were talking
13 about --

14 MR. MAY: Yes.

15 MR. HELLMUTH: -- how this reads more like a
16 tower.

17 MR. MAY: Right.

18 MR. HELLMUTH: Than the original. Would it
19 help your reading of this if that read like a tower
20 and that read like a tower, and in between them was
21 hugely dematerialized?

22 MR. MAY: Yeah, certainly that would be more
23 consistent with the treatment of tower elements where
24 it's you know, relatively confined. If the
25 dimensions of that tower were roughly taking the, you

1 know, the exposed façade on M Street and using that
2 same dimension --

3 MR. HELLMUTH: As a square.

4 MR. MAY: -- as a square. Right.

5 MR. HELLMUTH: Yeah.

6 MR. MAY: Or a, you know, it would be --

7 MR. HELLMUTH: Yeah. Yeah, so it would be --

8 MR. MAY: -- parallel to the ground but --

9 MR. HELLMUTH: -- parallel to the ground,
10 whatever that ratio would be.

11 MR. MAY: Yeah. And something like that at
12 both ends, yeah. And it was hugely dematerialized in
13 between, would be a lot better. And in fact I think
14 that would be a great move because you know, I don't
15 even like having a trellis that long even if it were
16 -- if it wasn't part of the façade the way it is now.

17 MR. HELLMUTH: Sure.

18 MR. MAY: So if you actually made those into
19 tower elements and then connected them with a sort of
20 lacey --

21 MR. HELLMUTH: Much lacier piece in between.

22 MR. MAY: Yeah, I think that would be a much
23 -- I would be much more comfortable with that kind of
24 approach because I like to see tower pieces as tower
25 pieces and not the façade extended up above. But

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1 again that -- you know, this is just my opinion and I
2 got to talk first. So, we'll move on to other
3 questions. I don't have a whole lot more.

4 The Office of Planning called out, and I
5 noticed this too, you mentioned a substantial
6 contribution to the Historic -- not the Historic --
7 Housing Production Trust Fund. And has that been
8 quantified?

9 MR. HELLMUTH: It's roughly about \$248,000.

10 MR. MAY: Okay. That helps. I assume you
11 read the ANC letter and they had a comment about the
12 LEED level that would be achieved, and I understand,
13 you know, you're expecting a Gold level or Gold
14 equivalent, but possibly higher which would be, you
15 know, fantastic. But I guess, I mean, do you want to
16 respond to their particular question about this
17 because they seemed concerned about what you were
18 promising versus what they were expecting?

19 MR. GOOCH: I think they were comfortable
20 with the fact that we're committing to a Gold level
21 of LEED but we're targeting Platinum. And that's
22 what we're --

23 MR. MAY: Okay.

24 MR. GOOCH: Continue to target that.

25 MR. MAY: Okay.

1 MR. GOOCH: It's challenging to get and it's
2 harder and harder every day.

3 MR. MAY: Well, we usually don't get into
4 discussions of Gold versus Platinum here. It's like,
5 you know, can you at least get --

6 MR. GOOCH: At least get a certificate.

7 MR. MAY: -- how about Silver? Yeah. Yeah,
8 get a certificate. No, we don't like that level.
9 Anyway, all right, well, I appreciate that.

10 The Office of Planning requested a rendering
11 of the view toward the stadium. Was that provided?

12 MR. HELLMUTH: Toward the stadium, yeah.

13 MR. MAY: Yeah. And was that in the package
14 that we had already received?

15 MR. HELLMUTH: Yeah.

16 MR. MAY: I didn't bother to even check back
17 on that but that was --

18 MR. TUMMONDS: I'm sorry. No, it was not in
19 -- it was what we presented this evening.

20 MR. MAY: Tonight. Okay. All right. I can
21 also look for that in the package I received.

22 Last thing is that you know, the DDOT issues,
23 I mean, I think most of that really is about your
24 project and getting DDOT approval. I don't think it
25 really is that germane to our review on this.

1 MR. TUMMONDS: We agree, and we just wanted
2 to --

3 MR. MAY: Yeah.

4 MR. TUMMONDS: Kind of covey -- we're working
5 on it.

6 MR. MAY: Yeah.

7 MR. TUMMONDS: We will work with DDOT through
8 the Public Space Committee process.

9 MR. MAY: Right. And then the parking
10 analysis that was in the DDOT report was rather
11 confusing to me because they were -- were they --
12 they were glomming on to what was happening with the
13 building to the south.

14 MR. TUMMONDS: Correct.

15 MR. MAY: Is there a single entry for the
16 parking for both? No, it's two separate projects,
17 and you have reduced it down to 150 some spaces.

18 MR. TUMMONDS: Right. We are right at the --

19 MR. MAY: Yeah.

20 MR. TUMMONDS: -- zoning minimum. And I
21 think, and again, you know, we provided -- so on the
22 kind of overall arching --

23 MR. MAY: Yeah.

24 MR. TUMMONDS: -- demand they, you know --

25 MR. MAY: Yeah.

1 MR. TUMMONDS: -- they had the information
2 from the project to the south.

3 MR. MAY: Right.

4 MR. TUMMONDS: So I think that's why that was
5 all in there, but.

6 MR. MAY: Okay. So, and then the last
7 question I had, had to do with bike parking where I
8 noticed that that was decreased proportionately with
9 the vehicle parking. But of course we want vehicle
10 parking to go down, we want bike parking to go up.
11 So I don't know, do you -- there were some changes, I
12 think, in how bike parking is calculated under the
13 new zoning regs, so how does this compare to that?

14 MR. TUMMONDS: I think we are satisfying the
15 new ZRR bike parking regs with regards to short-term
16 and long-term.

17 MR. MAY: And at 89 spaces?

18 MR. TUMMONDS: Correct. Yeah.

19 MR. MAY: Okay. All right. So long as
20 you're doing at least that. I hope that's enough.
21 You know, there are going to be more and more bikers
22 all the time.

23 MR. GOOCH: A lot of guys in our office,
24 including our president, are big bikers into the
25 office. We try to maximize it to the extent we can.

1 MR. MAY: Great.

2 MR. GOOCH: For sure. And create break bike
3 facilities.

4 MR. MAY: Excellent. Thank you.

5 CHAIRPERSON HOOD: Could you ask all of them
6 to follow traffic laws?

7 MR. GOOCH: I will.

8 CHAIRPERSON HOOD: Okay. Thank you. All
9 right. Any other questions? Anybody else like to
10 ask a few questions or comments? Commissioner
11 Turnbull.

12 MR. TURNBULL: Oh, thank you, Mr. Chair. I
13 like Commissioner May's comments about thank you for
14 the changes that have been made. I think it's
15 significant improvements. But I would also echo his
16 concern too about the way the building reads now with
17 this new element.

18 It does look like the -- it does look like we
19 have an extra floor. I think you have that copper
20 colored material, whether it's turn-coated or
21 whatever, going up -- they go up on the side, it goes
22 up, it goes across. You have the vertical mullions
23 that are also going up. So I would agree that it
24 really does look like another floor. Instead of
25 reading as a 110 foot building it looks like about a

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1 126 foot. If your penthouse is 16 feet, and this is
2 16 feet, it looks like it's about 126 feet tall.

3 I think the idea of the tower idea is an
4 option to go back and look at. The other thing that
5 I had a concern about is that we already granted
6 relief for the projection into M Street, of seven
7 feet. This trellis on top looks like it projects
8 another seven feet more into it, from all the
9 renderings.

10 MR. HELLMUTH: Cloe is handing me the note.
11 Five feet.

12 MR. TURNBULL: Five feet. Well, I don't --
13 to me that's going a little bit too much. I think if
14 you're going to go for the tower you're going for the
15 seven foot extension, that's fine. But I think going
16 beyond that, going into M Street even further, I
17 think maybe architecturally an interesting idea but I
18 think we need to go back to the tower idea. I think
19 might be more progressive and architecturally
20 acceptable feature that what we could get to.

21 I guess the other thing, I'm not going to
22 repeat a lot of Commissioner May's comments because I
23 would agree with him up on there, up on the top.

24 There was just a couple -- the curved element
25 that shows in the Via is not in this project. But I

1 don't recall seeing it in the project to the south
2 either, but I'm not sure.

3 MR. HELLMUTH: It was.

4 MR. TURNBULL: Was it? I couldn't recall.
5 But, and the connections, though, are your
6 connections to the other building? You show them in
7 blue like you're connecting to the other building to
8 the south.

9 MR. TUMMONDS: Correct. Yeah.

10 MR. TURNBULL: So those are yours and there's
11 two of them. There's one in level, somewhere in
12 seven and nine and one in the lower levels at four.
13 There's two connections?

14 MR. TUMMONDS: No, I'm sorry. Those were in
15 the previous approval. So I'll --

16 MR. TURNBULL: No, but I'm just confirming
17 that those connections are still there. They're your
18 -- part of this project.

19 MR. GOOCH: I think maybe we can go to the
20 plan to show exactly which projections you're
21 referring to.

22 MR. TURNBULL: Well, I'm looking at the
23 latest plans that I've got now, which says it's A8.
24 It says level seven through nine. Oh, it says bridge
25 on level seven. There, it's there at your left-hand

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1 side. Bridge on level --

2 MR. GOOCH: Right. So that plan on the left
3 is the currently approved plan.

4 MR. TURNBULL: Right.

5 MR. GOOCH: With the bridge.

6 MR. TURNBULL: So that's -- so you have no
7 connections now at all to the other building?

8 MR. GOOCH: Just the connection with that red
9 connection that shows up in this plan.

10 MR. TURNBULL: The red connection. Isn't
11 that that little curvy thing?

12 MR. TUMMONDS: That's correct.

13 MR. GOOCH: Yes, exactly.

14 MR. TUMMONDS: Yes.

15 MR. TURNBULL: But it says, connection to
16 west Half Street by others.

17 MR. GOOCH: That is owned by the adjacent
18 property owner. So our property line is right along
19 the face of our building on the south side.

20 MR. TURNBULL: So is that going to be in
21 their project?

22 MR. GOOCH: Yes.

23 MR. TUMMONDS: Yes. Yeah.

24 MR. TURNBULL: So that's in their -- okay.

25 MR. GOOCH: Yes. Yeah.

1 MR. TURNBULL: So the connections, though,
2 that were there before are still --

3 MR. TUMMONDS: No, because --

4 MR. TURNBULL: No connections at all?

5 MR. TUMMONDS: Right. So the connections
6 that are just -- if you remember in the previously
7 approved plan, there were office buildings --

8 MR. TURNBULL: Right.

9 MR. TUMMONDS: -- on each side of the Via.

10 MR. TURNBULL: Side. Now we don't have that
11 so now -- so the only connection is going to be this
12 curved element which is --

13 MR. TUMMONDS: Correct.

14 MR. TURNBULL: -- in their project. Okay.
15 All right. Good.

16 And the penthouses, I didn't -- it's hard to
17 read on the small scale, but they're 16-foot height?

18 MR. HELLMUTH: Sixteen feet high.

19 MR. TURNBULL: Okay. I guess --

20 MR. HELLMUTH: And the diagonal element is 13
21 feet high.

22 MR. TURNBULL: Okay. Yeah, I guess if you're
23 submitting some revised drawings for this could you
24 submit some sections up on the roof that actually
25 show the heights and the setbacks, and maybe address

1 Commissioner May's comments about the parapet wall.
2 Maybe a blow-up section regarding the parapet wall so
3 we can argue with the ZA here instead of later?

4 Okay. Thank you.

5 CHAIRPERSON HOOD: Okay. Commissioner
6 Miller.

7 MR. MILLER: Thank you, Mr. Chairman, and
8 thank you for your presentation. I wasn't here, I
9 don't think, for the originally approved design, but
10 I think the changes you've made are very attractive
11 and opening up that view and making it less dense I
12 think makes it a much more exciting building to look
13 at and just that whole experience, and creating those
14 second-story terrace and then the second and third-
15 story terrace is very activating and vibrant and
16 great.

17 There's retail -- so where there's this
18 second and third-story level terrace, that's all
19 retail in there, or the third floor. I thought there
20 was something in the OP report that says that the
21 third floor is really office?

22 MR. HELLMUTH: Third floor is office. And
23 the second floor, depending on how they lease it,
24 might be second-story retail, might be office.

25 MR. MILLER: And do you have a reaction to

1 OP's comment that maybe you should retain flexibility
2 to have the third floor as retail or office as well
3 in case that happens to work -- I don't know if they
4 just commented that way or they requested you to look
5 in their March 21st report, I thought they had
6 suggested that you include before us, the flexibility
7 to have the third floor as either retail or office as
8 well. Do you have any reaction to that?

9 MR. GOOCH: I think we can seek that
10 flexibility.

11 MR. MILLER: But you don't think it's
12 marketable or you don't --

13 MR. GOOCH: I don't think it's going to be
14 more marketable than office. I think it's just
15 challenging.

16 MR. HELLMUTH: I think as a practical matter
17 the second floor is a push.

18 MR. GOOCH: Right. Yeah.

19 MR. HELLMUTH: Third floor is potentially
20 beyond the pail.

21 MR. GOOCH: And what we've done is we've got
22 15-foot slab to slab on the second floor, which
23 should accommodate second-floor retail quite well.
24 The third floor drops down to 11. So, 11 foot for
25 retail is pretty tough.

1 MR. MILLER: Right.

2 MR. GOOCH: Even though those terraces would
3 be pretty exciting to have access to, I agree.

4 MR. HELLMUTH: They'll also be pretty
5 exciting for a tenant too.

6 MR. MILLER: Yeah. For sure. So I
7 appreciate what Commissioner May is arguing about
8 what's going on the rooftop and Commissioner May's --
9 Commissioner Turnbull's concurrence with that. I
10 think we've had this conversation on a previous case.
11 When I see it the opaque -- all that opaqueness up
12 there and being able to see through the roof, I don't
13 see it as an extension of the façade. But I see what
14 you're talking -- I see the point you're making and I
15 could support the alternative that you all were
16 discussing. But I don't see it necessarily as an
17 extension of the façade since it is so open; open up
18 there and it's open throughout the whole project
19 looking from that Northeast rendering.

20 But I could support an alternative that has
21 the tower on -- more of a tower look on each side if
22 that's necessary.

23 Mr. Turnbull, were you talking about these
24 extensions on that top that go too far?

25 MR. TURNBULL: Yeah. Primarily the one on M

1 Street.

2 MR. MILLER: I would tend to agree with that.
3 I would tend to agree with that.

4 Let me ask a question about the digital
5 signage at -- is it at Half and M Street? Do we have
6 any rendering or illustration that shows what that
7 looks like, what the content of it is going to be,
8 how often it's going to operate? Is it 24/7? Is it
9 advertised or is it -- what is it?

10 MR. GOOCH: Sure, right now it --

11 MR. MILLER: And how wide is it? It's two
12 stories high, but how wide is it?

13 MR. GOOCH: That's actually still TBD. It
14 all projects out for the most part into public space.
15 And it's important to keep the right aspect ratio for
16 the digital signs so that content can be easily
17 transmitted to those screens. But they typically
18 keep a 16:9 ratio, kind of like your TVs at home.

19 There is two signs that we have planned right
20 now. Possibly three. One is at the corner of M and
21 Half Street. One is at the corner of Half Street and
22 the Via. And another one could fall in right about
23 there.

24 And the intention is to have all kinds of
25 digital signs. It would be something akin to what's

1 being done in the Verizon Center and Gallery Place.
2 It would be advertising. It would be, you know,
3 community events, notifications. It could be, you
4 know, the new digital signs that people are
5 installing have a lot of public interface to them, so
6 people Tweet to them and they take their photos and
7 it uploads to them and there could be cameras flying
8 down the street that would transmit live video up to
9 those screens. The intention is to create -- and
10 we're working with the other property owners along
11 Half Street to create a signage district along Half
12 Street that would be coordinated and cohesive.

13 MR. MILLER: I know in the Verizon case there
14 was a concern at some point from the office building
15 across the street about the flashing going into their
16 offices. And I think something was worked out with
17 in terms of the level of light, maybe that's in the
18 sign regulations. I don't know. But if you could,
19 and if you're going to be submitting other stuff, if
20 you could submit more information as to what this
21 thing is going to look like and how -- I mean, this
22 is supposed to be an entertainment district and an
23 active one and it already is one even without all
24 these beautiful buildings and facades around.

25 But if you could just give a little more

1 information of maybe what that's going to look like
2 and how it's going to operate and how it won't be
3 adversely affecting whoever is occupying the
4 buildings, and how often -- if it's going to be going
5 24/7 and just to have some idea what it's all about.

6 MR. GOOCH: Sure.

7 MR. MILLER: The last question I have is --
8 oh, not the last question. On the DDOT curb cuts, I
9 can see your point that in terms of the retail it
10 will be better to have more -- have it clustered in
11 terms of having that retail larger around the corner
12 in order to help the retail on Via Street. So I hope
13 something could be worked out with DDOT there,
14 although I understand their point about the backing
15 in movements and the conflicts with pedestrians and
16 vehicles. But I hope something could be worked out
17 there.

18 I don't really buy the parking argument, just
19 because you're going to lose 10 spaces you have to
20 create a whole new third floor. I think a lot of
21 people thought, and you all thought that thing maybe
22 was over parked to begin with.

23 MR. GOOCH: Well, in the current plan we've
24 actually taken a level of parking out.

25 MR. MILLER: Right. Right.

1 MR. GOOCH: So we are, we're right at one per
2 1,500, which is --

3 MR. MILLER: I'm sure we would give -- and
4 I'm sure DDOT would be very supportive of more
5 relief; relief in that area.

6 MR. GOOCH: I understand that --

7 MR. MILLER: We've done it many times.

8 MR. GOOCH: -- my brokers would hang me by my
9 toes because it would really have an adverse impact
10 on the leasability of the building if we drop below
11 one per 1,500. And the challenge is --

12 MR. MILLER: It's just 10 spaces, though.

13 MR. GOOCH: Believe me, I have been on your
14 side of the argument with the broker's community
15 saying, it's just 10 spaces and it doesn't matter.
16 It's when you're trying to lease these office
17 buildings and the building next to you has, you know,
18 one per 1,500 or more and you know, quite frankly
19 this neighborhood is still, from an office market
20 standpoint, not completely accepted as Metro
21 accessible, as strange as that sounds because we're
22 across the street from the Green Line Station. But
23 it's not the Red Line, it's not the Orange Line and
24 typically speaking --

25 MR. MILLER: Well, they shut that station for

1 six months you won't be accessible.

2 MR. GOOCH: That's right. So keeping a one
3 per 1,500 parking ratio on all of our space is
4 imminently important to us. We typically calculate
5 it including the retail square footage, and we're not
6 doing that in this case. So we're taking the retail
7 square footage out, one per 1,500 on just the office.
8 And if we drop 10 below that it really has a major
9 impact.

10 MR. MILLER: And I know the ANC also were
11 more supportive of --

12 MR. GOOCH: Very much so.

13 MR. MILLER: -- more parking for the
14 Nationals and other events in the neighborhood, so I
15 can appreciate that point.

16 On the ANC, they asked that you -- in their
17 letter to us, dated March 21st, I don't know if you
18 saw that, for a reiteration of the commitments that
19 were in the previously approved community benefits
20 agreement. Can you say anything about that or could
21 you reiterate the commitments that were made?

22 MR. TUMMONDS: I'm sure you know, seven years
23 ago we agreed to do this community benefits
24 agreement. A lot of it had job training. There was
25 some commitments to working with the community on

1 ability to utilize Via events and things like that.
2 But a lot of it was Ward 6 job training, Ward 6 job
3 posting, things of that nature. And the applicant is
4 agreeing to continue to abide by those commitments.

5 MR. MILLER: Right. Okay. Thank you very
6 much for your presentation. It's a very exciting
7 project and look forward to seeing it built.

8 CHAIRPERSON HOOD: Okay. Thank you. Let me
9 ask this, do we have anyone here representing the
10 ANC?

11 [No audible response.]

12 CHAIRPERSON HOOD: Okay. Let me stay on the
13 ANC letter. I don't know if this is a new issues.
14 They talked about construction and possibility of new
15 residents. Was all that -- let me ask you this way;
16 other than what you've already agreed to what
17 Commissioner Miller just mentioned, do you agree with
18 everything and the position of everything of the ANC?

19 MR. TUMMONDS: Yes.

20 CHAIRPERSON HOOD: Oh, so I don't have to ask
21 any more questions.

22 Only thing I will say, I was sitting here
23 listening to the discussion that you were having with
24 Commissioner May and Commissioner Turnbull about the
25 different recommendations they are making. I would

1 be interested in seeing if you're going to look at
2 that, at what comes back. If that's something that
3 you all are going to look at, I would be interested
4 in seeing it. I'm still kind of -- the jury is still
5 out for me. I think this is a better project than
6 what we approved the first time when I look at
7 approve and what's being proposed now. I kind of
8 wonder sometimes, how did we approve that.

9 And actually, that's not just this case, but
10 a lot of cases when they come back for modification I
11 say, well, why did we approve this one? This one
12 looks so much better.

13 So I think maybe some of the comments that
14 were mentioned, they may even help you get even
15 further along. Not that I have a major issues with
16 this project, but if you take under the consideration
17 what was mentioned, I would be willing to see what it
18 comes back looking like. Okay? So that's really all
19 I have on that as far as comments.

20 Any other questions up here, or comments?
21 Okay. Commissioner May?

22 MR. MAY: Yeah, I just want to underscore
23 something that Commissioner Miller brought up, having
24 to do with the signage. It would be very good to
25 define the areas where that's going to be and to know

1 more about what is going to happen. And, you know, I
2 am concerned about office uses that are, you know,
3 that are going to be in view of this. But I'm
4 frankly more concerned about the -- any residential
5 uses that might be proximate to this. And it's not
6 just the ones who are directly across from it. It's
7 the ones that might be, you know, down on the street
8 a little bit and they can pick it up from the
9 reflections and things like that.

10 I mean, I remember before they toned down the
11 lights at the Verizon Center, walking down E Street
12 about three blocks away, and seeing buildings light
13 up at the top along E Street because of the glow from
14 that sign. And I'm walking along and all of a sudden
15 I'm feeling this flashing light above me, and it
16 takes me a while to figure it out, but it was the
17 Verizon sign that was high enough up, going over the
18 old Patton Building, the hotel that's there now, and
19 hitting the buildings on E Street and lighting them
20 up.

21 And I know people who live in that vicinity,
22 and you know, they actually lived, you know, to the
23 north and they had the same sort of experience. It
24 was lighting up the other buildings and bouncing back
25 on them. So I think that really has to be understood

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1 carefully. So, I can make a Seinfeld reference on
2 this but I think I'll stay away from that.

3 CHAIRPERSON HOOD: We'll say that I do
4 appreciate your comments about the parking, even
5 though it's only 10 spaces. Because I can tell you,
6 in that neighborhood, 10 spaces go a long way. So I
7 do appreciate that. Not that I'm against bicycles,
8 but there are other modes of transportation besides
9 bicycles. Some people use cars, some people walk,
10 and we need to try to strike that balance. So I
11 appreciate your comment on that.

12 I don't have anything else. Anything else up
13 here? Okay.

14 Again, is anyone here from the ANC? They do
15 have a letter and it's dated, by Mr. Tummonds. The
16 applicant agrees with everything that's in this
17 letter for the ANC.

18 Let's go to the Office of Planning and
19 District Department of Transportation, Mr. Jesick and
20 I believe Ms. Israel. Okay.

21 MR. JESICK: Thank you, Mr. Chairman and
22 Members of the Commission. The Office of Planning is
23 very supportive of this proposed amendment. We
24 support the design changes. We like the two and
25 three-story elements along Half Street. We feel that

1 will open up Half Street, give it a more open
2 feeling.

3 I think the Commission touched on most of our
4 issues. The Commission mentioned flexibility for
5 office and retail on the 3rd floor. What we were
6 getting at was at least having the ability in the
7 future for a retail user in that corner of the Via
8 and Half Street, to be able to use that third-floor
9 terrace if that were, you know, a possibility down
10 the line. We really want to be sure that Half Street
11 is activated as much as possible.

12 Related to that, one of the items, as noted
13 on page 13 of our report, that we were hoping to get
14 a little more information about was how the windows
15 at the second floor would operate, if indeed that is
16 a retail user on the second floor there. We
17 appreciate the applicant looking at that possibility.
18 We just wanted to get a better sense of how that
19 retail might also help activate the street.

20 The Commission discussed the length. The
21 architectural embellishment. I won't get into that
22 more except to say that the guardrails that we were
23 particularly curious about at the rooftop level were
24 those, the glass guardrails underneath the
25 architectural embellishment. In discussions with the

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1 applicant they've stated that they consider that part
2 of the embellishment, so not subject to the setback.
3 But it's, you know, a question for discussion I
4 guess, whether those would require a setback.

5 But overall the applicant has addressed a lot
6 of our issues, and again, we're very supportive of
7 the project. Thank you.

8 CHAIRPERSON HOOD: Okay. Ms. Israel.

9 MS. ISRAEL: Thank you, Chairman Hood and
10 Commissioners. With regard to the curb cut the
11 applicant has shown an exaggerated vent that is
12 larger in size and could be accommodated closer to
13 the ramp and still meet their distance requirement of
14 10 feet for the intake vent. The reasons we bring
15 this up here is that if the Public Space Committee
16 ultimately does not approve the nonstandard curb cuts
17 we believe that the applicant might need to amend
18 their retail square footage proposal, which could
19 ultimately affect their zoning relief.

20 Thank you. If you have any questions.

21 CHAIRPERSON HOOD: Okay. We want to thank
22 both the Office of Planning and DDOT. Let's see if
23 we have any questions of either one, Mr. Jesick or
24 Ms. Israel. Any questions?

25 MR. MAY: I don't have any questions, but I

1 just -- based on what Mr. Jesick said about the
2 handrail issue, I am interested in hearing a response
3 to that because I would not consider a handrail part
4 of an embellishment, but if it's you know if you can
5 apply the same sort of parapet rule, I don't know
6 what -- I mean, just looking at it here I'm seeing
7 the -- it seems like you're saying that the parapet
8 over what looks like brick there on the left, if that
9 actually -- if there were still parapet kind of
10 around the angled element, and that was the handrail.
11 I mean, I'm not sure what the solution is, but if it
12 works on the one side why doesn't it work on the
13 other? It shouldn't be -- you don't get away with
14 calling it an embellishment. So.

15 MR. HELLMUTH: I think we can get something
16 to work there.

17 MR. MAY: Okay.

18 CHAIRPERSON HOOD: Any other questions,
19 Commissioner Miller?

20 MR. MILLER: Yeah, I just had one question, I
21 guess for Office of Planning. So the fact that there
22 are no longer any meaningful above ground connections
23 between the two structures on either side of Via
24 Street, means they're two separate buildings now.
25 And does that affect any of the parameters or the

1 requirements of the zoning requirements?

2 I know we heard the other case, the other --

3 MR. JESICK: It's our understanding --

4 MR. MILLER: It's still a single building, or
5 is it two buildings?

6 MR. JESICK: It's our understanding that the
7 Zoning Administrator has determined that that would
8 constitute, at least under the present regulations,
9 it would constitute a connection between the two
10 structures, making them one building.

11 MR. MILLER: The curvy thing?

12 MR. JESICK: The curvy thing.

13 MR. MILLER: Can you walk through that, or
14 crawl through that?

15 MR. MAY: No, I think that was clarified in
16 ZRR, right?

17 MR. JESICK: I believe under the new
18 regulations it would not.

19 MR. MAY: So it wouldn't work under the new
20 regulations.

21 MR. JESICK: That's correct.

22 MR. MAY: You guys better hurry up.

23 MR. MILLER: Would it affect anything if it
24 were considered two separate buildings? Or would the
25 new requirements kick in, or new restrictions, height

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1 or anything?

2 MR. JESICK: Well, the measuring point is
3 slightly to the south of the Via, I believe, on Van
4 Street. That happens to be the highest point for the
5 building. I don't think it's that great of a
6 difference, but maybe the applicant can talk more
7 about that. I know there are -- I've discussed this
8 with the applicant. I believe they said there are
9 pervious covenants involved that span the whole site,
10 so I think legally it might get complicated to divide
11 it again once it's already been combined. But that
12 might be a question that the applicant could address.

13 MR. MAY: Do they take their height off of M
14 Street for the lower -- the southern building? Or is
15 there another 90-foot right of way that they take
16 their height from?

17 MR. JESICK: N Street is also 90 feet.

18 MR. MAY: Oh, okay. So it might not make a
19 difference. Or it might be a difference of a foot.
20 Well, Mr. Tummonds is ready to jump on this one.

21 MR. TUMMONDS: It's three feet. It's, in
22 fact, there's a three-foot height difference by
23 having the shared Van Street. It does get into, just
24 what we talked about tonight, the 1607.3 relief, 75
25 percent of the -- right now we're treating this as

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1 one entire building from M Street all the way down to
2 N. Yes, truly when we started this seven years ago
3 it was one building. So all of the combined lot
4 development covenants are all together. And for
5 those reasons it's much simpler to maintain this as
6 one building for zoning purposes, and then obviously
7 with the different users we have their requirements
8 like with the maintenance of the connection,
9 maintenance of the Via, because obviously the Via is
10 solely on the residential, what we now call portion,
11 not ours.

12 But we think there is still benefit to
13 maintaining this as one building for zoning purposes.

14 MR. MILLER: All right. Thank you.

15 MR. MAY: Primarily benefits them, then, the
16 extra three feet, the other building.

17 MR. TUMMONDS: And this building too.

18 MR. MAY: It does.

19 MR. TUMMONDS: Yes.

20 MR. MAY: But where is the measuring point?

21 MR. TUMMONDS: South of the Via.

22 MR. MAY: Oh, it's south of the Via. Okay.

23 Got it. All right. So, yeah. Thank you.

24 MR. TURNBULL: So, Mr. Jesick, this sort of
25 is a advanced BZA case where we're attaching a garage

1 to a house with a trellis. And it has to touch,
2 basically, which we changed so that it has to be
3 totally enclosed in the future.

4 CHAIRPERSON HOOD: Which also adds, Mr.
5 Turnbull, that this is now a meaningful connection.

6 MR. TURNBULL: Meaningful connection.

7 CHAIRPERSON HOOD: Right. That's the word
8 this Commission and the BZA uses. So Mr. Jesick has
9 told us, this is in his -- from what I'm hearing,
10 this is a meaning connection.

11 MR. TUMMONDS: I mean, obviously -- right.
12 In the previous iteration when we had office
13 buildings on both sides of the Via, that was a pretty
14 -- you know, a rather simple task because you had
15 offices on each side. Okay. The task that we've had
16 here is more difficult of, you have a residential
17 building and an office building, and part of the, we
18 think that the benefits of what makes the Via really
19 great space is that it's open.

20 MR. TURNBULL: Uh-huh.

21 MR. TUMMONDS: Right. At this 30 foot wide.
22 And we don't have a glass enclosure --

23 MR. TURNBULL: Enclosed connection.

24 MR. TUMMONDS: -- that could make it some --
25 so I don't think that this is something where we're

1 trying to be tricky, but this is like, what are we
2 doing with -- okay, these new different uses than
3 what we had before.

4 MR. TURNBULL: So you've got to get going
5 before the zoning regs change.

6 MR. TUMMONDS: That's true.

7 MR. TURNBULL: Okay.

8 CHAIRPERSON HOOD: Mr. Tummonds, some people
9 would come down here and say we're not trying to be
10 tricky and I wouldn't believe them. But I've been
11 around you a long time and I believe you, and I'm
12 being honest about that.

13 Okay. Anything else of Office of Planning or
14 DDOT?

15 Okay. Again, we don't need to comment too
16 much about the ANC report. Again, there's no one
17 here to do the report. The ANC -- does anybody have
18 any cross?

19 MR. TUMMONDS: No cross.

20 CHAIRPERSON HOOD: Okay. Again, let me go
21 back to the ANC. Thank you, Ms. Schellin.

22 There's no one here from the ANC and that is
23 our Exhibit 19, a letter from Mr. Litsky, Chairman
24 Litsky. Is he the chairman? Yeah. Is he the vice
25 chair? Yeah, he's the chairman. Yeah. Mr. Litsky

1 is the chairman. There were a number of things and
2 Mr. Tummonds has already mentioned that the applicant
3 is in support of everything that's in here, so we
4 will just leave it at that.

5 Let's go to any organizations, or any other
6 government reports. I think we have covered them
7 all. We've heard the report from DDOT and Office of
8 Planning. Any organizations or persons who are here
9 would like to testify in support?

10 Any organizations or persons who are here who
11 would like to testify in opposition?

12 Okay. Mr. Tummonds, if you have any rebuttal
13 and we'll take your closing.

14 MR. TUMMONDS: And we appreciate the comments
15 this evening. I think we know what we need to do. I
16 think that we also feel that this project has gotten
17 better with the modifications we're proposing. And
18 it sounds like we will need a couple of weeks to
19 address the issues that were raised this evening, and
20 then we look forward to your deliberations and
21 hopefully ultimately approval of this modified office
22 building. Thank you.

23 CHAIRPERSON HOOD: Before I forget, I want to
24 wish our court reporter a happy belated birthday.
25 His birthday was the other night.

1 What I've noticed around here is everyone
2 spends their birthdays down here, including our court
3 reporter. So we want to wish him a happy belated
4 birthday. Commissioner. We have to make sure we
5 have a hearing on Commissioner May's -- oh, we have a
6 special public meeting in August. Okay.

7 So we want to come up with some dates or
8 something?

9 MS. SCHELLIN: Two or three weeks?

10 MR. TUMMONDS: Three weeks would be great.

11 MS. SCHELLIN: Okay. So that would make it
12 by 3:00 p.m. on April 21st, and then if the ANC
13 chooses to respond they would have until 3:00 p.m.,
14 4/28, and I take it you'll advise Mr. Litsky of that.
15 And then we can put this on the May 9th, and also
16 drafts findings of facts, conclusions of law would be
17 due by the 28th also, and then we could put this on
18 for the May 9th meeting agenda for consideration for
19 final action.

20 MR. TUMMONDS: those work. Thank you.

21 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we
22 have anything else?

23 MS. SCHELLIN: No, sir.

24 MR. MAY: Oh, can I just --

25 CHAIRPERSON HOOD: Yes. Sure.

1 MR. MAY: I'm not sure what -- Mr. Tummonds,
2 for the things that you're planning to submit, I am
3 interested in an answer to OP's operability of the
4 windows issue. And I think the rest of the stuff is
5 the stuff that we've already discussed. It's all
6 things that we had brought up, so, thanks.

7 CHAIRPERSON HOOD: Okay. Any other comments,
8 commissioners? Ms. Schellin, anything else?

9 MS. SCHELLIN: No.

10 CHAIRPERSON HOOD: Okay. Mr. Tummonds, are
11 we okay? Everything is --

12 MR. TUMMONDS: We're good.

13 CHAIRPERSON HOOD: Okay. So with that I want
14 to thank everyone for their participation tonight and
15 this hearing is adjourned.

16 [Hearing adjourned at 7:37 p.m.]

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