

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 15-34 [Sherman Avenue LLC. - Consolidated
PUD at Square 2873.]

6:35 p.m. to 9:10 p.m.
Monday, June 6, 2016

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

OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

1 Board Members:

2 ANTHONY HOOD, Chairman

3 MARCIE COHEN, Vice Chair

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JOEL LAWSON

13 MAXINE BROWN-ROBERTS

14

15 Department of Transportation:

16 ANNA CHAMBERLIN

17 JONATHAN ROGERS

18

19

20

21

22

23

24

25

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

2 CHAIRPERSON HOOD: Good evening, ladies and
3 gentlemen. This the public hearing of the Zoning
4 Commission for the District of Columbia. Today's
5 date is June the 6th, 2016.

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

13 This proceeding is being recorded by a court
14 reporter. It's also webcast live. Accordingly, we
15 must ask you to refrain from any disruptive noises or
16 actions in the hearing room including the display of
17 any signs or objects.

18 Notice of today's -- I always wanted to say
19 this. Nobody out there is going to -- you don't have
20 any objects or anything. I always wanted to do it so
21 tonight I took the time to do that. Okay.

22 This proceeding is being recorded by a court
23 reporter. It's also webcast live. Accordingly, we
24 must ask you to refrain from any disruptive noises.
25 Notice of today's hearing was published in the D.C.

1 Register and copies of that announcement are
2 available to my left on the wall near the door. The
3 hearing will be conducted in accordance with
4 provisions of 11 DCMR 3022 as follows, preliminary
5 matters, applicant's case, report of the Office of
6 Planning, report of other government agencies, report
7 of the ANC, organizations and persons in support,
8 organizations and persons in opposition, rebuttal and
9 closing by the applicant.

10 The following time constraints will be
11 maintained in this meeting. The applicant has up to
12 60 minutes but I think we can do it in 25.
13 Organizations five minutes, individuals, three
14 minutes.

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

21 The decision of the Commission in this case
22 must be based exclusively on the public record. The
23 staff will be available throughout the hearing to
24 discuss procedural questions. Please turn off all
25 electronic devices so not to disrupt these

1 proceedings.

2 Would all individuals wishing to testify
3 please rise to take the oath? Ms. Schellin, would
4 you please administer the oath?

5 MS. SCHELLIN: Yes. Please raise your right
6 hand.

7 [Oath administered to the participants.]

8 MS. SCHELLIN: Thank you.

9 CHAIRPERSON HOOD: Thank you. At this time
10 the Commission will consider any preliminary matters.
11 Does the staff have any preliminary matters?

12 MS. SCHELLIN: Yes, sir. In this case we
13 have, it looks like just one expert witness that's
14 been proffered that has not previously been accepted,
15 Frank Andre. He's being proffered in architecture.

16 CHAIRPERSON HOOD: Okay. And we have his
17 resume.

18 MS. SCHELLIN: Yes. At Exhibit 14, G as in
19 go.

20 CHAIRPERSON HOOD: Okay, Commissioners, what
21 is your pleasure?

22 MR. TURNBULL: I just want to make it -- make
23 clear that Mr. Andre is the architect of the overall
24 project, Mr. Volske is going to be talking about the
25 grocery store? Or have I got it reversed?

1 MS. BATTIES: Mr. Andre will talk about the
2 overall project.

3 MR. TURNBULL: The overall project. Okay.

4 MS. BATTIES: He won't -- is he -- he's not
5 here to testify.

6 MR. ROBINSON: We have Neville from MV&A for
7 additional questions.

8 MS. BATTIES: Related to the grocery store.

9 MR. TURNBULL: Got ya. Thank you.

10 CHAIRPERSON HOOD: Okay. Any issues? Not
11 seeing any we will give him expert status. Anything
12 else?

13 MS. SCHELLIN: No, sir.

14 CHAIRPERSON HOOD: Okay. Ms. Batties, you
15 may begin.

16 MS. BATTIES: If I could just make sure on a
17 couple of preliminary matters. We did respond to the
18 Office of Planning report with the affordable housing
19 plan as well as we were able to confirm that the
20 pocket park that will be constructed at Florida and
21 Sherman Avenues will be dedicated to DDOT and they
22 will be maintaining that park. And then we have the
23 items that we uploaded into the record today, and
24 that is today's presentation, the civil drawings
25 showing the revisions to the public space elements as

1 requested by DDOT, and proposed draft PUD conditions.

2 So I just wanted to make sure those were on
3 the record as preliminary matters as well.

4 CHAIRPERSON HOOD: Okay. Thank you. We have
5 to accept those. Can we accept, what is it, Exhibit
6 28?

7 MS. SCHELLIN: Exhibit 28.

8 CHAIRPERSON HOOD: Twenty-eight.

9 MS. SCHELLIN: They've asked for a waiver for
10 late filing.

11 CHAIRPERSON HOOD: Yeah, they've asked for a
12 waiver for the late filing. Any objections?

13 MS. COHEN: No, we're used to it. Was I on?

14 CHAIRPERSON HOOD: Okay. So, yes, you were
15 on the mic, so, that's all right. They need to know
16 we're used to it. Okay. So no objections.

17 So we do have the corrected plans, so we will
18 accept all that.

19 Okay. Anything else, Ms. Batties?

20 MS. BATTIES: No, that's it.

21 MR. MAY: So those other exhibits I don't
22 have. Are they in the Z-Docs or no?

23 MS. SCHELLIN: Yes.

24 CHAIRPERSON HOOD: Yeah.

25 MS. SCHELLIN: The ones that she just --

1 CHAIRPERSON HOOD: Also, we've been joined by
2 Mr. Lawson from the Office of Planning.

3 Are you finding those, Commissioner May?

4 MS. BATTIES: Well, the most -- I just want
5 to clarify for the Commission. The most recent set
6 of consolidated plans are dated 5/16, and then we
7 supplemented those with corrected -- a few corrected
8 sheets dated 5/27.

9 MR. MAY: I have drawings. It was the other
10 stuff that you mentioned that I don't have.

11 MS. BATTIES: Oh, okay. Right. And those
12 were just uploaded in connection with our
13 presentation tonight, by 3:00.

14 CHAIRPERSON HOOD: Okay. All right.
15 Anything else?

16 MS. BATTIES: No.

17 CHAIRPERSON HOOD: Okay. You may begin.

18 MS. BATTIES: Okay. Thank you, members, Mr.
19 Chairman, Members of the Commission. Leila Batties
20 with the law firm of Holland and Knight, and I'm
21 here, pleased to be here this evening, representing
22 Sherman Avenue, LLC. in connection with this
23 application for a PUD at 965 Florida Avenue.

24 Sherman Avenue, LLC. is actually a
25 partnership between Ellis Development Group and MRP

1 Realty, both having really outstanding portfolios
2 with exciting projects in the city.

3 Chip Ellis, the Principal with Ellis
4 Development Group is here this evening, but in the
5 interest of time he will be available for question
6 and Matt Robinson, Principal with MRP, will be here
7 to testify.

8 The PUD consists of a large format grocery
9 store on the ground floor and mezzanine levels of the
10 building in an apartment house with 428 units above.
11 The proposed building will be 110 feet in height and
12 have a density of 7.42 FAR.

13 It should be noted that through the PUD
14 process the project is only achieving an additional
15 10 feet in height, and only an additional .2 FAR,
16 more than what could be achieved for the project
17 through IZ. The IZ bonus.

18 And the primary element driving the project
19 to go through the PUD process is that the developable
20 area of the site has been reduced by approximately
21 9,000 square feet in order to accommodate the private
22 road that's being constructed along the north side of
23 the property.

24 And the private road, I just want to point
25 out that the private road does do more than just

1 accommodate vehicular traffic to the PUD. It's also
2 contemplated in the Duke Small Area Plan, the Howard
3 Campus, Howard University Campus Master Plan, as
4 being a connection that's critical for this part of
5 the city and improving the east/west connection in
6 this part of the city.

7 The proposed PUD requires flexibility from
8 four areas in the Zoning Regulations, lot occupancy
9 at the second floor, the requirement for a public
10 open space at the ground floor, loading, residential
11 parking, and the penthouse regulations.

12 One of the penthouses on the side wall at the
13 south side of the building goes to the edge of the
14 building. But I do want to point out that if the
15 project to our immediate south was already
16 constructed we would have adjoining walls and there
17 would be no reason for us to request the sidewall --
18 the relief for this sidewall.

19 So it's our understanding and we have copies
20 of the applications for the building permits that
21 have been filed for that project to the south that's
22 at 945 Florida Avenue. And ostensibly, given that
23 they're already in the permitting process, that
24 project will be up and finished before, long before
25 we are, and there will be a condition created where

1 we'd have adjoining walls, and therefore no relief
2 would be required for that side wall.

3 The application also requests a waiver from
4 the inclusionary zoning requirements, because as you
5 know, we are subject to the 30 percent requirement
6 under the land disposition legislation in the
7 District. And just by way of comparison, under the
8 Section 10801, we are going to have 30 percent of our
9 units as affordability, but those 30 percent of our
10 units total over 105,000 square feet of residential
11 floor area devoted to affordable housing, whereas
12 under the IZ we would only be required to provide
13 28,429 square feet of residential floor area for
14 affordable housing. So we're almost five times as
15 much under the District's Land Disposition Act, and
16 also under the 30 percent requirement we have to
17 provide affordable housing for households at 30 and
18 50 percent AMI, where under the IZ we'd only have to
19 provide affordable housing for households at 80
20 percent AMI.

21 So I will conclude my opening remarks just by
22 noting that the proposed height, density, and mix of
23 uses for the PUD is not inconsistent with the
24 Comprehensive Plan Future Land Use Map, which
25 designates the property as mixed use medium density

1 residential and mixed -- and medium density
2 commercial.

3 The PUD also promotes the objectives set
4 forth in the Duke Small Area Plan. Namely the level
5 and amount of affordable housing provided, as well as
6 support for local business and job training, and the
7 east/west connectivity provided by the private street
8 on the northern edge of the property. And also the
9 connection or the intersection improvements provided
10 at W Street and Florida Avenue. Right?

11 So, with that I will close my opening remarks
12 and turn the floor over to Matt Robinson of MRP.
13 Thank you.

14 MR. ROBINSON: Thank you. Good evening and
15 thank you, Chairman Hood and the members of the
16 Zoning Commission for the opportunity to testify
17 tonight. My name is Matthew Robinson and I'm a
18 Principal at MRP Realty. At MRP our leadership team
19 has worked together in the Mid-Atlantic region in
20 various capacities for over 25 years. We've been
21 actively involved in entitlement development and
22 construction of our 9,000 residential units in the
23 region, including 1,400 units over the past three
24 years. We have another 4,000 units and 400,000
25 square feet of retail in our pipeline.

1 My testimony tonight is going to deal with
2 our community benefits package, our green building
3 strategy and give you a sense of our expected
4 timeline. When we started this project and we were
5 awarded the project we heard very loud and clear from
6 the community that they wanted to see a grocery store
7 in this location. Working closely with DMPED, ANC,
8 and our city councilmember, we were able to market
9 the space to available grocery stores and were
10 finally successful in executing a lease with Whole
11 Foods Market.

12 The 51,000 square foot full service grocery
13 store will provide a much needed shopping destination
14 for the community, serve as an anchor for future
15 retail development in the surrounding areas, and
16 bring jobs to the community.

17 In close collaboration with DDOT, we've come
18 up with a substantial transportation improvement
19 package that compromises mainly four topics that I'm
20 going to briefly highlight and we'll get -- Irwin
21 will dig in more depth during his testimony.

22 First, we're building Bryant Street, as Leila
23 had mentioned, on the north side of our site. We are
24 arranging for an easement from Howard University to
25 connect 9th Street to Bryant Street so there's full

1 movement around the site. We are also reconfiguring
2 the intersection at Florida and Sherman Avenues. And
3 then we're signaling that intersection and in
4 addition to that providing another signal at Florida
5 and W Street.

6 Together these transportation improvements,
7 we estimate to cost about two and a half million
8 dollars.

9 These transportation improvements are going
10 to be supplemented by numerous street scape
11 improvements that will fully integrate our project
12 into the existing urban fabric and enhance the
13 community. This includes the 400,400 square foot
14 pocket park that's created as a result of the
15 reconfiguration of Florid and Sherman Avenues, as
16 well as then street scape improvements along the
17 frontage of our property that Oculus, Don Hoover from
18 Oculus will walk you through later on.

19 In addition to the physical improvements that
20 will be made on and off site, the proposed community
21 benefit package includes three outreach efforts that
22 are intended to enhance neighborhood retail, promote
23 business incubation, and address job training. First
24 will be -- we'll contribute \$200,000 to the Community
25 Foundation of the National Capital Region's Greater

1 Workforce Development Collaborative to be used for
2 job training for residents and employers within a
3 one-mile radius of the site. Community Foundation
4 has a 40-year history of working with individuals and
5 companies in the region.

6 To provide transparency with this project MRP
7 and Ellis has worked very closely with the ANC on
8 this effort, whereby the ANC will establish a
9 committee of community members to determine the
10 criteria for grant applications that will then be
11 administered by the community foundation.

12 Next, we're proposing to contribute \$118,462
13 to the Shaw Main Streets Organization. These funds
14 will be used to establish a grant program for
15 locally-based retailers to make capital improvements
16 to their stores. Any businesses located -- or that
17 front or are located within established geographic
18 boundaries shall be eligible for these grants. And
19 again, similar to the job training program, ANC 1B
20 shall establish a committee of community members to
21 determine the criteria for grant applications, and
22 then work with Shaw Main Streets in administering
23 and awarding those awards, or those grants.

24 And then third, we're proposing to fund a
25 business incubator. In our original RFP response we

1 proposed to have a business incubator on site. When
2 we added the full service grocery store the business
3 incubator did not fit on site, so we worked together
4 with DMPED and the ANC to find another solution. In
5 this case our proposal is to contribute \$142,152 --
6 sorry, \$155 to Howard University to help subsidize
7 the operating costs of the business incubator joint
8 venture between Howard and the District of Columbia.

9 This incubator is being constructed currently
10 on Georgia Avenue, two blocks away from the site and
11 it will deliver this fall, and it will be managed by
12 Luma Labs.

13 Regarding affordable housing, as Leila
14 mentioned, our project is the first D.C. land
15 disposition to meet the new affordability
16 requirements. A full 30 percent of the project will
17 be devoted to households with incomes between 30 and
18 50 percent AMI. This totals about 129 units in --
19 oh, sorry. As requested by the Commission and the
20 Office of Planning, we've met with Jay Wilson and
21 DOEE to improve the sustainable design and LEED
22 features of the project.

23 At Jay's recommendation the project will
24 achieve LEED Silver certification under the newly
25 issued LEED for Homes Version 4 requirements. And in

1 addition will install photovoltaic solar panels on
2 the roof, which will generate a portion of the energy
3 consumption of the residential building.

4 Our intent is to begin construction in the
5 3rd Quarter of 2017, which would translate into a 3rd
6 Quarter 2019 opening for the project.

7 I thank you for your time and I'll pass the
8 mic over to Frank Andre from HCM to discuss the
9 architecture of the project.

10 MR. ANDRE: Thank you, for your time. I'm
11 Frank Andre from Hord Coplan Macht. I'm the lead
12 design architect for the project and we've prepared a
13 full presentation so I'm going to skip through some
14 of the slides without speaking to them directly in
15 the interest of keeping this brief. And I know
16 you're familiar with this site and the district where
17 the project is located.

18 Well, we've flipped through it prior to the
19 hearing and that wasn't working. My apologies.

20 Can you see it on your screen or --

21 CHAIRPERSON HOOD: We have it up, I guess.

22 MR. ANDRE: You have the hard copy?

23 CHAIRPERSON HOOD: Yeah.

24 MR. ANDRE: All right.

25 CHAIRPERSON HOOD: But we can continue to

1 work on that because I think they show that to those
2 who are streaming. Yeah.

3 [Pause.]

4 MR. ANDRE: So I'm going to skip -- this is
5 some of the existing context in the neighborhood,
6 which I know again you're familiar with. I do want
7 to pause briefly on this slide to talk about some of
8 the newer generation of architecture that has been
9 built or has recently been permitted, starting in the
10 upper left corner. The Shay, which is down on U
11 Street, a new project in the neighborhood which is a
12 vibrant mixed-use building. The two projects on the
13 -- three and four on the lower edge of the slide are
14 Atlantic Plumbing One and Two, recently constructed.
15 And then in the upper right is the project that will
16 be adjacent to our project just to the south that
17 Leila spoke of.

18 I think there's an extension of the character
19 of the neighborhood that's beginning to gel around
20 these projects. They all have a large graphic
21 presence, something that unifies the entire building.
22 And each is very distinct from another but yet there
23 is, as a kind of a relationship, a kind of a graphic
24 aspect to all the projects that I think I just want
25 to point out because it's something that we wanted to

1 tie our project to and I'll talk more about the
2 strategy we use to do that later in the presentation.

3 Here, these are a series of massing images
4 just to describe the basic strategy for how we placed
5 the program on the site. As you know, it's a full
6 retail base, the grocer at the ground floor that
7 fills out the block. Above it is a U-shaped
8 courtyard building, essentially. The courtyard sits
9 in top of the retail base. You can see there's also
10 a bridge element that transverses the courtyard
11 laterally from east to west.

12 You can also begin to see some of the
13 architectural strategy there, with highlighting the
14 corners to create urban gestures. And I'll talk a
15 little bit more about where those are located and why
16 they're important, later in the presentation.

17 The ground floor plan, again I know you've
18 seen this but I think it's important to understand
19 some of the dynamics at play here. Particularly the
20 large footprint that the grocer has. It's just comes
21 the nature of the grocer. It's an important amenity
22 to the neighborhood, but it also does create a rather
23 small discreet residential lobby which is one of the
24 design challenges that we had with this project. You
25 see that in the lower left, the southwest corner of

1 the building.

2 I'd also point out, there's a second
3 residential lobby located on 9th Street in the
4 southeast corner. You can see that the grocery store
5 entrance just north of the residential entrance with
6 its own elevators, all of the vertical circulation is
7 separate for the grocer and the residential and we
8 can -- I'd be happy to explain that in more detail
9 later if you'd like.

10 Also, the service on Bryant Street is
11 separate. A separate service for the residential and
12 the grocer, and it's all located on that new private
13 street.

14 Mezzanine Plan. This is important, I think,
15 just especially the Florida Avenue edge because it's
16 the way that we dealt with a grade change. The
17 residential lobby at the south is about six feet
18 below the sidewalk level at the northwest corner
19 where we have the pub entrance to the grocery store,
20 the grocery store has two entrances. And there's a
21 mezzanine level that kind of helps bridge, and
22 actually introduces additional active use on to the
23 Florida Avenue, Sherman Avenue side of the building.

24 Okay. Typical residential level. I'm going
25 to skip a few of these. Here is the penthouse plan.

1 I'll just point out that due to the size of the
2 building we have three separate penthouse elements.
3 The first is stacked on top of the core at the
4 residential lobby in the lower left, and that is a
5 small amenity space that gives on to some of the
6 exterior amenities that Don will talk about later.

7 And then in the southeast you'll see there's
8 a small vestibule that tops the second core, which
9 gives residents on that side access to the rooftop
10 amenities. And then finally the largest piece
11 running along the north edge has -- basically houses
12 mechanical space of various kinds that serve the
13 residential and the grocery. Some of it is actually
14 combined mechanical. And then the blue portions are
15 residential, second levels for 10th story -- 10th
16 floor plan units. So they're not discreet units.
17 They're a second story to some of the units.

18 All of that is tied together in a single
19 expression at a single height, 12 feet, set back on
20 all sides. Just a but under the one-to-one setback.
21 And then the roof, just touch briefly on that. We
22 maximize the amount of green roof we put here on the
23 roof of the penthouse. Even putting roof over some
24 of the mechanical spaces where it was feasible. You
25 can also see the solar panels, which are also under

1 the one-to-one setback, which contribute to our LEED
2 Silver target.

3 And I'm going to skip these sections. I
4 think they're fairly self-explanatory. You can see
5 here the parking strategy which is all underground
6 and in this slide, which is cut north to south, you
7 can see that the parking actually extends under
8 Bryant Street outside of the building footprint above
9 grade.

10 Quickly, these are some context elevations to
11 show how our project fits into some of the existing.
12 And the only building here that's not existing is the
13 one directly to the south of our project. This one
14 here, which we expect to be built by the time ours
15 comes online.

16 And you can see the grade rising to the north
17 and how that works. And then the opposite sides of
18 the east elevation, same buildings on the opposite
19 side. I'll talk a little bit more about the
20 architectural strategy here, with this slide.

21 Harkening back to some of those images of the
22 newer generation of buildings there were some things
23 that they did well, which we thought we could employ.
24 We wanted it to have a distinct character from the
25 other buildings, but fit into the kind of syntax of

1 this emerging new facet of the neighborhood. So,
2 this, our building is, in terms of its mass, larger
3 than any of the buildings that have been built to
4 date; the new buildings. So one of the first
5 strategies we employed was to find an architectural
6 device to help modulate the scale of it, but also
7 give the building a unified character. And that
8 device is the three-story dark frame that you see
9 that basically defines the body of the building, the
10 primary fabric of the building.

11 And then the second element that I would just
12 highlight at the residential level are the bays at
13 the corners which basically define those urban
14 intersections. This one, you can see how prominent
15 it is. There's the new park in the foreground there.
16 This is the new intersection that will be created as
17 Florida Avenue turns west. And it's very, very
18 visible coming down both Florida and Sherman. I just
19 point out Howard Towers is set back quite a distance
20 from Sherman, and that corner is very prominent. So
21 it will be a kind of a beacon.

22 Similarly on the southwest we have -- it's
23 not technically a corner because it's a party wall
24 with the new building that's coming online to the
25 south. But we felt like it was important to break

1 down this mass of the block with this tower element
2 that we're proposing. It's an integral part of the
3 composition of the building. It ties that bridge
4 element and some of the amenities down to the
5 residential entry, primary residential entry.

6 This was a critical move because our
7 residential entry is kind of squeezed into the
8 corner. It's in, plan-wise, a rather awkward spot
9 and we wanted to make sure that it had its own
10 identity on the street. It's an important building,
11 428 new units coming. And so that both served as a
12 building identity marking the entry, and it's also
13 kind of a rubric for the entire composition of the
14 building. It sort of holds and frames the larger
15 moves, which are subtler and create a more consistent
16 rhythm for the whole building.

17 Here's a detail of how that frame works. You
18 can see this dark frame. There's a stack of three-
19 story, three three-story frames on all faces of the
20 building. And within that we wanted to create a lot
21 of depth, and so we have bays and that sometimes
22 house balconies. We have a panel that is staggered
23 over the height of the building to create some
24 variety and break down any vertical lines that
25 accentuate the height and bulk of the building, and

1 really create strong shadow lines and depth within
2 that frame. It also accommodates a lot of the
3 variety that comes with a housing project.

4 Materially, those panels that you saw before,
5 we have two bricks here that sort of describe a
6 range. We selected brick because, you know, after
7 deliberating quite a bit about different options, we
8 felt brick was the right material because it is a
9 residential building. It harkens back to the history
10 of the district. It brings a human scale and offers
11 some nice relief to an otherwise rather slick modern
12 expression.

13 The tower element and some of the elements on
14 the roof, we're proposing a metal panel, a corten
15 look to them, and that will be a panelized system
16 with tight joints so that it had a monolithic read.

17 The windows and other elements are in a range
18 of gray metal panels, the darkest of which would be
19 the frame because we want it to be the heaviest, sort
20 of most robust element in the composition.

21 Here's another brick. And again, we're only
22 proposing one brick for the entire project but we
23 wanted to show you a range of what we're thinking. I
24 think we want to see what happens with the other
25 building and reserve the right to make a final

1 decision about what would be the best in terms of the
2 overall composition. One thing we do know we want is
3 variation within the brick itself.

4 The same expression wraps around all sides of
5 the building. The same materiality. And again we
6 can come back and talk about that more. I know that
7 I'm using up too much time.

8 Here are some details of the street level,
9 which we didn't talk much about but it has its own
10 materiality, its own character. Here you can see the
11 Whole Foods, the main Whole Foods entrance next to
12 the residential entrance.

13 Here to the north is the pub entrance. Lots
14 of transparency which is, you know, a unique thing
15 for a grocery store. And here are some of the bricks
16 that we've selected for the base on the elongated
17 brick to give it a very unique character down at the
18 street; very tactile material.

19 And then finally around the back, just to
20 make the point that we've looked for opportunities to
21 create fenestration where we could within the grocery
22 store, which is, you know, it doesn't always lend
23 itself to such. And then finally this is a new
24 diagram which you asked for describing the way that
25 the tower element works. You can see here that it

1 does project out beyond the one to one setback. It
2 is not occupied space, it's just an extension of the
3 roof of the canopy and -- or the amenity and bridge.
4 And it doesn't project beyond the property line, and
5 that only touches it here at the prow of the
6 geometry.

7 Again, I'd be happy to talk more and answer
8 your questions about that later. But with that I'll
9 turn it over to Don.

10 MR. HOOVER: Good evening, Mr. Chairman and
11 Members of the Commission. My name is Don Hoover
12 with Oculus, the landscape architects, and we're down
13 to our last minute 45 seconds so I'm going to go as
14 quickly as I can through this.

15 So I'm going to walk you through the site
16 improvements. We've talked a little bit about the
17 bridge structure. So what I'm going to do is start
18 from the top and work my way down to the street.

19 And so this first few that you're seeing is a
20 composite, so you're seeing everything from the roof
21 to the second floor terrace, as well as the street
22 level improvements. I'm not going to talk about
23 this. It really is more about the justification for
24 why we did the bridge. It's not only a sort of cool
25 element and fun place to hang out, but it really has

1 to do with vertical and horizontal circulation in a
2 C-shaped building, where the lobby had to be
3 positioned in the one corner.

4 So, if we're up on the top level, some of the
5 improvements include, there's an enclosed residential
6 amenity space with spill out terraces. There's a
7 pool terrace. There are the residential units,
8 mechanical spaces, and private terraces that surround
9 that. There's a community garden and a dog park on
10 the one end. There's elevator cores at this end as
11 well as this end.

12 This is a quick view of the pool terrace and
13 the bridge structure.

14 This is a view of the dog exercise area.
15 This is connected through to the elevators as well as
16 a ramp that ties into the bridge right there.

17 View of the resident's community garden.
18 There's also workspaces here, outdoor grilling
19 spaces, dining in the garden. This is also connected
20 through the elevators and then of course at the
21 bridge. Would you like me to keep going?

22 CHAIRPERSON HOOD: Yeah, keep going.

23 MR. HOOVER: It will only take a couple
24 minutes.

25 CHAIRPERSON HOOD: That's all right. You

1 have an additional 30 minutes or so, but keep going.

2 MR. HOOVER: Okay. Thank you. So this is a
3 view looking across the amenity bridge. Again, this
4 is on the top floor. From this position you've got
5 views to the south over the building next door, and
6 then of course you've got views down into the
7 courtyard garden space.

8 At the end of this space what you're seeing
9 is that sort of amenities party room that would spill
10 out on to the bridge structure.

11 And then below the penthouse level, down on
12 the second floor roof is the -- a much different kind
13 of space. It's a quieter garden. It's very, very
14 green. We see it as a very passive space. I'm going
15 to zoom in on that just a little bit.

16 This includes private terraces and garden
17 spaces that surround that. There's the amenities
18 that are on the second floor that you see right in
19 this zone. That will have spill out space, an
20 outdoor terrace here, and then a sort of common space
21 here that's a flexible used space.

22 And then the dark green boxes that you see
23 are bio filtration that's taking roof water and
24 treating it on that level. Very green, very, very
25 different space than what's up on the roof. The

1 planting, range of planting, native plants, yada,
2 yada, yada.

3 Down on street level, very quickly, Florida
4 Avenue, full street scape improvements including new
5 street trees, street lights, street paving. Where it
6 widens out close to Bryant Street right here, there's
7 enough room for outdoor café spaces. We also have
8 just over 40 bike parking spaces on the street. And
9 then we're also improving Bryant Street and 9th
10 Street with all the same improvements, trees where
11 we're able to fit them in, and then the pocket park
12 that you see right here resulting from
13 reconfiguration of the streets.

14 We are keeping the sidewalk that exists in
15 front of the townhouses and then creating a green
16 space with new sidewalks against the street. And
17 this is again just the overhead composite view, and
18 this is a view showing a portion of the park. And
19 with that I'm going to turn it over.

20 MR. ANDRES: Good evening, Chairman Hood,
21 Members of the Commission. Erwin Andres with Gorove
22 Slade Associates. I'll move quickly through these
23 slides. Some of these are just background slides
24 with respect to existing transportation
25 characteristics. As you know, the site is very well

1 served by transit. The Metro station is about two
2 and a half to three blocks to the south. It's the U
3 Street station which is closest.

4 With respect to the transportation
5 facilities, as I mentioned there is Metro rail and
6 transit facilities as well as very accessible bike
7 facilities and CarShare facilities.

8 The plan itself has access that we're
9 proposing on the new Bryant Street for the loading
10 facilities to the north. And to the east of the
11 building there is an entrance to the garage that will
12 allow access to parking below the building that will
13 serve both the proposed grocer and the residential
14 units.

15 And as part of that reconfiguration of the
16 block we are eliminating several curb cuts along
17 Florida Avenue.

18 With respect to the TDM elements we've worked
19 with DDOT to identify some of the TDM elements that
20 we thought were appropriate. In addition to that we
21 are also mitigating the traffic anticipated, and we
22 are doing that through some of the measures that
23 Matter Robinson had identified, which include a new
24 signal at W, W Street and Florida Avenue, the
25 reconfiguration of Florida and Sherman, as well as a

1 signal at that location. And the connection of 9th
2 Street to the Bryant Street private roadway.

3 This is a -- what's shown on the screen is a
4 conceptual graphic showing how the improvements to
5 both Florida Avenue and Sherman Avenue intersection,
6 as well as the intersection of W and Florida would
7 look.

8 And based on our interaction with DDOT, DDOT
9 had identified in their May 27th, 2016 letter, review
10 letter on page 3, they have identified a list of
11 mitigation measures which I will go through. It's
12 important to note that we've agreed to most of the
13 conditions in their letter. We've identified some
14 modifications to some of the agreements that we are
15 considering. And the ones that need some
16 clarification consist of constructing Bryant Street
17 to DDOT standards. Right now Bryant Street is a
18 private roadway. We will comply with as many DDOT
19 standards as we can into the plan. However, given
20 the limited right of way and some of the landscape
21 elements around there, we're going to have to work
22 with DDOT through the permitting process.

23 Another item on here which I will return to
24 includes strengthening the loading management plan.
25 Actually, I'll address that last.

1 Some of the other elements DDOT asked for
2 specifically 177 bike spaces. Their letter was based
3 on a higher number of residential units when we did
4 our traffic report. We were proposing 490 units.
5 What's currently proposed is 428 units. So we
6 recommended modifying the language so that it was
7 appropriate for -- to meet District law for
8 residential bike parking, which is one bike space for
9 every three units. So we wanted to make that change.

10 There was a request to place two CarShare
11 parking spaces in the building. We're given the
12 requirements that Whole Foods has for their parking.
13 We are unable to provide that CarShare parking in the
14 retail level. So we're proposing to provide one
15 CarShare space in the residential level. If CarShare
16 companies don't want to be there then we've agreed
17 with DDOT that that space returns to the general
18 parking supply.

19 The last two items include DDOT had requested
20 that we provide Capital BikeShare members for three
21 years. We're proposing it for one year with a total
22 benefit of about \$36,000. And then DDOT had
23 requested that we provide residential parking no less
24 than charges of lowest fee garage within a quarter
25 mile.

1 In theory we would not -- we would look to
2 charge market rate for the spaces, but we want the
3 flexibility to meet that demand moving forward. So
4 we've modified that condition.

5 So going back to the, sort of the issue that
6 we continue to have with DDOT, that we're still
7 looking to work out, DDOT had requested essentially
8 flaggers and peak period restrictions for loading.
9 Currently we're proposing loading between 7:00 a.m.
10 and 10:00 p.m., which actually comply with the
11 District noise ordinance.

12 In order to provide Whole Foods, the
13 flexibility they need to perform their loading
14 operations we are requesting that there be no peak
15 period restrictions. We are committed to providing
16 flaggers, but the period restrictions has become an
17 issue with Whole Foods, which I believe Mat Robinson
18 can talk to relative to his discussions with Whole
19 Foods.

20 So with that my transportation presentation
21 is over. Thank you. I'm available for questions.

22 MS. BATTIES: Mr. Hood, we have nothing
23 further in terms of -- oh, sorry. In terms of our
24 presentation at this time.

25 CHAIRPERSON HOOD: Okay. Thank you all for

1 your presentation and we'll see if we have any
2 questions or comments up here. Somebody like to
3 start us off? Vice Chair Cohen?

4 MS. COHEN: Thank you, Mr. Chairman. Since
5 we were on the topic of Whole Foods, has Whole Foods
6 provided you with any documentation with regard to
7 their other stores in the city and the timing of the
8 deliveries that they have? I mean, they're saying,
9 you know, we can't have this. But what is it based
10 on? What kind of facts have they given you?

11 MR. ROBINSON: Sure. The facts they have
12 given me is that they expect, based on sales volume
13 in the store, to have four large trucks go to the
14 store per day.

15 MS. COHEN: What's large? Can you --

16 MR. ROBINSON: The 55 --

17 MS. COHEN: Fifty-five.

18 MR. ROBINSON: Fifty-five tractor trailer
19 trucks. So four of those trucks per day for four or
20 five days a week. And the concern that they have is
21 between if they're already restricted between 7:00
22 a.m. and 10:00 p.m., and then if you were to take out
23 what is rush hour, another three to -- or actually
24 probably five hours out of that, that to coordinate
25 the deliveries that go between this store, the P

1 Street store, the H Street store, et cetera, that it
2 becomes a logistical nightmare for them and it
3 disrupts their operations.

4 But I do not have their -- I don't have their
5 time, their loading -- I don't have their
6 restrictions or anything else on their other
7 properties, other than the noise ordinance.

8 MS. COHEN: So they do not deliver during
9 peak rush hours. Is that what you're telling me?
10 That's your understanding?

11 MR. ROBINSON: No, I'm saying -- I think I'm
12 saying the opposite. They have the ability to
13 deliver during rush hours in a number of their other
14 stores. And so they're concerned that restricting,
15 to take away the rush hours in addition to the noise
16 ordinance creates a situation where they can only
17 deliver between, let's say 10:00 a.m. and 4:00 p.m.,
18 and then maybe a little bit, you know, between 7:00
19 and 10:00, which creates a very small window to get
20 the through put and also coordinate with their other
21 stores that don't have those same restrictions.

22 MS. COHEN: I see. And their trucks are 55
23 feet, no?

24 MR. ROBINSON: Yeah.

25 MS. COHEN: Because they go around.

1 MR. ROBINSON: Because they go to different
2 stores.

3 MS. COHEN: Yeah.

4 MR. ROBINSON: Multiple stores.

5 MS. COHEN: Okay.

6 MR. ROBINSON: And also if I might say that
7 Whole Foods does not, for any of their District
8 stores, they do not have flaggers, flagmen for any
9 other stores. And so they have felt that having the
10 flagmen would help mitigate the situation if there
11 was loading during a rush hour, that the flagmen
12 would be able to at least assist with getting that
13 truck back in, into the loading dock as quickly as
14 possible.

15 MS. COHEN: Okay. Thank you. Mr. Andres,
16 the flexibility with going from market rate to having
17 -- you know, and pricing, in your experience with
18 other apartments, because I know you have significant
19 experience, have we permitted all this flexibility --
20 not all. This particular flexibility before? Or are
21 you seeing that market rate is, you know, an obstacle
22 for filling up the spaces? Can you elaborate a
23 little bit on that?

24 MR. ANDRES: Well, with respect to market
25 rate, you know, in this neighborhood, you know, there

1 is a high demand for off-street parking. I think
2 it's more of an issue that the flexibility be there.
3 You know, I'm not sure that they had that -- the
4 demand will require that flexibility, but you know,
5 the client -- MRP wants to make sure that in order
6 for this to be successful that they do have the
7 flexibility.

8 You know, the market rate for monthly parking
9 spaces in this neighborhood are, you know, we're
10 probably in the 150 to \$200 range. And so MRP wants
11 the ability to adjust for competition for other
12 spaces in the area.

13 MS. COHEN: But this is a high walkability
14 score neighborhood and I think in one of the slides
15 it said 74 percent of the residents do not own cars.
16 So, can you tell me, you know, just as a -- there's a
17 disconnect for me as to why you even need all those
18 spaces.

19 MR. ANDRES: Well, I think if I might try to
20 answer the question. We have three levels of
21 underground parking to go to the grocery store, one
22 for the residential. So it's about 125 spaces, which
23 is between a third to a quarter -- one third to one
24 fourth units to spaces. And so -- .25 to .33 ratio
25 of numbers used. So it's a pretty low ratio to begin

1 with because we can't really go any deeper than that
2 to be honest. So it's at the low end of the scale,
3 the number of units it would be a .33 if -- to the
4 maximum amount of units we could build under the PUD
5 it would be a .25. So it's a pretty low ratio.

6 And I think all we're saying is that the --
7 if we have to go survey other people to figure out --
8 I mean, if we have availability for parking we should
9 be able to rent those spaces. If we're going to
10 build them, we want to make sure that they get
11 rented. And if we have our hands tied then what can
12 we do? And it's almost a situation like in the
13 theoretical standpoint, let's say there's five
14 buildings in this radius, and all five buildings have
15 availability, and everybody wants to lower their
16 parking, how do we lower their -- how do we lower the
17 rate?

18 [Participant speaking off mic.]

19 MR. ROBINSON: No, we can't though. Under
20 this scenario we can't be lower than anybody else.
21 So who is the first one that drops? And so then it's
22 almost like a collusion of pricing for lower.

23 MS. COHEN: So should we really not
24 necessarily grant flexibility, but grant that you
25 could go with the market? Would that satisfy you?

1 MS. BATTIES: That's actually what we're
2 requesting.

3 MS. COHEN: Okay.

4 MS. BATTIES: The way the DDOT condition is
5 written, or what was originally written, I think
6 they've agreed to our revised condition. And
7 basically the revised condition says we are able to
8 price the parking at whatever the market --

9 MR. ROBINSON: Is.

10 MS. BATTIES: Market is, right.

11 MS. COHEN: Okay. So that's really the issue
12 is to adjust to market.

13 MS. BATTIES: Correct.

14 MS. COHEN: And I'm sure DDOT will respond
15 during questioning.

16 MS. BATTIES: Sure.

17 MS. COHEN: All right. I'm going to start
18 now with my original list, which isn't long because
19 you could imagine how pleased I am the city finally
20 sold land with a caveat that it had to provide 30
21 percent of affordable housing. I think that's great,
22 and that you're doing it.

23 I'm pleased that you met with DOEE and
24 there's agreement as to the Silver. It seems like
25 it's an upside to the Silver as opposed to Gold. I

1 will always push for the Gold, though, because of the
2 needs of the city in general, but I'm just, you know,
3 we'll go with what's been proposed and accepted by
4 DOEE.

5 One question I definitely have on the public
6 benefits. I'm assuming that you did your due
7 diligence and I just want to know what is the success
8 rate of the -- I think it's the community foundation
9 and providing jobs. I know that they've been around
10 for 40 years, but their skillset was questionable a
11 number of years ago with regard to their success rate
12 and actual job placement, and something like in the
13 40, 41 percent.

14 So I would like to know more about them for
15 the record, as to -- because you're giving them a
16 substantial sum of money. It's one of the keys in
17 the District of getting our residents employed in
18 living wage jobs. And although that's going for \$15
19 we now know that the cost of housing on a wage basis
20 is substantially higher. \$28, I believe it is.

21 So I kind of am interested in knowing what
22 they have done in the past. Our unemployment rate in
23 the District is still higher than the average in the
24 United States. So, you could provide that for the
25 record, please?

1 MR. ROBINSON: Sure. We can. I do have some
2 facts on how many families they've placed and so
3 forth, that we can assist with that. And the thought
4 there is really to try to leverage the dollars and
5 make sure that we kind of came in with a group that's
6 done this before and be able to best place it and we
7 thought they'd be the good partner for us.

8 MS. COHEN: All right. Well, look carefully
9 because they have done other things.

10 MR. ROBINSON: Yeah.

11 MS. COHEN: They get, you know, donations for
12 other types --

13 MR. ROBINSON: Uh-huh.

14 MS. COHEN: -- or areas. But I don't know
15 any more. As I said, it was few years ago that there
16 seemed to be a weakness in their delivery system on
17 jobs.

18 MS. BATTIES: And, Commissioner Cohen, if I
19 may add, we also will be working with the ANC.
20 They'll be involved in the process for both the
21 community foundation as well as the Shaw Main Streets
22 Grant so that's also an extra layer of accountability
23 for the use of those funds and to make sure that
24 they're used -- the training is done appropriately.

25 MR. ROBINSON: And as we're requiring them to

1 provide a, at the end, a capstone of the success rate
2 on this particular grant funding. Right. So that we
3 can say, where did this money go, how many people can
4 it help, and point to it directly. Same with Shaw
5 Main Streets in the same regard so we can -- we have
6 reported the end of exactly how it was done. If that
7 makes sense.

8 MS. COHEN: I know, but sometimes --

9 MR. ROBINSON: I know.

10 MS. COHEN: -- reports -- you know, that's
11 why we need forensic reports often on different
12 entities that I really want to know what their track
13 record is.

14 And in light of Howard University being a
15 part of this it seems like an opportunity of
16 coordination. And you know, Howard doesn't yet have
17 any type of experience on their incubator. But
18 you're really going to be helping them implement it.
19 But again, I think that my concern is, is that there
20 is a lot of money going to a lot of job entities and
21 the results don't appear -- I mean, five years ago,
22 though, when I started here, I know that Ward 7 and 8
23 were up to 20 some-odd percent of an employment.
24 It's gone down to maybe 15 percent. Totally
25 unacceptable.

1 So, you know, yeah, as a people who have
2 stopped looking, you know, that kind of stuff, that's
3 data. We need to have more data to be able to feel
4 comfortable in the decisions that we make.

5 I actually -- did you read the report that
6 was attached to the planning report by the police
7 department? I thought that they did an excellent
8 job, a lot of it had to do with operational
9 anticipations. But I think they made -- what was his
10 name? Commander Emerman. He did a good job in, you
11 know, focusing and I'm glad he took a look at it.

12 One of the architectural comments that I was
13 going to make, and I'd be curious what my colleagues
14 were going to say, has to do with the -- oh, what did
15 we call it? What do we call that? The passive area?
16 The community garden. The entry to the community
17 garden.

18 MS. BATTIES: The bridge.

19 MS. COHEN: Thank you so much for that term
20 of art. But the bridge itself I think, could be more
21 open. It has a lot of bracing and I just didn't know
22 if it's necessary. But it may be.

23 MR. ANDRE: Thank you for the question. I
24 think we all want it to be as open as possible. We
25 still have to work through the structural design.

1 It's a significant span and we're trying to strike a
2 balance between openness and enough structure to make
3 it work. And I certainly think as we develop the
4 design we'll strive to make the structure as light as
5 possible in the interest of connecting the activities
6 on the bridge to the courtyard and to the other
7 functions on the roof.

8 MS. COHEN: Remind me how long the bridge is
9 again.

10 MR. ANDRE: It's 72 feet, I believe, is the
11 span. The median span.

12 MS. COHEN: Okay.

13 MR. ROBINSON: Part of the idea I think is
14 also to give some sense of enclosure in the bridge,
15 because there are some people that have vertigo or a
16 fear of heights where there's a little bit of a
17 cocooning that can happen on the bridge that is not a
18 bad thing. So it's striking that balance between
19 openness and closed that we're trying to do.

20 MS. COHEN: Actually, I'm a vertigo, so thank
21 you. That's all I have.

22 CHAIRPERSON HOOD: Okay. Thank you. Who'd
23 like to -- any questions or comments? Commissioner
24 May?

25 MR. MAY: Okay. So I have a few questions

1 about the roof, a few questions about some of the
2 other things.

3 So is this building at the Height Act height
4 at 110?

5 MS. BATTIES: Yes, it is.

6 MR. MAY: And that's because Florida is at 90
7 feet and --

8 MS. BATTIES: Sherman Avenue is 100 feet
9 wide.

10 MR. MAY: Sherman. Hundred.

11 MS. BATTIES: And that's our measuring point.

12 MR. MAY: Hundred feet, and it's residential,
13 so it's 110.

14 MS. BATTIES: Right.

15 MR. MAY: Got it. Okay. I think tonight we
16 started to see some view of the northern section of
17 penthouse. Before that what had been submitted was
18 only the views to the south.

19 Yeah, and even -- I mean, you know what we
20 got tonight, there's some fairly diagrammatic views.
21 The view of the bridge is very different from the
22 design that's shown in the original package of the
23 design of the bridge. Can you tell me which one it
24 is? Is it going to be diagonally braced with glass
25 guardrails? Or is it going to be a large metal beam

1 looking thing, like shown in the original submission.

2 MR. ANDRE: I think the one in the current
3 presentation is --

4 MR. MAY: Is your microphone on?

5 MR. ANDRE: The current presentation that we
6 showed you today is the current design. And I would
7 point --

8 MR. MAY: Would it be a version of that?

9 MR. ANDRE: A version of that, yes.

10 MR. MAY: I mean, the other one looked very
11 heavy and I don't -- I mean, I don't really care that
12 much which one it is. It's just that it shouldn't be
13 shown both ways. And it's not that you have to
14 design it completely but, you know, I think it should
15 be you sort of pick one direction.

16 MR. ANDRE: It has evolved. We've done --
17 given it a lot of study and we did develop a strategy
18 where it was as heavier sort of a beam; beam type
19 structure that supported the floor and then allowed
20 it to be light on top. But we ultimately came to the
21 conclusion that wasn't practical. So the trust seems
22 like the most practical and achievable solution for
23 that and we think it can be made very open and very
24 aesthetic.

25 I also point out, this slide wasn't in the

1 presentation, Commissioner May, but there's some
2 additional sections of the penthouse conditions here
3 that may help --

4 MR. MAY: Yeah. And I mean, that's the first
5 time I saw a plan of where the solar panels are. And
6 it's not clear to me what the heights of the roof are
7 on that northern penthouse section. Can you explain,
8 is it all 12 feet except for the one rectangle?

9 MR. ANDRE: Yes.

10 MR. MAY: In the middle. Can you point to it
11 in the plan?

12 MR. ANDRE: It's this box here.

13 MR. MAY: That's the only thing that's --

14 MR. ANDRE: Is the only thing that breaks.
15 And it goes to 20 feet and that is --

16 MR. MAY: Right.

17 MR. ANDRE: -- because it's the cooling
18 tower, the equipment is just large. So we --

19 MR. MAY: Sure. I understand.

20 MR. ANDRE: -- set it back.

21 MR. MAY: So, and then the ones, the white
22 areas that flank that, are those just open?

23 MR. ANDRE: Correct. They're not roofed.

24 MR. MAY: And then the other -- the rest of
25 it is green roofed or solar panels.

1 MR. ANDRE: Correct.

2 MR. MAY: So solar panels are ganged so that
3 you're running like three on a sloped section.

4 MR. ANDRE: Correct.

5 MR. MAY: Why are you doing that? I mean,
6 very often we just see them, you know, one at a time
7 and they lay lower when you do that.

8 MR. ANDRE: I think that we could study that.

9 MR. MAY: Yeah, please do. I mean, one of
10 the things I'm very concerned about as we start to
11 see more and more solar panels, and of course I love
12 to see more solar panels. But it's possible to
13 design them in a way that they keep a very low
14 profile and they, you know, they get a reasonably
15 good angle to the sun. And it does sometimes require
16 a little bit more truss work. But you know, in a
17 project this size, you know, it's not a whole lot
18 more aluminum to build it out in a very flat profile.
19 So I would encourage you to look at that because it's
20 not so -- and we have to stop thinking about things
21 in terms of visibility from street because, you know,
22 like your roof, the building that goes up across
23 Sherman or you know, across Florida whatever, as
24 buildings get built up they're all going to wind up
25 with occupied rooftops, and we want all of the

1 rooftops to look good. We don't want to see a lot of
2 junk up there.

3 So you're out there first. Make it really
4 nice for, you know, for everybody else.

5 You showed a view of the pool and the
6 enclosure around the pool, or the rails and all that.
7 Can you bring that up? There we go.

8 So, I guess I'm accustom to seeing a pool
9 platform that's at four feet, or just under four
10 feet. And then having a guardrail above that. It's
11 a little bit iffy when you're at the Height Act
12 height. You know, I mean, we established what the
13 regulations were for normal penthouses, but that's a
14 little bit iffy.

15 And then when you go to that very solid wall
16 around the north end of it there, that looks like a
17 full-fledged structure that's eight feet above the
18 deck of the roof. Or eight feet above the roof
19 itself. Or close to it.

20 MR. ROBINSON: Yes. That is actually -- I
21 knew this evening I noticed that that was not correct
22 and I thought this is going to be found out. I'm
23 going to go back one slide. And if you look at the
24 way the penthouse is here.

25 MR. MAY: Yeah.

1 MR. ROBINSON: It actually comes out and
2 touches that and forms that back wall.

3 MR. MAY: Okay. So it's just weird, there's
4 stuff we're not seeing in the foreground in that
5 other view.

6 MR. ROBINSON: Yeah.

7 MR. MAY: Okay. So I mean, and I do -- I
8 mean, I remember in some other cases where we
9 insisted on the guardrail actually being on the roof
10 level, and then you did sort of a step down to it,
11 and I don't remember what the circumstance was that
12 prompted that. It may have been that we were at the
13 Height Act and that was necessary. So I mean, I
14 actually want to ask the Office of Planning to look
15 into that as well. I'm just a little bit confused
16 about -- you know, because Height Act sets the upper
17 limit. We've sort of allowed everything that's up to
18 four feet above that, because anything less than four
19 feet is not a structure.

20 But then when you have four feet and then you
21 have a guardrail above that, isn't that a structure?
22 I don't know. I mean, and I think that we've had
23 these circumstances where the platform was up that
24 high and then they did a sort of step down thing, and
25 then the guard was just a couple feet away from that

1 and was less than four feet high. And it actually
2 looks very nice when you're up there because you're
3 not sort of surrounded by all that extra stuff. I
4 don't know if you have the room to do that here, but
5 it's a question. And again, it's a question from me
6 to the Office of Planning as well to understand that
7 a little bit better because I'm not completely sure
8 that we're doing everything right. Not that we're
9 the arbiters of the Height Act, we're not. But we
10 don't want to do something that's inconsistent with
11 that and approve it here and then you get rejected
12 when you go before the ZA, and then have to come back
13 for some -- for a minor mod or something.

14 Let's see. I think it would be useful, I
15 don't think you have a 3D view like this that shows
16 the north penthouse. The north section of penthouse.
17 I didn't remember seeing that in tonight's
18 presentation. But that would be helpful to have,
19 just so we understand what's going on. I mean, you
20 explained it to me when we walked through it before,
21 but it would be useful to have that kind of --
22 doesn't have to be a flashy rendered thing, just
23 something that's akin to this.

24 So, I'm a little confused by the relief
25 that's requested for the single structure requirement

1 because you have, according to the plans, it looks
2 like you have multiple elevator cores. Are those not
3 multiple elevator cores?

4 MS. BATTIES: We have multiple penthouse.

5 MR. MAY: I know you have multiple
6 penthouses. Yeah.

7 MS. BATTIES: Penthouses. Yeah, so --

8 MR. MAY: But you don't need relief from the
9 single structure requirement if you have multiple
10 penthouses, because you have multiple elevator cores.

11 MS. BATTIES: Okay.

12 MR. ROBINSON: We do have multiple elevator
13 cores, but only the core at the southwest goes up to
14 the roof deck level.

15 MR. MAY: Yeah, but I mean, the whole point
16 is that the elevator has to have an overrun.

17 MR. ROBINSON: Yes.

18 MR. MAY: So that's why it, you know, it's --
19 so I mean, we just --

20 MS. BATTIES: We'll look at it.

21 MR. MAY: Yeah, look at that. It may not be
22 needed --

23 MS. BATTIES: Okay.

24 MR. MAY: -- in terms of the relief. So,
25 let's talk about the setback issues for a second.

1 The penthouse not setback half of the height from the
2 south side, I assume where that other building is
3 going to be built. My recollection of the new
4 regulations there are that it has to be set back at
5 one half to one if the building to the south is lower
6 or if the matter of right height is lower.

7 MS. BATTIES: No, it has to be set back --
8 hold on. You know how many times I've gone through
9 this exercise? Can I have it. I have it somewhere.

10 MR. MAY: More frequently than we have, I'm
11 sure.

12 MS. BATTIES: No, actually just for this
13 particular project.

14 MR. MAY: I know. Well, that is a question.
15 I mean, if you want to look at that while I move on
16 to some other --

17 MS. BATTIES: If the property to the south
18 matter of right is the same height as our project.
19 Both properties are zoned CR and have a --

20 MR. MAY: Yeah.

21 MS. BATTIES: -- matter of right height of 90
22 feet. So the way the penthouse regulations are
23 written is that basically it's silent.

24 So if we were -- if the building to the south
25 were already constructed, we'd have no situation

1 under the penthouse regulations where we would have
2 to have a sidewall setback.

3 MR. MAY: See, that's not my recollection of
4 it. I mean, I'll have to look at it again myself. I
5 thought it said that if the property to the south
6 is --

7 MS. BATTIES: Okay. So --

8 MR. MAY: Go ahead and read it if you've got
9 it.

10 MS. BATTIES: "A distance equal to one half
11 of its height from any side building wall or the roof
12 upon which it is located, that is not adjoining
13 another building wall and not meeting the conditions
14 of paragraph C1 through C1 through 5." And we don't
15 meet any of the conditions of C1 through 5. None of
16 them are applicable to us and --

17 MR. MAY: All right. I'll look back at that.

18 MS. BATTIES: Okay.

19 MR. MAY: And to resolve that question for
20 myself.

21 MS. BATTIES: Okay.

22 MR. MAY: So what is this guardrail that's
23 not set back one to one from the front wall?

24 MS. BATTIES: It is on the Florida Avenue
25 façade. Connected to the tower.

1 MR. ANDRE: So, what is it or is that your
2 question?

3 MR. MAY: Well, yeah. Normally if there's an
4 area where you request relief like that, we see a
5 plan or a section that shows where that relief is
6 needed. And I only saw it in text. I didn't see
7 it --

8 MS. BATTIES: It's actually, Commissioner
9 May, on the plans submitted on May 27th.

10 MR. MAY: Yeah, I didn't see it there.

11 MS. BATTIES: We have, on sheet A15.2 you
12 kind of just, you see the location and condition
13 relating to the roof, parapet, guardrail, and the top
14 of the tower.

15 MR. MAY: All right. So I find this very,
16 very confusing. Maybe you need to just walk me
17 through it. That's the same thing that you're
18 showing there, right?

19 MR. ANDRE: Correct. Correct. So because of
20 the plan geometry it is a little bit technical as far
21 as how it all goes together. So the other thing
22 that's at play here, Commissioner May, is about half,
23 the southern half of the acute plan geometry is part
24 of a bay definition so it's projecting beyond the
25 property line. The guardrail is sitting up at the

1 pool terrace height, approximately four feet above
2 the roof. And so the guardrail is basically an
3 extension of that bay geometry, and so it does
4 violate the one-to-one setback.

5 But we were offering as a piece of the tower
6 element for which we're asking relief --

7 MR. MAY: Right.

8 MR. ANDRE: By bringing the guardrail out
9 we're trying to create a clean, simple, geometry so
10 it doesn't get clutter with a lot of --

11 MR. MAY: All right. So I mean, I understand
12 what you're trying to do architecturally. What I --
13 I mean, if this were just a tower element, and say it
14 was a continuous façade and it were an actual tower,
15 because we've had plenty of debates about what's a
16 tower, what's not a tower, and you're stretching the
17 definition. I won't go into that just this second.
18 But if it were an actual tower, that façade could
19 continue up and you could have openings in that
20 tower.

21 So I'm not sure that -- I mean, if we're
22 truly going to interpret this as a tower, if the
23 parapet of that tower functions as a guardrail, I'm
24 not sure if that requires relief in order to do it
25 because it is a --

1 MS. BATTIES: The parapet? Say that one more
2 time.

3 MR. MAY: If the tower extends above the roof
4 and it functions as the guardrail, then I question
5 whether that actually requires relief because it's --
6 I mean, you know, we have an explicit provision that
7 allows for, I mean, it's called architectural
8 embellishments in the Zoning Regulations, but it
9 really is tower, dome, spires --

10 MS. BATTIES: Right.

11 MR. MAY: -- you know, et cetera. So if it
12 simply extended that high and it doubled, you know,
13 the parapet doubled as the guardrail, I would think
14 it doesn't require relief.

15 MR. ANDRE: And that is our intention, that
16 it's --

17 MR. MAY: Yeah, but so I mean, did you have a
18 different interpretation from somebody?

19 MS. BATTIES: No, I think actually when our
20 first go -- our first round of submissions, we didn't
21 request the setback relief because I think we did
22 treat it as a parapet.

23 MR. MAY: Yeah.

24 MS. BATTIES: And so maybe this go-around in
25 the abundance of caution.

1 MR. MAY: Yeah.

2 MS. BATTIES: But if you notice in our
3 original statement and our prehearing statement, we
4 did not request relief and I think it was because of
5 the principle you just described.

6 MR. MAY: Okay. Right. So I mean, as you
7 probably know, I'm quite a stickler on the new
8 penthouse regulations, and I'm also a stickler on
9 towers. But if it is legitimately a tower I'm not
10 sure that it -- that a -- I mean, put it this way, I
11 don't want to have to grant relief --

12 MS. BATTIES: Okay.

13 MR. MAY: -- for a handrail.

14 MS. BATTIES: Right.

15 MR. MAY: Or for a guardrail, on a front of a
16 building.

17 MS. BATTIES: Right.

18 MR. MAY: I think as a matter of principle,
19 that's the worst thing to do.

20 But it's okay to build towers. The problem
21 is that, you know, you've built this tower. It
22 doesn't really tower up very high, but it towers up a
23 little higher and it -- and you have, you know, those
24 elements at the end. I mean, it all is part of a
25 coherent architecture. But then you sort of, you put

1 this wing over the back of it. You know, it's like a
2 great big comb over that's flying that way.

3 And it's very good looking but I'm not sure
4 how it fits the architecture of a tower. So that's
5 what, you know, I find a little bit troubling. And I
6 think I said that even at setdown. You know, it's a
7 stretch to say the least.

8 And I would be a lot more comfortable if what
9 we saw in that hat on top of the tower actually
10 aligned with the tower, or at least gestured an
11 alignment to the tower. You know what I mean? If
12 there were some break in it. If there was a step
13 back at that moment, you know, that aligns with the
14 tower itself.

15 So right now you have, you know, the tower
16 goes up like this, and then you have this other piece
17 that goes like that. But if that piece that goes
18 like that actually stepped back when it reached the
19 point of the -- just so that it reads more like a
20 tower element, I think that it would be -- I would be
21 more comfortable with that. Particularly, I don't
22 know if it's possible, but if that, the point where
23 it steps back, it actually stepped back to a full
24 one-to-one setback. Now, I don't know if that can
25 work or not, but at the very least, you know -- and

1 I'm not trying to design your building for it. I'm
2 just trying to, you know, I'm making a suggestion
3 about how you make this read more tower-like because
4 I'm a lot more comfortable when that happens.

5 MS. BATTIES: Okay.

6 MR. ANDRE: Thank you. Yes, we can study
7 that. I think that we're not terribly far away from
8 doing that. I mean the --

9 MR. MAY: Yeah.

10 MR. ANDRE: -- plan geometry is at the same
11 angle and so forth. But you're right, it does extend
12 in plan, and I think that's what you're saying --

13 MR. MAY: Yeah.

14 MR. ANDRE: -- beyond that tower piece.

15 MR. MAY: It doesn't end. Yeah, it continues
16 past the width of the --

17 MR. ANDRE: Right.

18 MR. MAY: -- bay that becomes the tower.

19 MR. ANDRE: And it continues at that angle
20 until such time as it is beyond -- behind the one-to-
21 one setback. So that was sort of how it was set up.

22 That being said --

23 MR. MAY: So I mean, do you know where the
24 point is at which it's beyond that setback?

25 MR. ANDRE: It's --

1 MR. MAY: Because, and if I read the -- I
2 mean, if I'm reading -- what I get out of this
3 diagram, where the red is, or the yellow on that, it
4 looks like the entire face kind of extends to that.

5 MR. ANDRE: Could be.

6 MR. MAY: Yeah.

7 MR. ANDRES: I think that's correct.

8 MR. MAY: Yeah.

9 MR. ANDRE: I understand your question.

10 MR. MAY: Yeah. So I mean, some sort of
11 gesture.

12 MR. ANDRE: Okay.

13 MR. MAY: To make it read more and I mean,
14 maybe come --

15 MR. ANDRE: All right. Yeah, we're happy to
16 look at that. That's a good idea.

17 MR. MAY: Yeah, something. So, the dog park
18 fence, I don't know that we had a height on the fence
19 that goes around it, but I saw a drawing at one point
20 made it look like it was not set back one-to-one.

21 MR. HOOVER: I believe the height that we
22 have is six foot, which -- and it was set back one-
23 to-one. And if that illustration --

24 MR. MAY: It was that one that threw me off.
25 That it looked like, you know, where the indent is

1 between the bays, it looked like it was a lot closer
2 than six feet.

3 MR. HOOVER: Yeah, it does look like it on
4 this illustration.

5 MR. MAY: Yeah.

6 MR. HOOVER: But when it was drawn in plan it
7 was set back --

8 MR. MAY: Okay.

9 MR. HOOVER: -- the six foot. We'll double-
10 check to make sure.

11 MR. MAY: Yeah. And I mean, it should be
12 documented that way if it's not shown in the drawings
13 that way then, you know --

14 MR. HOOVER: Yeah.

15 MR. MAY: -- put a dimension on a drawing
16 just to show it.

17 MR. HOOVER: Okay.

18 MR. MAY: There is a requirement -- or sorry,
19 that you requested flexibility with regard to signage
20 on the building. And but I don't -- was there other
21 documentation about where you expected signage to be,
22 or is it just sort of street level retail signage?

23 MR. ROBINSON: Just street level retail
24 signage, and address signage for the residential
25 building.

1 MR. MAY: Right. So is it documented
2 anywhere that that's all you're talking about is
3 signage at the street level retail?

4 MS. BATTIES: It is not.

5 MR. MAY: Okay. So, that would be good too
6 because we get a number of projects where they've,
7 you know, decided to put big digital sign boards, you
8 know, 20 feet off the ground and, you know, I mean, I
9 guess you have to be in an entertainment district or
10 something to be that, but I think for the sake of
11 knowing for sure please document that somehow.

12 Is the project -- the project is not eligible
13 for residential parking permits, is it? It's not on
14 a residential street? Mr. Andres.

15 MR. ANDRES: It's my understanding that it's
16 not.

17 MR. MAY: Okay.

18 MR. ANDRES: We can confirm that but it's my
19 understanding that it's not.

20 MR. MAY: I think that would be good to
21 confirm. It doesn't seem like it's an issue for the
22 neighbors, but that will also affect your, you know,
23 our marketability of the parking, so it's good to
24 know that.

25 All right. So the last question I have is,

1 on the DDOT issues, you went through all of those
2 conditions where, you know, you've had further
3 discussions and at this point is everything agreed or
4 are you proposing something that differs from what
5 DDOT has agreed to?

6 MR. ANDRES: So for the most part I've
7 conferred with DDOT and they're okay with all of the
8 conditions except for the loading management plan
9 regarding the peak period restrictions.

10 MR. MAY: Uh-huh.

11 MR. ANDRES: And as Mr. Robinson had
12 identified, you know, there are logistic issues with
13 Whole Foods that prevent us from committing to that.

14 MR. MAY: Okay.

15 MR. ANDRES: But I do believe that, you know,
16 we can work something out through permitting.

17 MR. MAY: All right. So all the rest of
18 them, the, you know, the subsidy for transit and you
19 know, for the first renters and all that sort of
20 stuff, all that's --

21 MR. ANDRES: It's my understanding that DDOT
22 has agreed to that but DDOT can confirm it.

23 MR. MAY: All right. I'll ask them. I'll
24 ask them too.

25 So, the other question I have is, how can we

1 get to a hearing and there's these long lists of
2 unresolved DDOT issues? Mr. Andres, do you not spend
3 enough time with them or --

4 MR. ANDRES: We spent, actually, a
5 significant amount of time on the circulation issues.

6 MR. MAY: Right.

7 MR. ANDRES: And a lot of these issues
8 actually that came up, we actually had to coordinate
9 with Whole Foods.

10 MR. MAY: Yeah.

11 MR. ANDRES: Some of these --

12 MR. MAY: Well, that one I can understand. I
13 mean, you know, you have a retailer lined up and
14 usually we don't have the retailer lined up and all
15 these things don't get figured out. But you know,
16 the sort of the basic stuff like transit screens and
17 things like that. I mean, that's got to be on DDOT's
18 list. The first list they hand you in the very first
19 meeting and I would think that all that stuff would
20 get figured out sooner.

21 MR. ANDRES: You know, the project has a
22 significant affordable housing component to it. So,
23 you know, MRP was -- you know, we were making sure
24 that it was worth the dollars to be spent on them.
25 That's why.

1 MR. MAY: And I completely understand that
2 but it's like, you know, they seem to get resolved
3 like the day before they come here. So, and --

4 MR. ROBINSON: There's nothing like a
5 deadline to get things resolved.

6 MR. MAY: Well, move that deadline up a few,
7 you know, a week or so, so that when we see it it's
8 all fully cooked and that way we don't have to come
9 in here saying, we've got to stand up and resolve
10 these things for DDOT yet again.

11 So, anyway, I have no -- I'm just speeching.
12 So anyway, thank you.

13 CHAIRPERSON HOOD: Okay. Any other questions
14 up here? Commissioner Turnbull.

15 MR. TURNBULL: Yeah. Thank you, Mr. Chair.
16 I want to thank you for your presentation. I think
17 this is an exciting project and I think the
18 residential aspect of this is very important for the
19 neighborhood and for the city.

20 I just have a couple of questions. And I
21 guess it would be good on the Department of
22 Transportation, if we could have a revised list of
23 conditions and just make sure we go through point by
24 point.

25 I mean, as I understood you said you were

1 providing the parking as required by the regulations
2 which I looked at. Would that be 143?

3 MR. ANDRES: So the regulations is one per
4 three, so 428 divided by three is --

5 MR. TURNBULL: One forty-three, 145,
6 somewhere around there?

7 MR. ANDRES: Yes. But it's less than 177
8 that DDOT put in their letter and that's why we'd
9 want --

10 MR. TURNBULL: Okay. Well, if you could just
11 finalize some of those numbers and put them in a
12 revised list for us?

13 MR. ANDRES: Uh-huh.

14 MR. TURNBULL: And the transit screen, you're
15 going to put one in the grocery store, and you're
16 still going to have one in the residential lobby?

17 MR. ROBINSON: Yeah, actually I don't know
18 that was on DDOT's report but we would --

19 MR. TURNBULL: No, but it's on our report.

20 MR. ROBINSON: We will do that.

21 MR. TURNBULL: Okay. We always put that in
22 for them and if they forgot it, we help them out on
23 that. So if you could do that, that would be great.

24 I would agree with Commissioner May on the
25 setback. You know, it would be nice. You know, what

1 we often get is up on the roof plan is a series of
2 good looking sections showing the one-to-one setback,
3 45 degree angles, at a nice scale that we can all say
4 that you've met the setback requirements.

5 You know, we had some misinterpretation of
6 the dog fence issue with the perspective and what it
7 is. So if we could actually see some sections of the
8 various points as you go around the roof, that makes
9 it so much easier for us to be able to say, yeah,
10 you're meeting the requirements. So if we could have
11 it, that would be great.

12 The truss. It looks like a take-off of an
13 Vierendeel truss or something like that, is the
14 cross-bracing. Is that what I'm looking at? Is that
15 what you're trying to do?

16 MR. ANDRE: Well, it is both -- oh, pardon
17 me. It is both truly structural but does reference
18 historic kind of industrial trusses. It's not, you
19 know, something that's a part of the external
20 identity of the building but it does have that --

21 MR. TURNBULL: So, but is the cross-bracing
22 that we see integral to the structural elements, or
23 is it decorative, or what are --

24 MR. ANDRE: It's integral to the structure.

25 MR. TURNBULL: Is it. And you talked about

1 how that's still in flux. If we could have, before
2 we get to final, a better definition of what that
3 truss, what you really think it's going to look like.

4 MR. ANDRE: It's a -- certainly will. We're
5 working through it and we have some work to do with
6 our structural engineers to figure it out.

7 MR. TURNBULL: Okay.

8 MR. ANDRE: But we certainly will develop
9 that further and submit it to you.

10 MR. TURNBULL: Okay. And then I guess I
11 would agree with Commissioner May on the tower
12 element. I think there's a good case for creating
13 the tower element, but I think if we could define the
14 tower element as he was getting at the roof going
15 back, if that could be articulated more so it
16 actually identifies the tower element, more so than
17 just being a continuation of the whole roof, I think
18 that would help your case in a lot of different ways.

19 You know, the other thing that's confusing to
20 me when I look at the drawings is the private street.
21 And I'm going back to the original drawings. This
22 one, I guess it's Exhibit 23A-1, 23A-9. And if I
23 look at drawing A-07, looking at the western aerial
24 perspective, looking down at the site, there is --
25 right. I don't have my pointer with me, but right

1 next to the Howard residential building there appears
2 to be a split-level structure. But when I look at
3 your perspective on A14.2 of that same --

4 MR. ANDRE: Yes.

5 MR. TURNBULL: I really don't see anything.
6 It looks totally flat and totally benign, that
7 there's really nothing there, but there is a wall.
8 There is a structure along there.

9 MR. ANDRE: There is. It is behind the car
10 in the artistic rendering.

11 MR. TURNBULL: That's a little sneaky.
12 Here's what, I guess what I would like to see when
13 I'm -- I'd like to know what that really looks like.
14 I mean, it looks like that's about, what, four feet
15 high? Or how high is that, that wall?

16 MS. BATTIES: Should be in the --

17 MR. HOOVER: I believe the wall is at
18 guardrail height on our side, from our drive, because
19 our drive is going relatively flat. The private
20 street. And then on Howard, of course, it varies
21 because it's going --

22 MR. TURNBULL: Down and --

23 MR. HOOVER: Down.

24 MR. TURNBULL: But it's going down, but it's
25 also going back straight or --

1 MR. HOOVER: It's going down; I think it's a
2 scissor. One is going down and one is coming back
3 up.

4 MR. TURNBULL: Yeah.

5 MR. HOOVER: Is that right?

6 MR. ANDRES: It's a parking structure.

7 MR. TURNBULL: Yeah.

8 MR. ANDRES: With ramps on actually both
9 sides.

10 MR. TURNBULL: Oh, it is. Okay.

11 MR. ANDRES: Yeah.

12 MR. TURNBULL: Well, if we could just get a
13 better definition of that? I was just confused by
14 looking at it. I just want to have a better idea of
15 the street scape along there, what people are
16 expecting, because people can walk along there, and
17 they can walk back from the grocery store.

18 The only other thing that bothers me is the
19 loading dock. Now, I guess you're going to submit,
20 or you're going to provide a loading management
21 definition of what you're really going to be
22 providing with the flag, the flagmen and everything
23 else. So again, if we could see actually what that -
24 - how it's defined, on how you're doing that.

25 But what troubles me is that where this

1 loading dock is, right above that you have floors 2,
2 3, 4, and 5. And in that area where the loading dock
3 is, that's where the affordable housing is. There's
4 four floors of affordable housing right above the
5 loading dock. In fact that whole street level is a
6 lot of affordable housing, which bothers me in the
7 sense of how it's being laid out and why it's being
8 done that way. I guess I would like to see you
9 revisit that because a loading dock, you're
10 essentially going to have 55-foot trucks and a lot of
11 activity back there. I'm just troubled by having the
12 affordable housing stuck in that area. To me it just
13 seems like it's been, let's put it off on the side.

14 That may not be your intent. I'm not trying
15 to say that. But looking at this first time it sort
16 of tells me, well, we don't know what to do over
17 there, that can be the affordable housing. Correct
18 me. I'm probably -- I'm wrong, but --

19 MR. ROBINSON: We'll take a look at that.

20 MR. TURNBULL: Would you? Thank you very
21 much.

22 Other than that, other than the issues we
23 talked about, the parking. The Vice Chair talked
24 about the concerns about her, concerns about parking.
25 You're going to unbundle the cost of the parking

1 anyways. I think it will be an exciting plan and if
2 you could just pick up some of those points that we
3 talked about, that would be great.

4 MS. BATTIES: And, Commissioner Turnbull, if
5 I may? In response to your first comment about the
6 conditions, all of the conditions as the applicant as
7 proposed as it relates to DDOT's conditions are set
8 forth in final form in the --

9 MR. TURNBULL: Is the flagman in there?

10 MS. BATTIES: Yes.

11 MR. TURNBULL: It was.

12 MS. BATTIES: Yeah.

13 MR. TURNBULL: Oh, I didn't catch that then.
14 All right.

15 MS. BATTIES: It's, so just so you know, on
16 the very last page, item 16.

17 MR. TURNBULL: Okay.

18 MS. BATTIES: We do talk about the flagman.

19 MR. TURNBULL: All right. Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you.
21 Commissioner Miller.

22 MR. MILLER: Thank you, Mr. Chairman, and
23 thank you all very much for your presentation. This
24 is a very exciting project and I think it's -- I
25 personally think it's very attractive, the design and

1 the materials and the elements, and it will be a
2 great addition to the neighborhood with the 50,000
3 square foot Whole Foods grocery store and all those
4 residential units.

5 You mentioned, as Ms. Batties said, that IZ
6 would require only, it's 28,000 square feet at 80
7 percent AMI and that this project, pursuant to the
8 LDA, is providing over 105,000 square feet at both
9 the 30 percent and 50 percent AMI levels. I guess
10 it's 32 units at 30 percent AMI and 97 units at the
11 50 percent AMI, which is great.

12 And I assume each of those are in proportion
13 to the, in terms of the size of the units, are at the
14 30 percent level and 50 percent level, the one and
15 two bedrooms, that they match up proportionally to
16 what the market rate units are.

17 MS. BATTIES: Yes. Yes.

18 MR. MILLER: So it's 129 units total
19 affordable. So it is obviously much deeper levels of
20 affordability and much greater, much, much greater,
21 substantially greater amount of affordable housing
22 than IZ would require.

23 But IZ would require, under the new penthouse
24 regulations, they do trigger a 50 percent AMI
25 requirement, and I didn't see anywhere, that

1 calculation. But maybe you did provide it.

2 MS. BATTIES: I mean, in the numbers that I
3 gave you I included the square footage of the
4 habitable penthouse space, which is 4,110 square feet
5 at the penthouse level. And so that would generate
6 329 square feet of affordable housing which would --

7 MR. MILLER: At the 50 percent.

8 MS. BATTIES: Right. Which is one unit or a
9 contribution. I understand the Commission has
10 approved a contribution to the Trust Fund.

11 MR. MILLER: Right.

12 MS. BATTIES: In cases like that. So we did
13 contemplate that in the numbers that we gave to you.

14 MR. MILLER: Okay. So that was factored in.
15 It wasn't broken out like you just broke it out,
16 though. Or was it? It's there somewhere, I just
17 missed it.

18 MS. BATTIES: Yeah, the total, the 28,429
19 square feet includes what would be required with the
20 penthouse space.

21 MR. MILLER: Okay. And that 4,110 square
22 feet of penthouse space, did you say that that's
23 second story space for --

24 MS. BATTIES: Habitable space.

25 MR. MILLER: -- 10th floor units?

1 MS. BATTIES: Yeah.

2 MR. MILLER: And how many units have that
3 second floor -- is it seven units have that second
4 story space? Just --

5 MR. ANDRE: Eight.

6 MR. MILLER: Eight. Well, those will be very
7 attractive and very expensive spaces with great
8 views.

9 The pocket park that you're creating that's
10 part of that, that's a public benefit, that's being -
11 - that gets created because of the street grid
12 extension that you're doing?

13 MS. BATTIES: The reconfiguration at Florida
14 and Sherman Avenue.

15 MR. ROBINSON: Correct. Right now Florida
16 Avenue goes straight and you make a turn on to
17 Sherman.

18 MR. MILLER: Right.

19 MR. ROBINSON: Right now, what we're
20 proposing is Florida goes right into Sherman which is
21 the path of all the traffic bundles, and you make a
22 turn onto Florida. So you go turn from Florida to
23 Florida.

24 MR. MILLER: Right.

25 MR. ROBINSON: So that pushes what is that

1 open space, right now is currently at the northeast
2 corner of the property.

3 MR. MILLER: Uh-huh.

4 MR. ROBINSON: It is kind of a traffic
5 island, and it pushes it to the other side of the
6 street.

7 MR. MILLER: And how much square feet is that
8 pocket?

9 MR. ROBINSON: Forty-four hundred square
10 feet.

11 MR. MILLER: And you said then you're going
12 to dedicate it to --

13 MR. ROBINSON: It would be in the public
14 right of way.

15 MR. MILLER: It's already in the public --

16 MR. ROBINSON: It's already in the public
17 right of way.

18 MR. MILLER: -- public right of way.

19 MR. ROBINSON: So we will make improvements
20 in the public right of way.

21 MR. MILLER: And what are the improvements.
22 I saw the green lawn.

23 MR. ROBINSON: Yes.

24 MR. MILLER: Are there going to be benches
25 or --

1 MR. ROBINSON: It's mainly street trees
2 around the perimeter, sidewalk improvements, and then
3 a lawn panel. Don, if you want to --

4 MR. HOOVER: Yeah, that's correct. And
5 street lights. And then a lawn panel located in
6 here. That sidewalk right there is where the old
7 street used to be. That sidewalk is the original
8 sidewalk. Those are the original street trees.

9 MR. MILLER: So you don't contemplate any
10 benches at this point?

11 MR. HOOVER: We weren't thinking that, no. I
12 mean, that's something that we could easily do.

13 MR. ROBINSON: And those townhouses are very
14 close. I mean, this is a huge relief, I think --

15 MR. MILLER: Right. I'm very -- I'm familiar
16 with the --

17 MR. ROBINSON: -- for those townhouses, and
18 it's a nice landscaped area, but we weren't trying to
19 over program it because you're right in the front
20 yard of the two-story townhouse.

21 MR. MILLER: Right. Yeah, I can see that
22 that makes --

23 MR. ROBINSON: That's our thought, at least.

24 MR. MILLER: That makes sense, and I can see
25 how it does mitigate the request for flexibility that

1 you're in the public -- that you're not providing
2 open space in front of your building so I can see
3 that that's a -- but you did say that DDOT has agreed
4 to maintain it and we'll get confirmation from them
5 on that; on that issue.

6 Not sure if I had any other questions. I
7 mean, I do agree with my colleagues request for the
8 information about the -- or confirmation on the
9 setback reliefs and the setback compliance that you
10 are complying with. So I appreciate their asking
11 that question.

12 I don't think I have any other questions,
13 though, Mr. Chairman and I think this will be a very
14 exciting project. Thank you.

15 CHAIRPERSON HOOD: Okay. I just have a few
16 additional comments. There's a lot of stuff that's
17 happening on the roof. I think it's well designed
18 and organized, particularly how the separation with
19 the pool and the dog park, or whatever you want to
20 call it, I really like the programmatic parts of that
21 roof that's being done.

22 And as far as design is concerned, I really
23 think this project will continue to help jumpstart
24 that particular neighborhood.

25 Now for my standpoint to continue to

1 jumpstart that neighborhood. Sherman Avenue and
2 Florida Avenue, all up in there has always been
3 tight. So I understand the rationale with the
4 circulation of the 18-wheelers and the need for Whole
5 Foods. I understand that. And again, it was already
6 mentioned about one of my colleagues about already
7 having the tenant.

8 Mr. Andres, help me understand, how are we
9 going to maneuver a lot of that in that area, because
10 I'm up in that area quite a bit and, you know, we're
11 talking about 18-wheelers and --

12 MR. ANDRES: Oh, and absolutely. And that
13 whole area will continue to change. The District has
14 a street scape project that is programed along
15 Florida Avenue that will put a median in and other
16 sort of street scape elements that, you know, we
17 obviously want to take advantage of.

18 You know, I guess the primary element
19 associated with the loading -- and can we get the --
20 just the diagram of the loading dock.

21 CHAIRPERSON HOOD: Even if you had -- I saw a
22 schematic where you had how it was going to swing
23 back and curve. Let's just kind of go through that
24 like you did with DDOT.

25 MR. ANDRES: Absolutely. So with respect to

1 our plan the major premise is that the trucks would
2 come up 9th Street and turn left on to this new
3 private Bryant Street, and pull themselves up and
4 then back into these angled loading docks. And
5 that's for the large vehicles. And the smaller
6 vehicles for the residential loading and some of the
7 retail loading will take place in that location.

8 CHAIRPERSON HOOD: And those are going to be
9 30, 30-foot, right?

10 MR. ANDRES: Yes, 30, or even smaller than
11 that --

12 CHAIRPERSON HOOD: Twenty-four.

13 MR. ANDRES: -- depending on who is moving in
14 and out.

15 So with respect to the loading activity as
16 Mr. Robison had identified, we are anticipating four
17 tractor trailers within four or five days a week.
18 So, and we will be looking to manage that based on
19 our coordination with Whole Foods.

20 CHAIRPERSON HOOD: Is there a long-term plan
21 to make that private street public?

22 MR. ROBINSON: There is not. We're parking
23 underground in order to get a parking field big
24 enough to meet the demands of the tenant, and so that
25 really forces it to be private. But it will be

1 maintained by the owner of the building in
2 perpetuity, as well as have a public access easement
3 across it.

4 CHAIRPERSON HOOD: But it won't be a low-
5 maintenance street. We will -- I know there's still
6 some discrepancy discussion with DDOT about bringing
7 it up to their standards, but it won't be low-
8 maintenance; a low maintenance street.

9 MR. ROBINSON: No, it will not be --

10 CHAIRPERSON HOOD: No curbs. DDOT, I do read
11 the book. No curbs and those kind of things. It
12 will be more than that, right? It will have curbs
13 and --

14 MR. ROBINSON: Yeah, it will be curb -- where
15 we're deficient with regards to DDOT streetscape
16 would be mainly the sidewalk dimensions. We're
17 trying to fit in, you know, in a perfect world, that
18 sidewalk dimension on the north side is a little bit
19 bigger and there would be a little bit more landscape
20 area than we're proposing.

21 And so, but the street width dimensions,
22 Erwin, if you want to confirm our --

23 MR. ANDRES: Yeah, so as part of our
24 commitment to address DDOT's comments, we will comply
25 with most of the DDOT standards, except for some

1 places that are a result of the constraints of the
2 width that we have essentially between Howard
3 University and the face of our building. So we will
4 put as much DDOT facilities in there as we can.

5 CHAIRPERSON HOOD: Okay. So you all continue
6 that conversation.

7 MR. ANDRES: Yes.

8 CHAIRPERSON HOOD: Yeah. And I would agree,
9 I think it was Mr. Turnbull, about the affordable
10 housing. I just was having a discussion with
11 somebody today that the Commission, we always look to
12 see what the unit mix is to make sure that affordable
13 housing is not always by the trash dumpster sites, or
14 the most undesirable.

15 And I understand the programmatic way and I
16 understand the financing of it, but I think Mr.
17 Turnbull asked you all to relook at that, so let's
18 make sure to do that.

19 MR. ROBINSON: Will do.

20 CHAIRPERSON HOOD: The police department
21 actually, and I think the Vice Chair mentioned this
22 earlier, that's one thing about going last. You can
23 kind of clean up and bring some things up. But one
24 of the things that the Vice Chair did mention that I
25 really like, this is one of the most specific police

1 department reports I've seen in a long time. I might
2 have ever seen. I just may not recall. So hats off
3 to whoever got it, Ms. Brown-Roberts and whoever got
4 this police department report. The Lieutenant was
5 very thorough.

6 Now, my next question is, and whenever the
7 police department make recommendations or
8 suggestions, where are we with a number of the
9 suggestions they had?

10 MS. BATTIES: We have actually addressed all
11 of the concerns that we raised in MPD's report and we
12 submitted a security plan as part of our supplemental
13 filing and gave copies of that to the Office of
14 Planning.

15 CHAIRPERSON HOOD: Okay. Great. That's what
16 I needed to hear. Do we have it?

17 MS. BATTIES: It should be, yes, in the
18 supplemental --

19 CHAIRPERSON HOOD: Supplemental. Okay.

20 MS. BATTIES: Submission dated May 17th.

21 CHAIRPERSON HOOD: 23C? Exhibit C?

22 MR. ROBINSON: Yes.

23 CHAIRPERSON HOOD: Okay. All right. All
24 right. We will -- I missed that. Maybe I'm not used
25 to seeing that. Okay. What else?

1 Let me ask, in the grocery store, the transit
2 screen, what's -- and I know we pushed for it. But
3 most of the time we push for it, I think, in
4 residential lobbies. So in the grocery store what
5 are they going to do? When is the next Uber coming?
6 Or what are we doing with that? What are we doing
7 with the transit screen in the grocery? Help me
8 understand. And I probably could have asked,
9 requested, but help me understand.

10 MR. ROBINSON: The way -- I mean, we are
11 happy to put it in the residential lobby. I think
12 it's an amenity for tenants. For the grocery screen
13 I think the intent is if you are commuting, going
14 from here to a bus or a Metro that you can be aware
15 of the time so you can walk to the store with your
16 groceries. I guess that's the intent. But we're
17 happy to comply.

18 CHAIRPERSON HOOD: I understand. I'm just --

19 MR. ROBINSON: It's not a --

20 CHAIRPERSON HOOD: I'm not, I'm not --

21 MR. ROBINSON: It's not a major cost item and
22 I think if it benefits a handful of users at the
23 grocery store, or maybe employees of the grocery
24 store, then that's great.

25 CHAIRPERSON HOOD: Okay. Okay. I mean, I'm

1 not saying -- not throwing any daggers at it, but I'm
2 just curious what it will entail. But I'll ask the
3 Office of Planning that.

4 I think that's all I have. I really wanted
5 to really get more into the circulation, but I think
6 we've exhausted that and you've done it enough with
7 the DDOT as well.

8 But I will say, I do like the design of this
9 building. I think I said that earlier and that's one
10 of the things I'd like to -- I call it the
11 curvatures. I just like the way this building is
12 designed so, all right, any other questions up here?
13 Mr. Turnbull.

14 MR. TURNBULL: Yeah, Mr. Chair, I just
15 forgot, on your Exhibit 32, the proposed draft PUD
16 conditions, I think Commissioner May had brought up
17 about the final, the selection of exterior signage,
18 and I don't know if you're going to indicate where
19 the signage is going to go on an elevation or
20 something that --

21 MS. BATTIES: Yes, we can provide that in a
22 narrative and revise our proposed conditions.

23 MR. TURNBULL: Okay. The only other thing
24 that I had was under No. 4E, which talks about final
25 selection of exterior materials. To me, the way it's

1 written right now, I think since we're talking about
2 brick and everything and going -- I think what you
3 mean to say is to vary the final selection of the
4 color of the exterior materials within the color
5 ranges and materials as proposed.

6 I mean, in other words I don't want, if
7 you're proposing brick, not to suddenly show up as
8 metal panels, that the brick is going to go away. So
9 I think what you're really getting at is to vary the
10 colors of the exterior materials as proposed.

11 MS. BATTIES: Okay.

12 MR. TURNBULL: Rather than wholesale changing
13 the materials.

14 MS. BATTIES: That's correct.

15 MR. TURNBULL: Okay.

16 CHAIRPERSON HOOD: One other thing, the ANC,
17 and I was looking at it earlier, they didn't have any
18 concerns. I think their vote was 12 to zero
19 unanimous, right?

20 MS. BATTIES: Correct.

21 CHAIRPERSON HOOD: In their letter, help me
22 remember, did they have any concerns?

23 MS. BATTIES: They did not, but Mr.
24 Commissioner Hudson is here to represent ANC 1B this
25 evening if you want to have him address that question

1 directly.

2 CHAIRPERSON HOOD: The reason I'm asking now
3 is because I can't get it to come up and I wanted to
4 ask that question now. I know that Chairperson
5 Turner mentioned that whoever came would be permitted
6 so speak for the ANC, so I'll wait until we get to
7 that point because I can't get it to come up.
8 Anything else up here? Commissioner Miller.

9 MR. MILLER: Thank you, Mr. Chairman. I
10 forgot, I meant to ask one question about the
11 contribution to Howard University for the joint
12 venture with the District on the business incubator.

13 So, I just wanted a little more information
14 about what this joint venture, business incubator is,
15 or if you could provide for the record what it is and
16 how much of the -- what the total cost is of -- or is
17 the 142 the total cost of the business incubator?
18 What is it actually going to do?

19 MR. ROBINSON: We can provide additional
20 information on that. And basically what this will be
21 is used as an operating subsidy to help fund some of
22 the staffing in their early time periods while
23 they're getting up and running. That's the intent.

24 MR. MILLER: Okay. So if you could just
25 provide --

1 MR. ROBINSON: Sure.

2 MR. MILLER: -- some of the goals and what
3 the total cost is, and so we have an understanding
4 how much this is contributing toward that.

5 MR. ROBINSON: Okay. The District has given
6 a million dollars, so far for the buildout.

7 MR. MILLER: Okay. Thank you.

8 CHAIRPERSON HOOD: Okay. Let's see.
9 Commissioner you have a -- I'm not sure who the
10 Commissioner is. You have any cross-examination of
11 the applicant? Okay. We'll come back to you and get
12 your testimony.

13 Okay. Let's go to the Office of Planning and
14 DDOT. Ms. Brown-Roberts, and then I think Mr.
15 Rogers.

16 MS. BROWN-ROBERTS: Yeah, good evening, Mr.
17 Chairman and Members of the Commission. The Office
18 of Planning is very supportive of the proposed
19 development and we think it will be a great
20 improvement to the community, and especially for the
21 housing, the affordable housing, and the many
22 transportation elements that are going to be
23 associated with the development.

24 The applicant has worked with the Office of
25 Planning to answer majority of our questions that we

1 had at the time. And some have been addressed by the
2 Commission this evening, and therefore I won't go
3 over that except to say that regarding the
4 flexibility, I think at one of our last commission
5 hearings the Commission asked us to sort of explain
6 or make an amendment to the regulations to decipher
7 or the discrepancy between the IZ requirements and
8 what is required under the LDAs. And we have a
9 number of projects that are going to be coming in
10 under those.

11 And so last Friday we did submit a text
12 amendment to address that issue, so that will be
13 coming before you soon so we can have a further
14 discussion of that.

15 But in this case we do support the waiver
16 that the applicant is requesting.

17 And then regarding the signage, we too had
18 some concerns about the signage and we spoke to the
19 applicant about that, so we're glad that you also
20 took that up.

21 The development is not inconsistent with the
22 recommendations of the Future Land Use Map or the
23 Generalized Policy Map and the Duke Plan and the CR
24 Zone, and therefore we are recommending approval with
25 the supplement of the record with the information

1 that we have requested this afternoon.

2 Mr. Joel is going to address some of the
3 questions that Mr. May had regarding the penthouse.
4 Thank you, Mr. Chairman.

5 MR. LAWSON: Well, Mr. Joel will make an
6 attempt at it. And I'm not sure if this is going to
7 address all your questions. You can certainly follow
8 up if I'm not quite getting at it.

9 I don't think I remember the case that you're
10 talking about specifically. My guess is there may be
11 a case where they were trying to provide the one-to-
12 one setback. When we changed the penthouse
13 regulations there was specific language put into the
14 regulations that both the guardrail and a rooftop
15 pool deck had to meet that one-to-one setback. So it
16 may be that they were kind of adjusting things to
17 make sure that they met that one-to-one as this
18 applicant would have to meet the one-to-one setback
19 for both of those.

20 That's all I have.

21 MR. MAY: Okay. So I mean, it's almost like
22 it's a -- it's a Height Act interpretation question.
23 I understand what we said in the zoning, in the
24 change to the penthouse regulations, when we said the
25 guardrails and the pool platforms have to be set back

1 one-to-one. And maybe it's only because it just
2 occurred to me at this moment in reviewing this, that
3 there seems -- I mean, I guess maybe this can be
4 interpreted as rooftop mechanical by the ZA. I'm not
5 sure. Because otherwise you know, we could say
6 whatever we want about how the setbacks would be.
7 But if the height act doesn't allow for guardrails
8 that are essentially, you know, seven feet above the
9 roof -- I don't know. It's a question worth asking.
10 I'm not sure that it's really critical at this
11 moment.

12 The case that I remembered looking at this
13 was done before the regulations were revised, and it
14 was a building on South Capital, which had a -- it
15 was U-shaped courtyard and the opening of the U was
16 facing the avenue and you could see it. You could
17 see more deeply into the building and so maybe that
18 was part of the issue. Maybe it wasn't a Height Act
19 issue at all. Maybe it's just everything blurring
20 together because there are too many zoning cases in
21 my head.

22 I don't have a really strong concern about
23 this. I just was wondering whether there really was
24 a question.

25 I do have other questions, though. If that's

1 all right. The one thing that struck me in this, in
2 reading the analysis of the consistency with the
3 Comprehensive Plan is that, if this is medium
4 density, commercial medium density residential mixed
5 use. Both of those densities don't add up to 10
6 stories and CR is not listed as, at least in your
7 analysis, as one of the zones where mixed use medium
8 density, you know, would be a typical zone.

9 And so medium density commercial normally
10 goes up to only eight stories. Medium density
11 residential normally only goes up to seven stories,
12 and this is 10. And so my question is whether this,
13 as a CR zone, because I know we're not rezoning the
14 site. I don't think we have an issue with that, but
15 I'm wondering if CR is what you would normally
16 consider to be consistent with this, the Comp Plan
17 designation. Or whether in fact the Comp Plan
18 contemplated something of lower height.

19 MR. LAWSON: Well, I would want to check that
20 because I actually thought that CR was listed in the
21 CR -- in the medium density zones --

22 MR. MAY: Right.

23 MR. LAWSON: -- and the Comprehensive Plan.
24 But I think we also have to remember, you know, once
25 again that we look at the Comprehensive Plan more

1 comprehensively than just the Land Use Map. The Land
2 Use Map is certainly an important component of that,
3 but there was also language on the policy map, and
4 then there is all of the language in the text itself,
5 you know, related to housing, environmental benefits,
6 provision of affordable housing, streetscape
7 improvements, better connectivity, transportation
8 element. So there are policy statements, you know,
9 left, right, and center, we think that would support
10 this proposal.

11 We can certainly take a second look at this
12 and confirm that CR is an appropriate zone in this
13 designation. But Ms. Brown-Roberts has included the
14 Comp Plan section in our report. So, you know, we
15 definitely stand by that.

16 MR. MAY: Okay. Well, and I looked at that,
17 and I kept looking for the CR designation. It's
18 possible I missed it as I was reading it. Granted, I
19 probably have a heightened sensitivity about this
20 particular issue given recent court actions. So, and
21 I understand how we look at the Comprehensive Plan
22 comprehensively. I know that very, very well.

23 Anyway, I just thought I would raise that
24 issue again. You know, we're not up zoning the
25 property here. The question is whether this --

1 whether the Comp Plan might have actually pointed to
2 a down zoning which just seemed would have been
3 bizarre.

4 So I think it might be worth understanding
5 that a little bit better. And it may be as simple as
6 sort of pointing me to the right sections in your
7 report where you fully address it. I know there is a
8 sentence in there saying that you find CR to be
9 consistent, or not inconsistent with the
10 Comprehensive Plan. But I thought we needed a little
11 more explanation of that because it seemed almost a
12 non sequitur after you described medium density
13 commercial and medium density residential.

14 CHAIRPERSON HOOD: Commissioner May, let me
15 just --

16 MR. MAY: Yes, sir.

17 CHAIRPERSON HOOD: Ms. Batties is getting
18 ready to jump out of her seat. She actually wanted
19 to add something.

20 MS. BATTIES: That is not true, Commissioner.

21 CHAIRPERSON HOOD: She's really ready to
22 jump.

23 MR. MAY: Oh, well --

24 CHAIRPERSON HOOD: In the way that you want
25 to help with some of that explanation.

1 MR. MAY: Are you going to help with this?

2 MS. BATTIES: I think I can add something to
3 support the Comp Plan argument in that the CR
4 District permits a matter of right height of 90 feet,
5 and an FAR of 6.0, which is equal to what's permitted
6 in the CRC zone, and the CRC district, rather, is
7 definitely a corresponding zone district for the
8 medium density commercial land use designation. So
9 that can be kind of the bridge. The density that we
10 are permitted as a matter of right on this --

11 MR. MAY: The CRC Zone?

12 MR. LAWSON: C-2-C.

13 MR. MAY: C-2-C.

14 MS. BATTIES: I'm sorry, C-2-C. Why did I
15 say CRC? Mr. Hood has distracted me.

16 But the C-2-C zone --

17 MR. MAY: He's very distracting, yeah.

18 MS. BATTIES: The C-2-C zone is listed as a
19 specific zone district for medium density commercial
20 land use. And so we are at the height and density
21 that's permitted in C-2-C.

22 MR. MAY: Okay. So in order to save the
23 Office of Planning from having to write a
24 supplemental report on this, perhaps you want to just
25 make that argument for us in your supplemental

1 filing.

2 MS. BATTIES: Sure.

3 MR. MAY: Just so that the record is
4 complete, you know, I'm looking at the broader
5 continuum of all the zoning cases that we handle and
6 what we can point to in the future, and should there
7 be questions about any of our judgments on subtopics
8 like this.

9 So, I think that's it. I think --

10 MS. COHEN: We didn't hear from DDOT.

11 MR. MAY: We haven't heard from DDOT. Right.
12 Okay. I was going to ask. That's it. Thanks.

13 CHAIRPERSON HOOD: Okay. Is DDOT ready?
14 DDOT. Mr. Rogers.

15 MR. ROGERS: Good evening, Chairman Hood,
16 Members of the Commission. Since the submission of
17 DDOT's report the applicant and DDOT have discussed
18 the conditions and come to agreement on a set of
19 mutually agreeable conditions for the site design and
20 TDM conditions, with the exception of the loading
21 management plan. The mutually agreed upon conditions
22 were presented by Mr. Andres and we are agreeable to
23 those conditions.

24 DDOT appreciates the coordination on these
25 items. But the loading management plan remains an

1 outstanding issue and is one of great concern to
2 DDOT.

3 As part of the CTR scoping process which took
4 place over the course of several months and wrapped
5 up in March of this year, DDOT and the applicant
6 agreed on a circulation pattern that involved two-way
7 circulation on Bryant Street. This option was deemed
8 to provide the most advantage in terms of circulation
9 and multimodal accessibility. During this process it
10 was found that the largest trucks accessing the site
11 would completely occupy the west bound and east bound
12 lanes of traffic on Bryant Street and partially
13 occupy the proposed crosswalk on Bryant Street as
14 well. Such problems may also apply to smaller trucks
15 accessing the site.

16 Noting these operational and safety
17 challenges posed by the truck maneuvers, DDOT's
18 agreement to the proposed circulation plan was
19 predicated on a robust loading management plan that
20 involved two key features to mitigate the impacts.
21 One being time of day restrictions to prevent the
22 most impactful trucks from delivering during times
23 when the network and site were experiencing their
24 peaks. And the other being development of a standard
25 operating proceeding, including flagger positioning

1 to manage the loading movements during times of day
2 that are deemed appropriate.

3 Analysis was not provided to model the
4 impacts of large trucks accessing the site during the
5 peak period, and so the effects are not fully
6 understood. However, in the absence of a robust
7 loading management plan within the proposed
8 circulation plan, DDOT expects loading activities to
9 potentially negatively impact the operations of the
10 Sherman Avenue, Florida Avenue, Bryant Street
11 intersection. It's not difficult to imagine
12 vehicular traffic wanting to head east bound on
13 Bryant Street while that lane is being blocked by a
14 truck backing up into the loading berths which could
15 cause blockages across Sherman Avenue, which is a
16 minor arterial and important street in the District's
17 network.

18 In sum DDOT expects that the loading
19 management plan -- or, excuse me, the loading impacts
20 can be managed through a robust loading management
21 plan, but the loading management plan as proposed is
22 insufficient to address the concerns. We're open to
23 other solutions and alternatives that address the
24 root concerns regarding the intersection and we're
25 committed to working with the applicant on a solution

1 on this item.

2 Regarding a couple things that came up during
3 discussion regarding the park, it is something that
4 is created by the reorganization of the intersection.
5 The treatments that are shown in the plans are within
6 DDOT standards, sidewalks, street trees, grass, and
7 are things that are within DDOT's capacity to
8 maintain.

9 The park will be designed to final design
10 during the public space permitting process, and if
11 there are additional elements that come up we'll
12 address that during permitting. But as proposed
13 those are all standard elements that will be
14 maintained by DDOT.

15 Regarding pricing and unbundling, the
16 original request of -- in DDOT's report was to price
17 the residential parking equal to the lowest rate in
18 the area. Generally we feel like it's a relatively
19 low bar to hit, but understand the desired
20 flexibility that the applicant is seeking.
21 Practically speaking the parking ratio, which DDOT
22 thinks is appropriate but is towards to the lower end
23 of the spectrum, the supply is such that the parking
24 pricing will likely want to meet or exceed what the
25 market has in store for that area.

1 Regarding the standards discussion for Bryant
2 Street, as the applicant mentioned -- well, I'll back
3 up. There are sort of two sets of standards that are
4 under discussion. One is related to construction
5 standard, so how the road is built, the road bed, and
6 the paving materials and all that stuff. Those are
7 expected to be met fully and the applicant has agreed
8 to that. And regarding design standards there are
9 design elements that are standards in District
10 streets, DDOT streets. The applicant, due to the
11 limited width of the street, there are some
12 challenges in meeting things like the minimum width
13 of the street. That won't be met. DDOT has a
14 requirement for 75 feet, this will be a 30-foot
15 street. And that's fine, given the available width.

16 But everything else, the lane widths, are to
17 standard. And the sidewalk and planting strip widths
18 are more or less within standards. So we'll continue
19 to work with the applicant during the permitting
20 process to ensure that the streets meets all
21 construction standards and all applicable design
22 standards. And with that I will answer any
23 questions.

24 CHAIRPERSON HOOD: Okay. Thank you, both.
25 Any additional questions of OP or any questions for

1 DDOT? Vice Chair Cohen.

2 MS. COHEN: Thank you, Mr. Chairman. Has
3 DDOT done any type of analysis with regard to the
4 deliveries at these -- at Whole Foods and Trader
5 Joes, because I'm familiar with a Trader Joes in the
6 west end, I'm familiar with Whole Foods also in the
7 west end, and they're located also on streets that
8 are quite, you know, challenging. The Whole Foods on
9 P Street has a very wide street so that's not an
10 issue, usually, except depending upon the truck
11 driver.

12 But I think that it's really important to
13 understand what has already been approved, and the
14 impact on the street's movement in those areas as
15 well. Not saying that we should continue to do this,
16 but I don't think we should necessarily hold this
17 project to a higher standard either.

18 So I would like to have some more analysis
19 about the approach and I guess I want to mention this
20 to the applicant, I didn't do this earlier, but a lot
21 of the grocery stores have adapted to the urban
22 environment to do business here. You know, they used
23 to require certain things like parking in the front
24 of their building. So there may need to be some
25 adjustments made by Whole Foods as well. And, you

1 know, we kind of always get skittish around, we may
2 lose their business, but you know, we're growing and
3 that's a perfect place for a Whole Foods or another
4 grocery to locate. So I just would kind of want to
5 know from DDOT what other standards they've applied
6 to different groceries, but I'd also think that the
7 applicant needs to be open, as does Whole Foods and
8 maybe use smaller trucks, more frequency. I don't
9 know what the right answer is, I just want more
10 again, what we often don't have is appropriate data.
11 Thank you.

12 CHAIRPERSON HOOD: Any other questions? Mr.
13 Turnbull.

14 MR. TURNBULL: Thank you, Mr. Chair. Mr.
15 Rogers, I hope I wasn't speaking out of turn but I'm
16 assuming you do want a transit screen in the
17 residential lobby.

18 MR. ROGERS: Yes. And I believe that was
19 included.

20 MR. TURNBULL: Was it? Okay.

21 MR. ROGERS: Yes.

22 MR. TURNBULL: Okay. It sounds also from
23 what you were saying, that you are looking for the
24 applicant to put together a revised loading
25 management plan, or you're looking for some other

1 input?

2 MR. ROGERS: Correct. So the design of the
3 loading berth is -- does leave a lot to be desired.
4 It has some negative impacts that do need to be
5 addressed. I think, you know, a commitment to
6 provide flaggers is a start, but I think there's more
7 detail that needs to be had there. You know, there's
8 a few things that need to be observed. One is making
9 sure that on Bryant Street, pedestrians who are
10 walking on that sidewalk are given safe
11 accommodation, and with the help of flaggers. And
12 then also at the intersection of Bryant Street and
13 Sherman, flaggers could play a role there too, to
14 help manage traffic and again address some of the
15 pedestrian concerns there.

16 Generally the standards here that we're
17 asking for are not above and beyond any other
18 standards that are being required for grocery stores
19 or other buildings across the District. The
20 provision of safe accommodation for pedestrians, the
21 assurances that vehicle operations won't be
22 negatively impacted, particularly during the peak
23 periods, those are all things that are, you know, are
24 standard requirements for all developments, including
25 groceries.

1 MR. TURNBULL: Yeah, it looks like there is
2 about a 40-foot unbroken access way, driveway, to go
3 into the loading berths.

4 MR. ROGERS: It's, I think to the tune of
5 about twice that. It's hard --

6 MR. TURNBULL: I know, so I'm just guessing,
7 but --

8 MR. ROGERS: Yeah, I mean, understandably it
9 is a challenge to load a large grocery store like
10 that.

11 MR. TURNBULL: Right.

12 MR. ROGERS: Other grocery chains, like a
13 Harris Teeter, have adapted a bit and use smaller
14 trucks and it's easier to serve those. I would hope
15 that Whole Foods, as they enter our market more,
16 would move in that direction and there are other
17 elements related to Whole Foods that I think need to
18 be rethought a little bit, given our context.

19 One of the conditions that we've heard that
20 Whole Foods has is a larger garage entrance for two
21 lanes out and one lane in, is something that might
22 facilitate cars getting in and out a little bit more,
23 although I think there's sort of limited operational
24 benefit from that here, but you know, the flip side
25 is that it makes for a wider curb cut which less

1 hospitable to pedestrians.

2 So I do expect that there will be significant
3 pedestrian activity coming to and from the site, and
4 I think through some of these more urban minded
5 design elements, the pedestrian experience can be
6 improved for those folks.

7 MR. TURNBULL: Okay. Thank you.

8 MS. CHAMBERLIN: Sorry. Let me just -- I
9 wanted to address Commissioner Cohen's question and
10 concern.

11 We aren't holding this particular development
12 to a higher standard at all. This is actually as
13 Jonathan was trying -- was mentioning all our regular
14 standards, this is actually a unique situation where
15 the truck actually has to pull into a crosswalk
16 before it backs in. So the trucks coming in are
17 going to pull in through Bryant, they're going to
18 pull up to the crosswalk. They're going to stick a
19 little bit into the crosswalk and then back in, and
20 that's what makes this a unique situation and
21 different from the other Whole Foods, and the Harris
22 Teeter and the other examples that you mentioned.
23 It's literally that movement that can be troublesome
24 during peak hour if there are vehicles that are going
25 to be making a left into Bryant Street and aren't

1 expecting to see a truck taking the whole width of
2 the lane.

3 And for other vehicles who might be coming
4 out of the grocery store and coming out of Bryant,
5 thinking they're going to turn left or right and
6 there's a truck, a large 55 foot truck backing in.

7 So in this situation it's a unique situation.
8 It's not a higher standard.

9 MS. COHEN: Thank you for the explanation.

10 CHAIRPERSON HOOD: Mr. Rogers, let's talk
11 about the transit screen in the grocery store. I
12 think I read that. What kind of information am I
13 going to see on that?

14 MR. ROGERS: Sure. Happy to walk through the
15 benefits of that, mostly because you'll be seeing it
16 in a few weeks as well. So, similar to transit
17 screens in residential lobbies, it displays all sorts
18 of transportation alternative information. So it
19 will certainly display when the Metro is coming, when
20 there are buses coming. But also has other
21 information like, where is the nearest BikeShare
22 station and how many docks, how many bikes are
23 available. It has CarShare information. And really
24 the idea is to encourage people from driving to give
25 them other options than to drive to the grocery

1 store. So someone might want to take a car -- a
2 BikeShare bike, or walk to the grocery store. But
3 then they pick up a couple bags of groceries and
4 maybe they need a slightly different option to get
5 home.

6 So in a transit-rich area like this, it makes
7 a big difference, I think, whether you know, if you
8 know you can wait five minutes for one bus line or
9 two minutes for another bus line, or maybe there's a
10 Car to Go nearby. And so just broadening the
11 information that folks have and making it something
12 that you can't avoid. It's in the lobby, and you see
13 it, and you pay attention to it, and you adjust your
14 behavior accordingly.

15 CHAIRPERSON HOOD: So I leave out of the
16 grocery store with my 10 bags of groceries, I'll look
17 and see if a BikeShare is close by for me to -- I
18 guess eventually I'll get there, but I'm not there
19 yet. I do have a bike now, though.

20 MR. ROGERS: Oh, good.

21 CHAIRPERSON HOOD: But it doesn't have a rack
22 for me to carry 10 -- I'm going to use my car when I
23 go to the store so, anyway, I'm going to get there.
24 I'm going to get there.

25 Vice Chair Cohen.

1 MS. COHEN: Yeah. Can you remind me, are
2 there electrical -- are there, in the garage, is
3 there outlets for electrical cars? I don't recall
4 seeing it, but I may have.

5 MR. ROGERS: We suggested that there to be
6 two electric car sharing stations, one in each
7 component of the garage, one for residential and one
8 for retail. And I did, I just saw an article, I
9 think it was in the Wall Street Journal today about
10 the value of that amenity as being a relatively low
11 price/high impact amenity for folks.

12 MS. COHEN: Thank you.

13 CHAIRPERSON HOOD: Any other questions or
14 comments up here? Commissioner May.

15 MR. MAY: So, Bryant Street will be put back
16 in, or will be put in to connect 9th Street to
17 Sherman here, right?

18 MR. ROGERS: Correct.

19 MR. MAY: So what about the rest of Bryant
20 Street? To 8th, and then all the way over to Georgia
21 Avenue.

22 MR. ROGERS: Uh-huh. So that connection is
23 something that is identified in the Small Area Plan.

24 MR. MAY: Yeah.

25 MR. ROGERS: And as those parcels redevelop

1 the Office of Planning -- I won't speak for them but
2 I think they will concur, the Office of Planning and
3 DDOT will work with the property owners to ensure
4 that that connection is made all the way to Georgia
5 Avenue.

6 MR. MAY: Okay. Well, work with the property
7 owners to ensure that it will happen. I mean, I take
8 it that the District doesn't own any of that --
9 either of those giant parking lots that are to the
10 east of this project?

11 MR. ROGERS: I believe that is our friends
12 from Howard University.

13 MR. MAY: All right. So they'll be able to
14 talk to whether that's going to happen. Or, Ms.
15 Brown-Roberts.

16 MS. BROWN-ROBERTS: Yes. And actually, it's
17 something that's shown in the campus plan. In the
18 campus plan for them.

19 MR. MAY: Okay. I mean, showing it in plans
20 doesn't necessarily mean that it's going to happen.
21 That's why I'm just trying to gauge the likelihood of
22 it actually happening, because if that connects all
23 the way through I can see that there would be a lot
24 of traffic on that. But without it, connecting
25 through to 8th and then over to Bryant it basically

1 just, you know, means when you're circling the block
2 for parking at the 930 Club you can, you know, it
3 makes it a little easier.

4 All right. That's it.

5 CHAIRPERSON HOOD: Any other questions or
6 comments of either DDOT or Office of Planning?

7 Does the applicant have any cross?

8 MS. BATTIES: Not cross.

9 MR. ANDRES: I just wanted to respond to
10 DDOT's comments. You know, with respect to the
11 loading management plan --

12 CHAIRPERSON HOOD: Any cross? We'll do that
13 on rebuttal.

14 MR. ANDRES: Oh, yeah. Rebuttal.

15 CHAIRPERSON HOOD: We'll do that on rebuttal.
16 Does the Commissioner, do you have any cross?

17 [No audible response.]

18 CHAIRPERSON HOOD: Okay. Good. All right,
19 and I think we've talked about all the other -- a
20 number of the other government reports. I think
21 they've been thoroughly discussed. I don't think
22 we've missed any.

23 Let's go to the report of the ANC.
24 Commissioner, do you want to come and give us your
25 report? If you could just identify yourself and --

1 MR. HUDSON: Sure.

2 CHAIRPERSON HOOD: -- go from there?

3 MR. HUDSON: Hi. Good evening. My name is
4 Rob Hudson. I'm ANC Commissioner for 1B-11. It
5 starts at the corner of 9th and V, kind of extends up
6 Florida and over through Howard University.

7 Thank you for providing the time, Chairman
8 Hood and Commissioners. I know that we've talked a
9 whole lot about all the benefits to the community and
10 I can tell you that we, as a Commission, we
11 unanimously supported this, and the three components
12 of the financial monies. We met with MRP as
13 facilitated meetings with all three of the recipients
14 with the ANC. And we are very pleased about how the
15 money will be spent, our involvement of creating the
16 applications, being involved in the selection of the
17 grantees. Yes, grantees. And how it will -- and the
18 reporting back to us for each one of the projects.
19 And we're very pleased with that entire process.

20 But I wanted to talk more about -- because
21 all of that is laid out in our very long resolution
22 that we submitted, which is not anywhere near the
23 other materials that you read.

24 I wanted to talk more about the partnership
25 that we've had with MPR and Ellis Development along

1 this way. Back in 2014, when this was -- when MRP
2 and Ellis was selected by DMPED, there was a bit of
3 consternation or concern in the community that we
4 weren't listened to with the request that we wanted.
5 We had -- in fact, at that time I wasn't a
6 commissioner. I wasn't involved in any sort of
7 development issues or anything. I had moved back to
8 the District about a year and a half earlier and I
9 was content in just being a part, you know, going to
10 my job as a usual resident does, and not involved in
11 the neighborhood.

12 I, as just a private citizen, facilitated
13 meetings with the council member, MRP Development,
14 and Ellis, and they were kind enough to come out to a
15 non-ANC sponsored meeting to meet with the council
16 member and just the community residents who wanted to
17 come. They did that three times before returning
18 back to the ANC with revised plans.

19 They heard us on every single level about all
20 of our concern, about affordable housing, about
21 changing the plan from what was initially proposed to
22 including a grocery store. It was very important for
23 the community to get a grocery store, and they
24 completely opened all of that.

25 They met with our Economic Development

1 Committee four times, coming back each time to answer
2 very specific questions. They met with the ANC four
3 times, coming back each item and talking extensively
4 about their plans. They were -- Matt would answer
5 the phone when I called. It was -- this is a model
6 partnership that MRP and Ellis had with the ANC, and
7 we're very pleased going forward with everything that
8 this happened.

9 To talk about Luma Labs was another question
10 that you had about the money that -- it's a technical
11 incubator that's going to concentrate mostly on
12 underserving communities in the tech sphere, not only
13 with the people that will be -- that targeted, but
14 also with the applications that they will be
15 developing. And we're very pleased to be a part of
16 that.

17 I believe the money funds seven staff persons
18 for the first year, or half of -- it's something like
19 that. It's written more specifically.

20 The Shaw Main Streets is a very big
21 development partner in the area. They just won a
22 national award being one of the best Main Streets in
23 the country. We're very pleased with how that money
24 is going to be spent and how it's going to really
25 help the retail establishments. And then we were

1 just very pleased with talking with the -- and I'm
2 blanking on the last name. The Community Foundation.
3 And we talked at length with them and we're rearing
4 to go in setting up our committee and coming out with
5 applications and the funding levels and things like
6 that. And we're looking more towards doing larger
7 grants as opposed to being Santa Clause with \$500
8 here, \$1,000 there, because those aren't effective.
9 We want to do large grants out of that money.

10 And that's pretty much it. We're very
11 pleased with how this went for the three years in an
12 area -- and where it was concerned enough to get me
13 to run for ANC, to be here and speaking so highly of
14 it, it really commends the developers.

15 CHAIRPERSON HOOD: Well, Commissioner Hudson,
16 we want to thank you for all your work both prior to
17 being an ANC commissioner and being an ANC
18 commissioner. I'm familiar with ANC 1B and I know --
19 I believe the vote was 12 to zero. And I know, I've
20 seen them in action so I know that they don't take
21 anything lightly and it's just not a pass through
22 when you go through ANC 1B. They're one of our well
23 working commissions here in the city. So, even
24 though I live in Ward 5, I do know what's going on in
25 other wards.

1 Let's see if they have any questions for you.
2 Any questions up here? Vice Chair Cohen.

3 MS. COHEN: Thank you, Mr. Chairman. Is
4 Parkside Public Housing in your --

5 MR. HUDSON: No.

6 MS. COHEN: No?

7 MR. HUDSON: I have Le Droit apartments and I
8 have Kelly Miller.

9 MS. COHEN: Oh, that's right.

10 MR. HUDSON: Yeah. So I go that way. I stop
11 pretty much at the Founders Building in Howard
12 University and don't go any further north.

13 MS. COHEN: So are you going to work with the
14 residents of those properties to try to get them some
15 opportunities in employment?

16 MR. HUDSON: Yes. I believe that there is a
17 part of the package, and correct me if I'm wrong,
18 that there will be sourcing of jobs in the community
19 as much as possible. Yeah. Within a one-mile
20 radius. So yes, I'm prepared and excited to help
21 with the Whole Foods postings of jobs opportunity all
22 throughout the neighborhood. And I know 1B there's
23 plenty of other areas that need jobs that are
24 immediately located that people can walk to this
25 area. I don't know specifically how many jobs it

1 will bring but I know it's a lot.

2 MS. COHEN: But again, in the incubators, in
3 the vacant, you know, stores, again any
4 opportunities, please -- and consider the young
5 people too, because they're obviously going to school
6 and can use hope.

7 MR. HUDSON: Well, so the incubator is going
8 to be, if you're familiar with Howard, it's going to
9 be located between the book store and the new
10 Chipotle right at the end of Bryant. It's less than
11 a block and a half away, almost right on Howard
12 University Campus. So I know that they're going to
13 have open forums for their students to participate
14 in. They're going to have training centers, basic
15 things about how to learn HTML, Java Script, and
16 other things like that that will help the students,
17 and they'll also be open to the community along with,
18 of course, their funding model and how to sell -- you
19 know, how to keep the money coming in to keep it
20 open.

21 CHAIRPERSON HOOD: Okay. Any other questions
22 up here? Mr. Turnbull?

23 MR. TURNBULL: No, I don't have any
24 questions. I think, I just want to make a comment.
25 I think I saw in the exhibits there was a signed

1 First Source agreement. And there was a signed EBC
2 agreement. So I think those are all in the exhibits.

3 MS. BATTIES: That's correct.

4 CHAIRPERSON HOOD: Okay. Anything else?
5 Okay. Does the applicant have any cross?

6 MS. BATTIES: No cross.

7 CHAIRPERSON HOOD: With that ringing
8 endorsement I don't think you really have any. ANC
9 is testifying so you wouldn't have any cross for
10 yourself, so okay. All right. Thank you very much.
11 We appreciate it.

12 Okay. I need to call for it but I understand
13 I don't have a list. So any organizations or persons
14 who are here in support who would like to testify?

15 Any organizations and persons who are here in
16 opposition who would like to testify?

17 Okay, Ms. Batties, if you have any rebuttal.
18 I know you had one.

19 MS. BATTIES: Yes.

20 CHAIRPERSON HOOD: And then your closing.

21 MS. BATTIES: Okay.

22 MR. ANDRES: Thank you. I just wanted to
23 bring up a point regarding the loading management
24 plan. I know DDOT had expressed some concern that
25 there weren't many details with respect to flagger

1 locations and things of that nature.

2 You know, typically we do do that, and
3 typically we do that as part of the permitting
4 process. In this case, you know, we'd want to work
5 with Whole Foods who are actually going to do -- be
6 the operators of that plan. So for us to do that
7 without their coordination is something that it would
8 be short-sighted. So we'd want to have the time,
9 hopefully after the PUD is approved to work with DDOT
10 through the permitting process and identifying the
11 specifics, because at that point we can work with
12 Whole Foods who is the operator and who will be
13 implementing the plan. So that's just one thing I
14 wanted to bring up. Thank you.

15 CHAIRPERSON HOOD: You have any other
16 rebuttal?

17 MS. BATTIES: No other rebuttal.

18 CHAIRPERSON HOOD: Okay. Does any -- any
19 questions up here on that, Commissioner May?

20 MR. MAY: I have a question but not on that.
21 I have a different question.

22 CHAIRPERSON HOOD: Okay. Let me do this
23 right quick. Does the ANC have any cross on
24 rebuttal?

25 MR. MAY: Apparently not.

1 CHAIRPERSON HOOD: Commissioner Hudson, do
2 you have any cross on his last statement? Okay. All
3 right. Commissioner May.

4 MR. MAY: Thank you. So I looked at the
5 drawings several times and saw all these bay
6 projections and various parts of it, and was looking
7 at the building and not really seeing bay
8 projections. And then it occurred to me well, the
9 west side of the building in that northern half,
10 there -- it's drawn as if it's bay projections in the
11 plan, but when you look at the façade, you know, that
12 grid, the three-story by how many ever bay, grid that
13 you create there, it all reads as a single façade.
14 And it's projecting into public space.

15 I assume that you've gotten approvals or know
16 that you can get approvals for that because they
17 don't read like typical bays that project into public
18 space. It's just one big mass, that whole stretch.

19 MS. BATTIES: We have not yet gone through
20 the public -- gotten approvals for those bay
21 projections into public space. But if I recall
22 correctly, the building code has been revised to
23 permit in the CR District, projections into public
24 space. But that is something we will need to
25 address, obviously.

1 MR. MAY: But I mean, I know that there are
2 some restrictions having to do with the sidewalk and
3 with the street and things like that, but I assume
4 that it meets those.

5 MS. BATTIES: I don't know actually. We
6 haven't gone through that process.

7 MR. ANDRE: Yes. Based on the width of the
8 right of way there, we have permitted a four-foot
9 projection.

10 MR. MAY: Right.

11 MR. ANDRE: Which we're taking advantage of.
12 And there is also a definition of the percentage of
13 the plan width that you're permitted, and we do
14 comply with both of those.

15 MR. MAY: So, what plan width are you
16 allowed. I mean, how much of that façade can it be?

17 MR. ANDRE: I don't have that dimension in
18 front of me but --

19 MR. MAY: Okay.

20 MR. ANDRE: -- we did do a study early on on
21 what is permitted by right and --

22 MR. MAY: Okay. And are you interpreting
23 that as a single projection, or as multiple --

24 MR. ANDRE: Multiple. The frame, we're
25 considering a sort of string core so horizontal

1 element.

2 MR. MAY: Yeah.

3 MR. ANDRE: And then so along that portion
4 that is bay projection, there are continuous -- aside
5 from the frame element, continuous insets at those
6 balcony areas.

7 MR. MAY: With balconies, yeah. So you have
8 the string course, but you also have the balcony and
9 the rail and I mean, it just, it completely reads as
10 a single façade with some holes in it. It does not
11 read as bay projections.

12 And I'm not, you know, it may be perfectly
13 fine, I just, I don't want it to have to come back
14 because for some reason it doesn't get through that
15 bay projection review.

16 MR. ANDRE: We still have some work to get it
17 approved.

18 MR. MAY: Yeah.

19 MR. ANDRE: But we feel that it meets the
20 definition.

21 MR. MAY: If it does, I find it completely
22 confounding from just a logical point of view. I
23 mean, if you're allowed to have bay projections that
24 are a certain percentage of the façade, the idea that
25 you could sort of knit them together with balconies

1 and string courses and things like that, and make it
2 appear like it's a single, you know, 150-foot long
3 projection. I mean, if 150 long foot projections are
4 allowed it makes perfect sense. Okay. That's fine.
5 And it's not a zoning issue. I mean, this is all a
6 public space issue. It, just, it would defy logic
7 from -- if that's not the --

8 MR. ANDRE: The insets are part of the width
9 that's allowed. I mean, it's a 50 percent, I
10 believe. I'd have to go back and check. So --

11 MR. MAY: And there's no requirement that it
12 be broken out. In other words, it could be 150 feet
13 long, so long as it's 50 percent of the façade or
14 less.

15 MR. ANDRE: It is broken into two pieces.
16 There's a piece of it that's at the tower element.

17 MR. MAY: Right, right, right, yeah. And
18 that's not a problem.

19 MR. ANDRE: And then there's a large piece
20 that's --

21 MR. MAY: It's the big piece.

22 MR. ANDRE: -- the piece you're referring to.
23 Correct.

24 MR. MAY: Yeah.

25 MR. ROBINSON: And we've done that in the

1 past on other projects; other PUD projects where it's
2 a continuous bay that occupies 50 percent of the
3 façade.

4 MR. MAY: Yeah, okay. Okay. Good. That's
5 what I wanted to know was okay, because it again, I
6 wouldn't even have thought about this if I hadn't
7 seen this sort of disconnect between the bay
8 projections as they're shown in the plan because they
9 don't show the balconies, versus the, you know, the
10 way it was reading, which is a single façade.

11 MR. ANDRE: Correct. And so in other words,
12 even if those indents were the -- that host the
13 balconies weren't there, it would still be within --

14 MR. MAY: Yeah. That's fine.

15 MR. ANDRE: -- so many dimensional. Yeah.

16 MR. MAY: Yeah. Okay. Thank you.

17 CHAIRPERSON HOOD: Okay. Any other comments
18 over here? Questions? Ms. Batties, did you give us
19 your closing already?

20 MS. BATTIES: I did not.

21 CHAIRPERSON HOOD: Okay.

22 MS. BATTIES: I have a very brief closing if
23 that's okay.

24 CHAIRPERSON HOOD: Thank you.

25 MS. BATTIES: Well, Chairman Hood, as you

1 noted, this project is -- will actually be
2 significant in contributing to the continued
3 revitalization of the Sherman Avenue. Florida Avenue
4 corridor, in fact the Commissioner approved last
5 June, almost at this date of one year ago, the PUD at
6 the Barry -- the Barry Place Partners PUD just to the
7 north of this site and I was there this morning and
8 they started the demolition of the existing
9 structures on that site. So activity is happening.

10 We know the property to the south is in for
11 permitting, and so we look forward to this project
12 continuing that fabric. There's obviously been
13 strong support from the community stakeholders, not
14 only from the ANC but also from Howard University,
15 which is the adjacent property owner as well. So
16 Pleasant Plains Civic Association, and Shaw Main
17 Streets. And most importantly we have no objections
18 or objectors to the project.

19 We have favorable reports from all of the
20 agencies, including Metropolitan Police Department
21 and the flexibility that's requested, we submit, is
22 commensurate with the resulting benefits and
23 amenities. Yeah, the benefits and amenities
24 resulting from the project.

25 The plan, or the project is not inconsistent

1 with the Comprehensive Plan. It also promotes the
2 objectives of the Duke Small Area Plan, and including
3 providing financial support for the businesses in the
4 area and job training, and also facilitating and
5 promoting greater east/west connection in terms of
6 transportation circulation.

7 We know that we have some work to do in terms
8 of responding to the comments and questions raised
9 this evening, but we respectfully request that we
10 give appropriate time to make -- or address the
11 Commission's concerns, but also that the Commission
12 take action in favor of the application this evening.
13 Okay? Thank you.

14 CHAIRPERSON HOOD: Okay.

15 MS. BATTIES: Oh, I'm sorry. One more thing.
16 We would like -- you're so wonderful to me, Mr.
17 Chairman. We would like to also be able to, prior to
18 final action, submit updated consolidated set of
19 drawings that reflects all of the prior submissions
20 and any changes that were requested here this
21 evening. Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you, Ms.
23 Batties, and all those who presented. I think this
24 case was very well presented to us tonight from my
25 perspective and I believe my colleagues would agree.

1 You had filled and answered some of our questions,
2 which some of them might not have been all that easy
3 but we appreciate everything and the way it was put
4 together.

5 Anyway, Commissioners, do we need to -- I
6 think we have a request. Was your request for a
7 bench decision tonight, or -- a bench decision?
8 Proposed action.

9 MS. BATTIES: Action.

10 CHAIRPERSON HOOD: Okay. I caught you wanted
11 approval because you said final action, so I --

12 MS. COHEN: Not what she said.

13 CHAIRPERSON HOOD: No, she said, when they
14 get to final, so obviously you figure the way things
15 are going with all the support, it would probably
16 move in that direction. So anyway, let's not belabor
17 it.

18 Colleagues, I think this is ripe and it's
19 ready for us to move forward unless there are any
20 objections, and if not I would obtain a motion from
21 someone.

22 MR. MAY: Mr. Chairman, I would just note
23 that the -- I mean, a lot of the issues are
24 relatively straight forward to get responses to. I
25 think the thing that's most troubling is the loading

1 issue, is the thing that gives me the greatest
2 anxiety, so I hope that there will be some progress
3 there so that you can come to some kind of agreement
4 with DDOT, because I understand completely what they
5 want to do and I also understand completely the
6 difficulty of a supermarket to operate that way. So
7 hopefully there's a solution that can be found before
8 we get to final. But otherwise, I'm ready to go.

9 CHAIRPERSON HOOD: Okay. I believe they'll
10 come back. I know Ms. Batties, and her group will
11 come back. Mr. Turnbull.

12 MR. TURNBULL: Yeah, I would agree. I would
13 hope that we don't get to the permitting stage to
14 actually -- I would like to see before final action
15 that we have some more positive in put that we could
16 at least approve. I think we're right, that this is
17 probably the only major stumbling block.

18 CHAIRPERSON HOOD: And we have taken proposed
19 and it takes us a while to get to final because we
20 have not sat --

21 MS. BATTIES: I've seen that.

22 CHAIRPERSON HOOD: You've seen it? Okay. So
23 you already know. Okay. Somebody like to -- we're
24 ready to move forward with proposed. Somebody like
25 to make a motion?

1 MR. TURNBULL: Mr. Chair, I would move that
2 we take proposed action on Zoning Case No. 15-13, 965
3 Florida Avenue Northwest, consolidated PUD, and look
4 for a second.

5 MR. MILLER: Second.

6 CHAIRPERSON HOOD: Okay. It's been moved and
7 properly seconded. Any further discussion?

8 [Vote taken.]

9 CHAIRPERSON HOOD: Ms. Schellin, would you
10 record the vote?

11 MS. SCHELLIN: Yes, sir. Staff records the
12 vote five to zero to zero to approve proposed action
13 in Zoning Commission Case No. 15-34, Commissioner
14 Turnbull moving, Commissioner Miller seconding,
15 Commissioners Hood, May, and Cohen in support. And -
16 -

17 CHAIRPERSON HOOD: Do we need some dates or
18 something?

19 MS. SCHELLIN: Yes. Of course the dates for
20 the sections 2403.15 through 20 are already set per
21 the regulations, so we don't need to go through
22 those. But for everything else, how much time do you
23 think you need? Two weeks?

24 MS. BATTIES: Three weeks. We'll need three
25 weeks --

1 MS. SCHELLIN: Three weeks.

2 MS. BATTIES: -- to deal with the loading
3 management issue.

4 Okay. So that would put it to 3:00 p.m. on
5 June 27th, and the ANC, if they choose to file a
6 response would have until July 5th, since the fourth
7 is a holiday, and we would need the draft, findings,
8 facts and conclusions of law by 3:00 p.m. on July
9 27th, also, in order to proceed with final action to
10 be considered on July 11th.

11 MS. BATTIES: Okay, so that -- 3:00 p.m.,
12 June 27th.

13 MS. SCHELLIN: Yeah, June 27th for proposed
14 findings, facts, conclusions of law, and then final
15 action will be taken up at the July 11th public
16 meeting.

17 CHAIRPERSON HOOD: Ms. Schellin, let me ask
18 you a question. We have another meeting in July,
19 right? Our last meeting?

20 MS. SCHELLIN: We do. July 25th.

21 CHAIRPERSON HOOD: Is that -- let me just --

22 MS. SCHELLIN: Commissioner May is out.

23 CHAIRPERSON HOOD: He's out on the 25th? No,
24 no, I didn't want to move anything to that, I just
25 was wondering how -- because normally that's packed.

1 Is it like that again this year, the last one?

2 MS. SCHELLIN: I'm sure it will be. I won't
3 know until we get closer.

4 CHAIRPERSON HOOD: Okay. All right.
5 Anything else? I'm thinking about the 29th or
6 whatever date.

7 MR. ROGERS: Mr. Chairman. If I may? DDOT
8 would like to request that the record remain open for
9 an opportunity to respond to what the applicant
10 submits.

11 CHAIRPERSON HOOD: Yeah, let's do it.

12 MS. SCHELLIN: How about OP?

13 CHAIRPERSON HOOD: Anybody else? OP?

14 MS. SCHELLIN: OP? No? Okay. So DDOT would
15 have until the July 5th date to file its response,
16 3:00 p.m., just like the ANC.

17 CHAIRPERSON HOOD: Okay. Anything else?
18 All right. We all on the same page?

19 MS. BATTIES: Yes.

20 CHAIRPERSON HOOD: Okay. I want to thank
21 everyone for their participation.

22 MS. BATTIES: Thank you very much.

23 CHAIRPERSON HOOD: And this hearing is
24 adjourned.

25 [Hearing adjourned at 9:10 p.m.]