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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 15-32 [1126 9th Street Northwest, LLC. -
Consolidated PUD and Related Map Amendment at Square
369, Lot 880.]

6:41 p.m. to 8:00 p.m.
Thursday, July 7, 2016

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

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 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

14 DDOT:

15 EVELYN ISRAEL

16

17

18

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

2 CHAIRPERSON HOOD: Okay. This hearing will
3 please come to order. Good evening, ladies and
4 gentlemen. This is a public hearing of the Zoning
5 Commission for the District of Columbia. Today's
6 date is July the 17th, 2016. We're located in the
7 Jerrily R. Kress Memorial Hearing Room.

8 My name is Anthony Hood. Joining me are Vice
9 Chair Cohen, Commissioner Miller, Commissioner May,
10 and Commissioner Turnbull. We're also joined by the
11 Office of Zoning Staff, Ms. Sharon Schellin, as well
12 as the Office of Planning, Mr. Lawson and the
13 District Department of Transportation, Ms. Israel.

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

19 Notice of today's hearing was published in
20 the D.C. Register and copies of that announcement are
21 available to my left on the wall near the door. The
22 hearing will be conducted in accordance with
23 provisions of 11-DCMR-3022 as follows, preliminary
24 matters, applicant's case, report of the Office of
25 Planning, report of other government agencies, report

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

4 Following time constraints will be maintained
5 in this meeting. The applicant has up to 60 minutes,
6 organizations five minutes, individuals three
7 minutes. The Commission intends to adhere to the
8 time limits as strictly as possible in order to hear
9 the case in a reasonable period of time.

10 All persons appearing before the Commission
11 wishing to testify before the Commission in this
12 evening's hearing are asked to register at the
13 witness kiosk, which is to my left right in front of
14 the door that you came in, on the right-hand side.
15 These cards are located -- kiosk to my left, and fill
16 out the two witness cards. These cards are located
17 to my left on the table near the door.

18 Upon coming forward to speak to the
19 commission, please give both cards to the reporter
20 before taking a seat at the table.

21 Okay. The staff will be available throughout
22 the hearing to discuss procedural questions. Please
23 turn off all electronic devices at this time so as
24 not to disrupt these proceedings. Would all
25 individuals wishing to testify please rise to take

1 the oath?

2 Ms. Schellin, would you please administer the
3 oath?

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

6 [Oath administered to the participants.]

7 MS. SCHELLIN: Thank you.

8 CHAIRPERSON HOOD: Okay. Let me just ask, is
9 there anyone who is present who is in opposition to
10 this case?

11 Okay. Mr. Utz, let me just tell you, I mean,
12 I understand you want a full hour. Sometimes the
13 more hour you get, the more questions you're going to
14 get. So I would ask you to be conservative and you
15 don't have to go fast, but just hit the high points,
16 hit the issues, all that, who you work with, and all
17 that. I think we got that. Okay?

18 Ms. Schellin, do we have any preliminary
19 matters?

20 MS. SCHELLIN: Yes, sir. The applicant has
21 proffered three expert witnesses. The resumes are at
22 Exhibit 12D for the two who have not been accepted by
23 the Commission previously. That's Mr. Fillat and Mr.
24 Kempinski. I'm sure I messed up those names, but if
25 you want to take a look at their resumes and make a

1 decision.

2 CHAIRPERSON HOOD: I think one of them is
3 being proffered in architecture if my memory --

4 MS. SCHELLIN: Correct.

5 CHAIRPERSON HOOD: -- serves me correct.

6 MS. SCHELLIN: And civil engineering.

7 CHAIRPERSON HOOD: And the other one was
8 civil engineering. Commissioners, we have their
9 resumes. Let's do the architect first. Any issues?

10 Okay. So we will give him expert status.
11 And the civil engineer? Okay. Both of them get
12 expert status. You guys must be good because nobody
13 had an issue with it.

14 Okay. Mr. Utz, remember what I said earlier.

15 MR. UTZ: Yep.

16 CHAIRPERSON HOOD: Okay.

17 MR. UTZ: Got it. Thank you.

18 CHAIRPERSON HOOD: You may begin.

19 MR. UTZ: We will expedite our presentation.
20 I appreciate the invitation to do that.

21 I am Jeff Utz with Goulston. I just want to
22 introduce the team really quickly going from your
23 right to left. Chris VanArsdale of VNV Developments,
24 here on behalf of the applicant, Kevin Brown of
25 Montage Development, also here on behalf of the

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1 applicant, Peter Stuart here with Oaktree, also here
2 on behalf of the applicant, Peter Fillat of Fillat
3 Architects, and then Chris Kabatt of Wells and
4 Associates. And then behind me are some other folks
5 on the team. Dave Lewis is immediately behind me
6 with Goulston. But we appreciate you coming together
7 with us tonight and we will try to expedite our
8 presentation as much as you would like.

9 Just quickly, I want to give a quick caption
10 up front. It's a consolidated planned unit
11 development zoning map amendment amending
12 approximately -- requesting the amendment for 6,408
13 square feet of the lot from DD/C-2-A to DD/C-2-C, to
14 allow for the property to be redeveloped in a way
15 that would incorporate the interests of the
16 neighbors, specifically the Whitman Condominium but
17 also implement the goals and objectives of the
18 Comprehensive Plan.

19 The property is designated high density
20 residential and high density commercial in the Future
21 Land Use Map and the project is in alignment with
22 those designations, and the map amendment is as well.

23 The project, quickly, is approximately 40,290
24 gross square feet overall, including about 3,723
25 gross square feet of commercial on the ground floor,

1 and 33 units above, two of which will be affordable
2 units. So that equates to 5.3 FAR. The maximum
3 height is 100 feet, which is stepped back from M
4 Street based on the existence of a historic building
5 that fronts on 9th Street.

6 The project has been reviewed and approved
7 for conceptual design by the Historic Preservation
8 Review Board. That happened last September and we've
9 been meeting with the community and the neighbors
10 since. We've also met with the Office of Planning,
11 DDOT, and DOEE regarding the project.

12 One note that I just want to clarify for the
13 record, originally we requested flexibility for the
14 second floor of the building to allow for commercial
15 space to potentially be constructed there, or
16 residential. That flexibility has been removed and
17 now it's going to be only residential.

18 With that, I'd like to quickly turn it over
19 to Peter Stuart to say a couple words about the
20 applicant. Thanks.

21 MR. STUART: Good evening. My name is Peter
22 Stuart from Oaktree Development, and I'm here on
23 behalf of the applicant, 1126 9th Street, NZC Case
24 15-32. We've already introduced two or our partners,
25 but we have a fourth partner, Steve Siegel, Davie

1 Street Partners, they couldn't be here today.

2 Just to say a little bit about us, we've
3 spent much of our collective careers here in the
4 District working as or for small businesses to
5 develop property and create spaces for people to live
6 and work. We're small locally based developers that
7 embody the type of local entrepreneurship that many
8 district policies work to foster.

9 In addition, two of our partners spent time
10 in the public sector working on real estate
11 development here in the District. And here, as a
12 result of our collective experiences, our team has a
13 special understanding of and appreciation for both
14 the PUD and the Zoning Map amendment processes.

15 I'll skip over, you know, an explanation of
16 the building since Jeff gave a little bit of
17 background there and just say that, you know, we're
18 really fortunate to have this opportunity to add to
19 the revitalization of this neighborhood through
20 historic rehabilitation, address economic inclusivity
21 through our commitment to affordable housing, and to
22 drive value to specific neighborhood initiatives
23 through our proposed financial support.

24 Our team has worked really tirelessly with
25 the community to reimagine this property, recognizing

1 our neighbors and the site's importance on such a
2 critical corner in the heart of our city. We believe
3 that the application before you is really the
4 embodiment of that work and we're proud to be
5 presenting it to you today.

6 Further, we believe that the PUD and the
7 Zoning Map amendment processes are the best way, if
8 not the only way, to unlock the potential of this
9 site, address concerns of neighboring residents, and
10 achieve the goals of the Comprehensive Plan and the
11 community.

12 So just to kind of skip over a few parts, in
13 order to gain such a robust community support we
14 received unanimous support twice from the ANC. We
15 received support from the Historic Preservation
16 Review Board. We've got -- we're submitting over 10
17 letters of support and we worked very closely with
18 all of our immediate neighbors and gathered their
19 support.

20 So in order to do that we needed to be very
21 sensitive, not only to our neighbors thinking about
22 minimizing the impacts on light and views, but also
23 try to maximum the Historic Preservation outcome by
24 preserving the entire historic building on 9th
25 Street, including historic skylights in that

1 building.

2 And although we're exempt from inclusionary
3 zoning, housing requirements, given its location in
4 the Downtown Development District, the project
5 proffers transit oriented affordable housing units.
6 Our plan includes not just four percent but 5.7
7 percent of our gross floor area towards those
8 affordable units. And we're also, as you'll hear
9 more about proceeding with LEED Gold and certifying
10 that LEED Gold.

11 So with your help, with the Office of
12 Planning's help, and the many other folks that have
13 provided input on our application, we're excited to
14 present the updated project and information related
15 to it, hear your feedback, answer your questions, and
16 seek your approval. Should we obtain your approval
17 we would ask -- we would seek to start construction
18 in 2017 and deliver the building in 2018.

19 Thank you. And with that I'll turn it over
20 to our architect, Peter Fillat.

21 MR. FILLAT: Okay. Good evening. Thank you
22 for the opportunity to allow us to show you our
23 updated submission. We're very excited about the
24 opportunity to add to Washington, D.C.'s World Class
25 Built Environment.

1 The project we're showing you this evening,
2 which you've, I'm sure, reviewed already, is a very
3 complex and interesting problem for the District.
4 It's a missing tooth in the fabric. It's in addition
5 to a historic building and it's sort of sitting next
6 to a very large residential building in the middle of
7 a multi-scale neighborhood.

8 Our project attempts to mitigate and work
9 with all of these factors. Our project is, as you
10 can see, a multivolume, multiheight structure with a
11 lower portion facing M Street, and then restoration
12 and renovation of a historic or an older commercial
13 facility on 9th Street, and then the addition of a
14 residential mini-tower behind that sort of tucks in
15 and allows and maximizes light and air from the
16 existing high rise residential building adjacent to
17 it.

18 Our site, as it stands currently, is an empty
19 lot on M Street and an existing one and two story
20 historic building on 9th Street. The existing
21 context is really dominated by this new multi-family
22 residential building that's adjacent to us. Across
23 the street from us are a series of beautiful historic
24 buildings with a lot of rich architectural detail and
25 sort of massive architectural elements.

1 This is an image of the existing street scape
2 and the site, again, is this missing tooth. This is
3 the high rise Whitman multifamily building, and then
4 there is this free-standing townhouse that's left
5 alone on the corner that we will attempt to create a
6 harmonious relationship amongst the two, including
7 ourselves of three.

8 These are some images of this townhouse,
9 which is currently in its current state, somewhat
10 forlorn. Additionally, along 9th Street, there is an
11 abandoned one-story renovation that is basically a
12 little commercial building that's only 20 feet deep
13 and about 30 feet wide. Hopefully our project will
14 inspire these two to move their projects along.

15 The rear of the building is a rather wide
16 alley that dead-ends into the rear of our site. This
17 is the alley configuration as you can see it. It's a
18 T-shaped alley and this is -- our site is at this
19 corner right here. You can see it in this image
20 here. Where that van is, is the access to our site
21 from the rear.

22 These are some more images of the rear of the
23 building. This is a nice little commercial building
24 adjacent to the site. And then this is the truck
25 here, parking in the middle of our entry. And then

1 this is what it looks like beyond.

2 Couple more images of the site, and in
3 particular a close-up of what the missing tooth looks
4 like. And then this image here talks about the
5 existing two-story commercial historic building,
6 which in the working with the OP and HPRB it was
7 determined that they really wanted to keep this
8 entire building. So we've managed to do that.

9 In particular, the façade and the interior
10 contains these light monitors with kind of a really
11 nice tin ceiling. And the goal was to create and --
12 or recreate and keep these skylights and build around
13 them. So our new plan, our plan proposes to do that.

14 In particular, the floorplan, this is the
15 existing floorplan and these skylights are shown
16 here. These two squares and these two rectangles are
17 the skylights in question. The balance of the
18 interior is really non-bearing partitions which will
19 be removed. On the second level, this roof, you can
20 see these are the light monitors that you see
21 previously, and then the interior of this space is
22 either former residential unit and also non-load
23 bearing. Our proposal is to demolish all the non-
24 load bearing partitions, including the staircase, but
25 retain these four skylights.

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1 On the second level we -- our proposal
2 eliminates the load bearing -- non-load bearing
3 partitions as well. The important aspect of this
4 project is in creating the addition and still
5 retaining these four skylights, we really had to
6 locate the new core for the building in this location
7 here. And that is because -- I'm sorry, we'll go
8 forward a little bit.

9 This is a restoration drawing of the
10 exterior. We will be putting new windows and
11 repairing and restoring the cornices. They're
12 existing. We won't be replacing them. We'll just be
13 restoring them. Same thing with the balance of the
14 millwork of the storefront. We will -- we'll be
15 repairing the existing doors and replacing the lights
16 and the façade.

17 The proposal is -- fills in the missing lot
18 and creates a T-shaped building. And in order to
19 create better light and air on the existing Whitman
20 building along this edge, and along this edge, we've
21 limited the tower location to the sort of
22 intersection of the two volumes, and with the core
23 located in this area here. And this is important to
24 note when we get into talking about the setback for
25 the roof penthouse. There's logic behind that.

1 The site circulation plan, this plan shows
2 sort of a fairly busy vehicular circulation along 9th
3 Street. Less so on M Street. There is good public
4 pedestrian circulation on both corners. It's a great
5 corner. There are wide sidewalks along M Street.
6 There are sort of tight sidewalks along 9th Street.
7 There is an existing commercial loading zone along
8 9th Street that runs from the corner, back past our
9 site.

10 The orange or the red color, is the proposed
11 commercial use. And the yellow is the public amenity
12 space, lobby space for the residential along with the
13 two entrances. One -- this is actually an exit from
14 the emergency stairs, fire stairs. And this is the
15 entry to the residential here.

16 Service loading for the residential portion
17 will come in and out of the rear of the building and
18 then loading for the balance of it will be of the
19 existing commercial loading zone.

20 The landscaping plan -- I'm going to move
21 fairly quickly here as requested, so you can hit me
22 back with some questions later. Landscaping plan
23 basically, in this area here, this is there is an
24 existing curb cut, and this is previously a sidewalk.
25 So what we're doing here is we're replacing the curb

1 cut and the apron, the entrance to the parking here
2 with brick paving to match the existing. We're
3 proposing a new street tree in this location, short-
4 term bike rack will be in this location here. In
5 front of the building there will be a garden with a
6 wrought iron fence which is exactly what the
7 treatment along the front of the Whitman is.

8 And then the balance of the building, or the
9 majority of the building is -- roof, is a six-inch
10 green roof with a variety of Sedum species and that's
11 with all the roofs. There are a series of roof
12 terraces, and there will be precast concrete roof
13 pavers for that finish.

14 The paved parking area in the rear, this will
15 be a new pavement back here. The existing street
16 tree in front of the building will be retained. The
17 streetscape of the site is currently, as you can see
18 in this lower photograph and entry and exit to
19 parking, a lot of cars actually just sit there a lot
20 of the time. What we will be doing is taking this
21 existing sidewalk and wrought iron fence and
22 continuing it along the front of our property.

23 The lower level of the building will have an
24 entrance to commercial with some large openings. And
25 we'll show that in another slide. But we feel like

1 this -- this is the new street. This will sort of be
2 a beautiful continuation of what's existing.

3 Another image of this slide. So this is the
4 entry to the commercial with some large openings for
5 the other space. This drawing here really shows kind
6 of how the massing of the -- of our building works to
7 step down from the size of the Whitman townhouse
8 portion, to the existing historic townhouses.

9 Our building has a series of bay windows
10 which not only sort of work in concert with the
11 larger bays of the Whitman, but also there is a
12 series of bays across the street on the historic
13 buildings that are detailed with sort of the massive
14 volutes and brackets that we are now interpreting in
15 a more contemporary way.

16 Along 9th Street the building will be again,
17 fully restored, creating a continuous commercial
18 storefront that is typical of other parts of 9th
19 Street. And really, we feel like this will be a
20 commercial space, and then this will be the entry to
21 the residential.

22 This is another image. We took the tree out
23 of this image because it's a big tree and you can't
24 really see anything if we left it in there. The tree
25 will remain. There's a little bit of showing how the

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1 signage will work. There's actually a couple
2 brackets here, a couple loops on the building. There
3 was probably an awning hanging from this building.
4 At this point we're not proposing that that be
5 reinstalled, but we can imagine if this coffee -- if
6 this becomes a coffee shop or something along those
7 lines, they may want to put the awning back up.
8 Right now the tree sort of shades the building really
9 well.

10 This shows the entrance to the -- of the
11 parking in the rear. There are two small car spaces
12 available and then one sort of mid-sized car space
13 that's available. There's also a loading apron for
14 trash and some move-in opportunities.

15 The ground floor plan shows, again, the large
16 retail or office space on the volume that it faces,
17 heads north towards M Street. This is about 3,200
18 square feet. We're showing a separate retail
19 opportunity of 444 square feet along 9th Street.
20 This is the residential entrance. This is, again,
21 the loading zone, the two spaces as previously
22 mentioned, and this one other space.

23 There is a trash room located here. Half of
24 the bike storage will be on the ground level here.
25 And then this drawing here shows where the core is

1 located, in between the four skylights that we've
2 been asked to retain.

3 So we feel like this space, walking in here
4 and having these two skylights, this will be a really
5 great little residential lobby with a little more
6 character than usual. And then in the rear they'll
7 have the same sort of character, but this is sort of
8 your bike commuter space back here, in the back.

9 On the second level of the building the
10 skylights will be artificially lit, and so there is a
11 volume around these spaces that will be used for
12 storage in one location. There will be more bike
13 storage and a bike repair facility on the back here,
14 and this shows the four skylights and the sticking of
15 skylights.

16 In front of this will be actually another
17 unit that's the second floor of the historic
18 building. And then the balance of the floor will be
19 units. The second floor here, this will be an IZ
20 unit. This is one of the IZ locations. There's a
21 series of courts that we propose here, these two
22 courts. They're nine feet by 12 feet. They're
23 really intended to give light to this space here.
24 This space actually on this level and on upper
25 levels, there's only a one-story building here, so

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1 this unit has views straight out to the street.

2 This is the third and the fourth floor plan
3 where the building steps back. This is -- the
4 existing building will have a living roof over top of
5 it. And then this is, on the fourth floor, will be
6 the second IZ unit, and it's an 80 percent AMI unit,
7 795 square feet.

8 This is the fifth floor, which is the last
9 floor of the sort of building that reaches out to M
10 Street and reaches back towards the alley. This is
11 the typical -- or actually, this is the eighth floor
12 which is sort of the roof plan. We'll get into the
13 design of this roof a little bit further, but it
14 shows the majority of the living roof. There are
15 some HVAC units that will be on this level, as well
16 as the two loft spaces that add more space to the
17 units below and create a dialog with the architecture
18 from a vertical fenestration as well as a horizontal.

19 This is a typical tower plan. And as you --
20 and this, we've transferred the stair back. These
21 two stairs actually shift down once they get up
22 above, and there's two units per floor.

23 And then the upper roof will have a small
24 roof terrace and a little area, a little dog walking
25 area on the roof that will be access to all tenants.

1 This plan, this is an image of the building from the
2 southeast. And as you can see, the building sort of
3 -- the tower sort of fits in so that these windows
4 from the rear of the Whitman are unblocked by the
5 high-rise portion as well as the unit, the rooms,
6 from the east are unblocked. So this really kind of
7 determined the location of the tower.

8 The subject of the roof penthouse is
9 illustrated in this diagram here. These three lines
10 show the areas that we're asking for relief.
11 According to current code, if we were to build this
12 per code we would be setting back the roof penthouse
13 is 14 feet tall. And that includes the elevator stop
14 and the override for the elevator. So in order to
15 set back one-to-one, this would be the location of
16 the roof penthouse. That location is in conflict
17 with the historic skylights below, so that's the
18 reason why we've sort of located it in this location
19 here.

20 These are image of elevation drawings showing
21 the detail of the façade that was asked for a little
22 more clarity.

23 This drawing here shows the relationship of
24 the building to the Whitman beyond. And this
25 monitor, or this loft location here is subject to the

1 second area of relief. It is one foot, four feet
2 above the 60-foot limitation, and it's about eight
3 inches into the 40-foot setback. So that little area
4 right there, that one foot, four by 40 feet, is the
5 area of relief that we're asking for. If we were to
6 retain that, that would end up with a seven-foot
7 interior height of that space. That's the reason why
8 we're asking for it.

9 And we view those lofts as an important part
10 of a way for the building to sort of create a
11 stepping from the mass of the Whitman, down into the
12 mass of the three-story building.

13 Again, this is some detail of the façade, the
14 rear façade in details.

15 This is an image of the building, a ground-
16 level image of the building, and showing the
17 materials of the building. The building will be an
18 all masonry building. You guys have the colors back
19 there. It's a light gray brick and it's a dark metal
20 I-beam type approach to the corners and fascia of the
21 bay windows.

22 These panels here will be a wood feel, but
23 they're actually aluminum. The wood is intended to
24 create a contemporary residential approach to the
25 fenestration of the building. And then this is a

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1 view from the corner of 9th and M. This is a view
2 just as it stands alone at the -- along M Street.
3 Again, you can see how the building sort of steps
4 down and creates kind of a really nice dialog of the
5 existing context.

6 These are, again, the materials. You have
7 the material board back there. It's a Glen Gary
8 Brick. It's a dark gray, wire cut finish. The
9 aluminum is a matte black, matte finish black. The
10 long board siding is actually a six-inch. The sample
11 back there is only a four-inch, so it's actually a
12 six-inch board, and it's a cherry finish.

13 I'm sorry. The windows are UPVC window in a
14 dark bronze, which it's not really bronze, it's more
15 black and it matches the black. But they call it
16 dark bronze. And that's my presentation.

17 MR. KABATT: Good evening. I'm Chris Kabatt
18 with Wells and Associates and I'm going to try to be
19 brief here and hit the highlights.

20 We started off our review process here by
21 doing the scoping process with the comprehensive
22 transportation review with DDOT, and we met with Ms.
23 Israel to present the application to her. Because of
24 the size of the project we didn't have to do a
25 vehicular comprehensive transportation review for

1 this and our study focused mainly on the
2 transportation options in the area.

3 As you know, this part of the city is well
4 connected for transportation. There are people who
5 will be able to use the sidewalks, bike lanes. Metro
6 is a block away, and car sharing spaces are available
7 in the area as well. There are dedicated bike lanes
8 on 7th Street and 11th Street, and as well as New
9 York Avenue to the south. As I mentioned, Capitol
10 BikeShare is in the area. There is a station a block
11 away at the 7th Street and M Street intersection.

12 Again, sidewalks are on both sides of the
13 streets, and there are painted cross-walks and ADA
14 ramps at the intersections in the area.

15 There's also bus service, a lot of bus
16 service in the area. On 9th Street there is a stop
17 essentially right in front of our front door, just
18 south of M Street. The 68 and 79 lines operate along
19 9th Street and the 70 and 79 line operates along 7th
20 Street. Also there's a D.C. Circulator and two other
21 Metro lines that serve that area.

22 There is also on-street parking on the block
23 faces surrounding this site. I'll get into that in a
24 little more detail later in the presentation.

25 The site circulation, Peter already went

1 through most of that. But again, the main lobby for
2 the residential is on 9th Street and the office would
3 be on M Street. The alley system would provide
4 access for service vehicles and the trash and
5 recycling for the residential would be wheeled out to
6 the alley. We could also -- we're also able to have
7 space in the rear for a 20-foot van that could be
8 used by the building occupants. And as Peter
9 mentioned there is that commercial loading zone on
10 9th Street.

11 And as I started off here, the vehicle trip
12 generation for the number of units and the small
13 amount of office and retail, it did not trigger the
14 capacity analysis for the CTR, and that signifies an
15 insignificant vehicular impact.

16 You could advance to the next slide, Peter.
17 So, parking is why really I'm here tonight and we're
18 requesting relief for the nine spaces that are
19 required. Eight of those spaces would be required
20 for the residential units and one for the office.

21 As I mentioned, there is on-street parking
22 available in the site vicinity. There is a good mix
23 of Zone 2 permit parking, two-hour, one-hour parking,
24 and metered parking. However, these spaces would
25 really be limited to the visitors of the site and the

1 office and retail users. The applicant does plan on
2 filing, or has filed a restriction for the
3 residential permit parking.

4 So, to mitigate the parking that is required
5 for these number of units, we presented a pretty
6 robust TDM plan that we went through with DDOT and
7 they refined it a bit and we agreed. And either that
8 has been submitted into the record or will be this
9 evening. It was submitted today into the record, so
10 I think with that, and Ms. Israel could confirm when
11 she speaks, but with that they, according to their
12 letter, would have no objection to this project.

13 Again, we talked about the loading but just
14 to reiterate, there is no requirement for loading for
15 a project of this size. However again, there is the
16 loading that could be accessed in the rear via the
17 public alley system, and then also the commercial
18 loading zone.

19 Now, the TDM strategies that are being
20 proposed, I just, I had listed them here on this
21 slide and then they are in your packet, but I would
22 like to highlight a few of them. And the first one,
23 we're going to provide at least one car sharing space
24 on-site, and that would be in that back area of the
25 alley. And if it was like a Car to Go system, we

1 could get two of those Smart Cars in the back and
2 that's where we get the space for the two cars, plus
3 the one sedan.

4 We are providing 19 long-term bike spaces in
5 this site. Excuse me. Sixteen bike parking spaces
6 long-term, on-site. There will be that bike repair
7 area and we're also going to provide bike helmets to
8 residents when they first move in.

9 There's also the SmarTrip cards that will be
10 handed out to residents, whether it's condominium or
11 leased, and we're also offering a two-year bike or
12 CarShare membership for the residents upon their
13 initial move-in.

14 Again, these TDM strategies are the
15 mitigating factor for the parking relief that we're
16 requesting. And this concludes my testimony, if
17 there are any questions.

18 MR. VANARSDALE: Good evening. My name is
19 Chris VanArsdale with VNV Development, and in the
20 interest of time I'll be very brief. I have a few
21 remarks about sustainability for the project.

22 As mentioned, we will be achieving LEED Gold
23 at the certified level, and we have entered the LEED
24 scorecard into the record for the Commission to
25 review if desired. And it includes the many dozens

1 of strategies that will be required to meet LEED
2 Gold. I won't go into those strategies right now,
3 but I should mention that we did meet with DOEE on
4 several occasions, and our initial expectation was to
5 meet LEED Silver. But after reviewing the LEED
6 strategies internally and with DOEE's help, we
7 decided to proffer LEED Gold certified, and as a
8 result DOEE has provided support for the project.
9 Thank you.

10 MR. STUART: Again, I'm Peter Stuart. Just
11 talking about community engagement and the benefits
12 and amenities.

13 Just to briefly go through our engagement, as
14 I mentioned we had more than 20 formal meetings with
15 you know, various community members. We completed
16 the ANC process twice. First to successfully gain
17 their support for concept approval from Historic
18 Preservation Review Board, which we received from
19 Historic Preservation Review Board, and then again
20 related to our case before you today.

21 In both cases we received unanimous support
22 and we were complemented by members of the ANC and
23 the community for our thorough, cooperative, and
24 inclusive approach. Our benefits and amenities for
25 this project include housing. We're activating a

1 vacant lot and a soon to be vacant building one block
2 from Metro, and rejuvenating an aging corner that we
3 believe once complete will really be an asset to the
4 community, and we will deliver 33 residential units
5 in Housing Priority Area A. And housing is a highly
6 favored use within the Downtown Development District.

7 Affordable housing, as I mentioned in opening
8 statement, we've continued to refine this offering
9 based on your feedback and based on feedback from
10 Office of Planning staff. There is no affordable
11 housing requirement in the Downtown Development
12 District, however, we began by offering two workforce
13 housing, or 80 to 120 percent AMI units. We then
14 replaced one of those with a 50 percent AMI unit, and
15 we're now back with a 50 percent and an 80 percent
16 unit to fully comply with the IZ requirements. And
17 in addition to that, as I mentioned, we're providing
18 instead of four percent, we're proposing 5.7 percent
19 of our gross residential square footage for
20 affordable housing.

21 And we've shown in our floorplans exactly
22 where those units are. It's Unit 204 and Unit 406.
23 In terms of historic preservation, you know, I can't
24 emphasize this enough when we first met with Historic
25 Preservation staff they immediately were very

1 interested in preserving the entire building. We've
2 worked closely with them to ensure that that happens,
3 and with particular focus on those skylights that
4 Peter mentioned.

5 And in doing so we've really limited our
6 ability to move the core to other locations of the
7 building. And that, in combination with working with
8 the neighbors so closely to ensure that we're
9 mitigating any impact on them, it's really limited
10 our design abilities with this site.

11 As Chris just mentioned, we are proceeding
12 with LEED Gold and we'll get LEED Gold certified.
13 Part of that is our, you know, VRF system, and so I
14 hope that that shows that we're committed to
15 sustainable thinking and technology. And then you
16 know, finally as you know, illustrated in the support
17 letter from ANC 2F, at the request of the community
18 we're supporting three important community programs,
19 and we have a nice little map up here.

20 So the total proffer is \$12,500 and it's
21 split between three organizations. The first one is
22 Gompers Park, which is right on the corner. Yeah,
23 Jeff's got it right there. And that's to improve
24 their irrigation system.

25 And the next is for 10th Street Park, which

1 is the closest dot to our site, and that's also
2 \$5,000 and that's split. \$2,000 is going for sun
3 shades, and then \$3,000 is going to repair the soft
4 play area that they have.

5 And then finally there's \$2,500 that's going
6 to the Thompson School PTA, and that they'll use to
7 put a new roof garden at the school.

8 So with that I'll turn it back to Jeff.

9 MR. UTZ: Great. Thanks, Peter. I just
10 wanted to take a moment and make sure that we
11 addressed all the open items from the Office of
12 Planning report from June 27th. I won't go through
13 all these because I think we've handled most of them
14 in the presentation today and in what we've submitted
15 into the record, largely today. Although, I'm happy
16 to talk about these in more detail of you'd like.

17 But the first one is the refinements in
18 detailed drawings. Those are encapsulated in many of
19 the pages that are submitted today as part of the
20 presentation.

21 The amenities, as Peter was mentioning, there
22 was a refinement to the additional affordable housing
23 unit. It was essentially moved down to 80 percent
24 from workforce. The other unit was already at 50
25 percent AMI. And then the clarification of the

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1 contribution to the community groups that is kind of
2 at the instruction of ANC 2F.

3 Transportation, we submitted the TDM plan as
4 part of the CTR today, and it was detailed in the
5 slide by Chris.

6 And then the further explanation of the alley
7 and the loading, and we do have some turning diagrams
8 in the presentation in the appendix, if you'd be
9 interested in us walking through that. And then
10 relief clarifications. Today we submitted a memo
11 regarding the kind of more detailed justification for
12 the parking relief and the M Street height relief for
13 the one-foot, four-inch little elements of the sixth
14 floor that Peter Fillat was talking about from
15 Section 1706.15.

16 And then also what we previously detailed in
17 our submission on April 12th was the restructure
18 setback relief and the closed court relief that we're
19 asking for. Those are the four elements or relief
20 that we're requesting.

21 I'm happy to detail any of the kind of
22 variance or special exception standards related to
23 any of those, but in the interest of expediting our
24 presentation I will withhold that unless you would
25 want me to.

1 And with that, that is all of our affirmative
2 presentation. We are happy to answer any questions.

3 CHAIRPERSON HOOD: Took me a few moments to
4 realize that the Peter you was talking about was not
5 the Peter that's up here. So I see you are -- we
6 have something in common. You all have a Peter and
7 we have a Peter. Okay.

8 MR. UTZ: [Speaking off mic.]

9 CHAIRPERSON HOOD: You have two Peters? Oh,
10 we couldn't have two Peters. All right. Thank you
11 for your presentation. I shouldn't have said that.
12 Peter is a great guy.

13 So let's open it up. Any questions or
14 comments, colleagues? Well, since I said Peter we'll
15 -- Commissioner May?

16 MR. MAY: Okay. So little bit about the
17 context. Oh, good, keep that image up there. So,
18 the building that's right at the corner at 9th and M,
19 what's the status of that building? Yeah, I know
20 it's not your --

21 MR. STUART: Sorry. Just to clarify, 900 M
22 right on the corner?

23 MR. MAY: Yeah.

24 MR. STUART: It's a six-unit apartment
25 building with retail in the ground floor, which is,

1 you know, kind of half below. It's almost garden
2 level.

3 MR. MAY: Okay. And I'm going to assume
4 that's an historic property.

5 MR. STUART: Yes.

6 MR. MAY: And was it recently redone or
7 anything like that, or is it something that's going
8 to, you know, face some redevelopment in the future?

9 MR. STUART: So we've had a lot of
10 discussions with the owner of that property.

11 MR. MAY: Uh-huh.

12 MR. STUART: They've owned it for many years
13 and they're interested in owning it for many more
14 years. I believe that they renovated it in the 80's.

15 MR. MAY: Okay. I mean, I'm curious because
16 if they were to propose some modifications, really it
17 could have some effect. I mean, I don't think you
18 have any at-risk windows, but your courts might be
19 effected if they were to pop up a little taller or
20 something like that, right? I mean, that's the
21 extent of its potential to interfere with your
22 building?

23 MR. STUART: That's our interpretation.

24 MR. MAY: Yeah, okay. And what about the
25 building directly to the south?

1 MR. STUART: That's 1128. The lot itself is
2 500 square feet, so we believe that the development
3 opportunities for that site, both from a zoning and a
4 constructability perspective are relatively limited.

5 MR. MAY: But is that a historic property as
6 well, or is it just --

7 MR. STUART: I believe it was historic. I
8 believe that there was an issue where the current
9 owner tore down the front façade without a permit,
10 and has gotten a stop-work order and we've also
11 attempted to work with him, and have met with him on
12 multiple occasions.

13 MR. MAY: Right. But you don't think there's
14 any chance that that's going to grow a second story
15 or a third story? I mean, even for just a small
16 project, because that would also mess with your
17 units, right?

18 MR. STUART: We have discussed it internally
19 and we just are not sure how it would happen; just in
20 terms of fitting a core and being efficient.

21 MR. MAY: Well, but I mean, you don't have to
22 have a core if it's only going to be two or three
23 stories, right?

24 MR. STUART: Sorry. I meant more just a
25 stair, a stairwell.

1 MR. MAY: A stair core, right. But I mean,
2 it is only a single story right now.

3 MR. STUART: Correct. It's a single story
4 and I believe that he's renovating it to be a retail
5 store.

6 MR. MAY: Uh-huh. But theoretically, I mean
7 of the units that face that property, they are right
8 on the property line, right? And so those windows
9 would be at risk.

10 MR. STUART: Some of those windows would be
11 at risk, correct.

12 MR. MAY: Yeah. Okay. And then what about
13 to the -- all the way to the south of your property
14 that faces on 9th. It's a one-story building?

15 MR. STUART: Yes. So there are two
16 restaurants. It's Baby Wale and Corduroy, owned by
17 Tom Power, and we've talked with him and had dinner
18 in his great restaurants.

19 MR. MAY: Well, you know, that's all very
20 interesting but mostly I'm interested in what, you
21 know, what does the future hold for the redevelopment
22 of that section of buildings, because I don't like
23 the view of your building from the south. I mean,
24 you have that one view from across the street on the
25 south side. You're looking at it, and we're looking

1 at, you know, a lot of blank wall and an elevator
2 overrun that's, I think, not very attractive. I
3 mean, you know, it's designed as well as you can
4 design it, yeah. I mean, yeah, as blank walls go
5 it's a pretty nice looking blank wall, but it's still
6 a blank wall. And I'm just, you know -- and it feels
7 kind of out of place and I'm wondering if at some
8 point we're going to see redevelopment of the sites
9 to the south of you that would mask that at some
10 point in the future, because that would be a
11 mitigating factor for having that -- the relief that
12 you're requesting.

13 So do you know anything about whether that's
14 ever going to happen?

15 MR. STUART: I do not.

16 MR. MAY: Well, okay. So I think I heard
17 that you've filed for restriction for RPP. Is that
18 correct? Did I hear that correctly?

19 MR. STUART: We have not. I think Chris said
20 that we would, you know, our intention was to.

21 MR. MAY: Okay.

22 MR. STUART: Or have already, so we have not.

23 MR. MAY: But that's your -- that's something
24 that you're intending to do and that will be part of
25 the record that you are doing that?

1 MR. STUART: Right. That's correct.

2 MR. MAY: Okay. And so is there now a
3 process for establishing that you will take this
4 building off the RPP rolls? Is that what that means?
5 Or does that mean that you're going to be doing lease
6 restrictions? What does it mean?

7 MR. UTZ: Yeah, it does mean lease
8 restrictions and/or deed restrictions. Right now the
9 plan is that these are condominium units, so it would
10 be deed restrictions and in the condominium docs that
11 that would not be --

12 MR. MAY: Got it. Got it. Okay. I would
13 note just for general consumption that I'm pleased to
14 see a 14-foot elevator penthouse. So it is possible
15 to have a building this tall with a 14-foot penthouse
16 and an elevator. We had a lot of push back on that
17 when we were writing the penthouse regulations and
18 I'm pleased to see it. I mean, and it's I think the
19 limitation, you know, we had pushed back on a 15-foot
20 limitation. So I'm pleased to see it at 14 feet.

21 MR. FILLAT: That's as low as you can go.

22 MR. MAY: Yeah, pretty much. Pretty much.

23 MR. FILLAT: If you want to occupy that
24 space.

25 MR. MAY: And that's why we figured 15 was

1 relatively safe. But if you use a, you know, machine
2 -- roomless elevator and the modern technology, the
3 beltless, or the belted elevators and they're high
4 efficiency and all that kind of stuff, it's all -- it
5 seems to work pretty well for buildings this size.

6 What is the actual capacity of the roof deck?
7 How many people can be up there?

8 MR. FILLAT: I'm going to have to get back to
9 you on that.

10 MR. MAY: Okay.

11 MR. FILLAT: I'll do a calculation.

12 MR. MAY: So, and the reason I ask that is
13 that the -- if it's below a certain number, probably
14 50 people or something like that, you probably don't
15 need to have two stairs going all the way up there.
16 Did you consider that possibility?

17 MR. FILLAT: We did. And it's really a lot
18 smaller than you -- the space for one stair is
19 actually a very small area. It's almost, I think
20 it's -- we've looked at it on several projects and
21 it's about a 10 by 12-foot space that you can have up
22 there before you trigger a second stair.

23 MR. MAY: Really?

24 MR. FILLAT: Yeah, it's very tiny.

25 MR. MAY: Very tiny. Okay. I know that I

1 came up with another --

2 MR. FILLAT: It's small. It's too small for
3 a building like this. It's --

4 MR. MAY: Yeah. Okay.

5 MR. FILLAT: -- maybe --

6 MR. MAY: So long as, I mean, if you --

7 MR. FILLAT: Yeah, we studied it.

8 MR. MAY: You did look at that question.
9 Okay. I appreciate seeing the diagrams that show how
10 vehicles can get in and out of that rear yard, but
11 what I didn't see on those diagrams, and maybe it's
12 somewhere else in the drawings, but what is the
13 actual clear space between those two corners?

14 MR. FILLAT: It's eight foot, eight inches.

15 MR. MAY: Wow. Yeah, okay. I did see that
16 somewhere on a drawing.

17 MR. FILLAT: It's on the ground floor plan or
18 something.

19 MR. MAY: Yeah, yeah, yeah. And that still
20 winds up being compliant in some way for parking to
21 have an eight-foot eight access.

22 MR. KABATT: Actually, that's why we need --

23 MR. MAY: You'd need relief from that.

24 MR. KABATT: Relief from all the spaces.

25 MR. MAY: Got it.

1 MR. KABATT: Those spaces back there are
2 nonconforming.

3 MR. MAY: Well, the spaces, yeah, I
4 understand the spaces being nonconforming but the
5 access itself is not conforming as well.

6 MR. KABATT: Right.

7 MR. MAY: So eight. The vehicles that you
8 showed, you had some dimensions on those, right?

9 So I know a Smart Car will fit on. Smart Car
10 will probably fit in sideways.

11 MR. KABATT: It's the 20-foot van that we
12 have getting back there and that van is about six
13 feet, 6.6 feet, inches, so whatever that translates
14 to.

15 MR. MAY: Yeah, six and a half.

16 MR. KABATT: Into --

17 MR. MAY: Roughly six and a half feet.

18 MR. KABATT: Six and a half. So you can get
19 through, it's just, you have to be a good driver.

20 MR. MAY: Yeah, and you don't -- once you're
21 through you don't have to back out, right? You can
22 get turned around.

23 MR. FILLAT: You could not turn around.

24 MR. MAY: Huh?

25 MR. FILLAT: The van couldn't be able to be

1 turned around.

2 MR. MAY: The van could not be turned around,
3 but the sedan and the Smart Cars can turn around.

4 MR. KABATT: That's correct.

5 MR. MAY: Okay. Yeah, because I don't --
6 backing the van out seems scary.

7 Lastly, well, thanks for showing the units;
8 the unit plans in greater detail than we typically
9 see. There are a number of bedrooms that look like
10 they do not have windows, is that correct? And then
11 you have some other rooms that also don't have
12 windows, but they're labeled dens. So is there a
13 distinction between the bedroom and the den, other
14 than the label?

15 MR. FILLAT: I don't know if you want to
16 speak to that. That's a --

17 MR. STUART: Yeah, these are very preliminary
18 floorplans.

19 MR. MAY: Okay.

20 MR. STUART: So I believe that all the
21 bedrooms do have windows that we're showing now,
22 because that was the delineation. But I'm not
23 positive. We've been through probably 10 different
24 iterations of these floorplans.

25 MR. MAY: Okay. Right.

1 MR. STUART: So I don't want to say that
2 definitively that that's the case.

3 MR. MAY: Yeah.

4 MR. STUART: But we'll continue to --

5 MR. MAY: All right.

6 MR. STUART: We're going to continue to
7 refine them.

8 MR. MAY: But your intention is to have
9 primarily bedrooms with windows.

10 MR. STUART: Correct.

11 MR. MAY: And that there might be an
12 occasional den that doesn't have that. And as far as
13 I can tell, if I caught the numbers that you
14 mentioned correctly, the IZ units, all of those have
15 been drawn with windows on the bedrooms.

16 MR. STUART: That's correct, yes.

17 MR. MAY: Okay, because I think we're a
18 stickler on that point.

19 MR. STUART: Yes.

20 MR. MAY: And then I think there was one
21 thing. I don't recall whether you spoke to this or
22 not, but the justification for the parking relief was
23 missing in the application. OP had noted that. Did
24 you talk to that?

25 MR. UTZ: So, I didn't talk to it during the

1 presentation but we submitted just before tonight, a
2 memo that details that justification. We're happy to
3 talk about it now as well.

4 MR. MAY: No, that's okay. I'll go back and
5 look at that but it's really good to have that in
6 your application if you're requesting relief for
7 something like that because then we can read it in
8 advance and then I don't have to ask the question.
9 Or try to read it while I'm listening to other
10 people. So, all right. And Ms. Schellin, has that
11 been uploaded? Do we have access to that?

12 MS. SCHELLIN: Yes, it was just uploaded
13 today.

14 MR. MAY: All right. Very good. Thank you.

15 MS. SCHELLIN: I think it's Exhibit 30.

16 MR. UTZ: Thirty, yeah.

17 MR. MAY: Okay. That's my questions. Thank
18 you.

19 CHAIRPERSON HOOD: Thank you. Commissioner
20 Miller.

21 MR. MILLER: Thank you, Mr. Chairman, and
22 thank you for your presentation here tonight, and for
23 all of the refinements and upgrades and submissions
24 that you've made in response to the Office of
25 Planning comments and the comments that some of my

1 colleagues and I made at setdown. And in particular
2 the -- very much appreciate the affordable housing
3 proffer where none is required in the downtown, in
4 the DD Overlay, and your refinement of that to go to
5 -- to do 50 percent and 80 percent as opposed to the
6 original 80 and 120 percent.

7 And providing residential in the Downtown
8 District Overlay is certainly, is a priority for that
9 area and continuing that revitalization in that whole
10 convention center/Shaw area is -- this will, as you
11 said, fill in a missing tooth that's very -- and it's
12 filling it in with a very attractive building that
13 your architectural team and HPRB obviously helped
14 design. The materials are very attractive, the bay
15 windows. I really do like it all.

16 And I appreciate the upgrade from LEED Silver
17 to LEED Gold certified. That's a very positive thing
18 too, and the Historic Preservation that you're doing
19 to that one building, retaining it and using it in
20 the way that you're using it, and all of the
21 community outreach that you've done. I really don't
22 have any questions. I think it's a very positive
23 project and I'm glad that -- I appreciate all the
24 refinements and improvements and submissions that
25 have been made in response to OP and Zoning

1 Commission comments. So thank you, Mr. Chairman.

2 CHAIRPERSON HOOD: Thank you, Commissioner
3 Turnbull.

4 MR. TURNBULL: Oh, thank you, Mr. Chair. I
5 want to echo the comments of my colleagues and thank
6 you again for the LEED Gold certification and your
7 change in the affordable housing. I think we were
8 quite taken aback when we saw 120 percent AMI. It's
9 kind of a outrageous number to have down. But we
10 appreciate your going back and taking another look at
11 that and changing it.

12 Difficult site. Awkward site. Appreciate
13 what you tried to do with it, and how you go to where
14 you are.

15 On the penthouse for the elevators on the
16 high-rise part, 14 feet. But over the stairs you've
17 got your HVAC units. You've got some rooftop units
18 over there.

19 MR. FILLAT: That's correct.

20 MR. TURNBULL: So, there's looks like about a
21 three and a half foot well, or a four-foot well at
22 the top?

23 MR. FILLAT: It's actually about four and a
24 half feet.

25 MR. TURNBULL: Four and a half feet well.

1 Okay.

2 MR. FILLAT: The units are four feet tall.

3 MR. TURNBULL: Yeah, that's what I thought.

4 Okay.

5 Interesting use of woodgrain aluminum siding
6 which I think on M Street you'll be able to see, but
7 I don't know if you'll be able to see the woodgrain
8 from, on 9th Street looking up. I think you might
9 get lost. But that's just my comment. I just -- but
10 I think it's an interesting use of it. Obviously
11 you'll be able to read it at the low-rise portion
12 when you're up on the roof. I guess you'll be able
13 to read the graining, but I think you might lose it
14 on the upper one.

15 I guess the only thing I would echo is
16 Commissioner May's point, on 9th Street the
17 properties to the south. We talked about where the
18 Baby Wale is and that's -- I don't think anybody's
19 going to buy that. I mean, if somebody is going to
20 buy, they're going to buy those whole four properties
21 right in a row and do something. We've seen projects
22 before, we've seen a hotel recently that actually
23 bought those properties and it was historic and they
24 incorporate it into the hotel.

25 So that would be my only concern and then the

1 -- that you would have at risk window on that south
2 elevation. And there is a couple of units
3 overlooking the courtyard where your parking is, back
4 there. And the IZ unit is the bottom one, I believe.
5 So I mean, that would be my only concern is that, you
6 know, that if someone was aggressive enough to buy
7 those four properties that you could have an issue
8 there.

9 Then I'm not sure because there are -- those
10 three windows on that lower portion are bedroom
11 windows. You would lose the corridor windows to the
12 high-rise part, but you would lose the bedroom
13 windows. That would be my only concern, but that's a
14 judgment on your call then. That would -- again, I'm
15 not an aggressive developer but if I were I'd be --
16 and it's hard to figure out what you would do on that
17 site. But other than that I think you worked out a
18 very intricate solution for an awkward site. So I
19 really don't have many questions beyond that, other
20 than you've got -- you said it was 5.75 percent
21 affordable units, then?

22 MR. STUART: 5.7.

23 MR. TURNBULL: 5.7. Okay.

24 MR. STUART: It's 5.74, but we'll round down.

25 MR. TURNBULL: Okay. All right.

1 MS. COHEN: We want you to round up.

2 MR. STUART: We appreciate that.

3 MR. TURNBULL: Mr. Chairman, I think those
4 are about all my questions.

5 CHAIRPERSON HOOD: Okay. Vice Chair, you
6 want to go next, or you want me to go?

7 MS. COHEN: No, I'll go next. I just want to
8 commend my colleagues for their complete evaluation
9 of the project because I have no comments other than
10 to say I appreciate the LEED Gold certification,
11 ranking and certification.

12 Again, two units are better than none for
13 Inclusionary Zoning.

14 And my only question was, which Commissioner
15 May asked was, I was confused about the windows as
16 well. So maybe you could just give us an update
17 before we, you know, consider this project. Thank
18 you.

19 CHAIRPERSON HOOD: Okay. Only question I
20 have is Gompers Park, is that a public park, or what
21 is Gompers Park? I've been trying to research that
22 and I didn't see.

23 MR. STUART: Gompers Park is on the on the
24 corner of L Street and Massachusetts.

25 CHAIRPERSON HOOD: But I mean, is it a public

1 park? What is it?

2 MR. STUART: I believe it's a National Park
3 Service Park.

4 MR. MAY: I think so. Yeah, I think so.

5 CHAIRPERSON HOOD: You know, the -- and I'm
6 not trying to -- one of the things -- the only issue
7 I have with this whole project is when I saw the --
8 and the ANC doing the irrigation with Gompers Park.
9 To me that's a missed opportunity. The Park Service
10 should be doing that.

11 But anyway, I will leave it. You all
12 negotiated that with the community. But I just think
13 that the Park Service should step up to the plate and
14 do that capital, or whatever improvement needs to be
15 done down there because --

16 MR. MAY: Maybe EPA would give up some of its
17 budget for us to do that. I'm just kidding.

18 CHAIRPERSON HOOD: But I'm just -- I mean,
19 that's just my thought on it because I think the
20 neighborhood could probably redirect some of those
21 funds to something that they don't really have. And
22 the reason I know, because I know that from
23 experience what we had to do when we tried to fix a
24 park and we got Parks and Rec to use some capital
25 improvement money as opposed to the grant money that

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1 we had to fix it. And this took me back to that, so.
2 And I'm sorry Mr. Fanin is not here so I can comment
3 on that but since that's been negotiated, it's been
4 memorialized I won't push it. Other than that I
5 agree with my colleagues. I think this site was very
6 well done, very well preserved, and it was a rough
7 site as I think a number of my colleagues have
8 already mentioned. I too don't have a whole lot of
9 questions. That's why, Mr. Utz, we didn't need a
10 three-hour presentation. Okay.

11 But we appreciate what you did. All right.
12 Any other follow up?

13 Okay. Let's go, again, the ANC, I don't see
14 anyone, Mr. Chairman Fanin or anyone representing the
15 ANC here tonight.

16 Let's go to the Office of Planning and then
17 DDOT. Mr. Lawson and then Ms. Israel.

18 MR. LAWSON: Good evening. Once again Office
19 of Planning remains supportive of this application
20 and recommends that it be approved. The applicant
21 has generally addressed well, I think, the Office of
22 Planning issues that we raised in our report with the
23 submission of the additional drawings and
24 information, the materials, details, and the
25 justification for the parking relief that was

1 requested. We certainly agree with Commission
2 members that we appreciate the clarification and
3 augmentation of the affordable housing proffer, which
4 we feel is definitely a strong amenity right now.

5 We also appreciate the applicant's efforts to
6 work with the community and the ANC, and we certainly
7 have no concerns with the monetary contributions
8 proposed which appear to all be for good legitimate
9 projects in the neighborhood. However, in accordance
10 with the regulations OP would not consider these as
11 currently proposed as meeting the guidelines to be
12 considered as part of the benefits and amenities
13 package because they are monetary contributions.
14 That's, again, not to say that we recommend that
15 applicant not do them, it's just that we feel they
16 don't meet the guidelines for being considered part
17 of the benefits package.

18 And with that I'll close out and be available
19 for questions.

20 CHAIRPERSON HOOD: Okay. Let's go to Ms.
21 Israel, DDOT.

22 MS. ISRAEL: Good evening, Chairman Hood and
23 Commissioners. DDOT rests on the record. I'm
24 available for any questions.

25 CHAIRPERSON HOOD: Okay. Well, thank you

1 both. Any questions of Office of Planning and DDOT?

2 So, Mr. Lawson, that last comment you made
3 about the amenities, what is your solution? Or are
4 you proposing something or you're asking us to relook
5 at that? What are you actually trying to achieve?

6 MR. LAWSON: Not at all. We're actually not
7 even asking the applicant to do anything about this.

8 CHAIRPERSON HOOD: Okay.

9 MR. LAWSON: It's just your guidelines are
10 quite clear, especially with the amendments that
11 you've adopted that this kind of monetary
12 contribution is typically not considered as part of
13 the proffer package. The applicant, I suppose, could
14 modify that as we noted in our report by instead of
15 providing a monetary contribution to these groups,
16 simply agreeing with these groups to undertake that
17 work and complete those works before -- probably
18 before C of Os are issues for the building. Or they
19 could continue with those monetary contributions.

20 As I said, they're all good projects in the
21 neighborhood and they were used to win over the
22 support of the neighborhood, but it wouldn't be
23 considered in the order as contributing toward the
24 benefits package.

25 CHAIRPERSON HOOD: Okay.

1 MR. LAWSON: For the proffer.

2 CHAIRPERSON HOOD: Okay. I would agree, Mr.
3 Lawson. Let's see if we can rework that. Typically,
4 we don't hand money out. I'm not sure how you can
5 rearrange them. I'm not trying to undo what's
6 already been there. I think you can use the same
7 topics or the same things you're offering, but it's
8 just how it's administered. Maybe you want to get
9 somebody to come in and do it, like the Park Service.

10 But it's how it's put in place I think is the
11 issue, as far as giving money because a lot of times,
12 since I've been here we've seen in the early years,
13 neighborhoods have some problems when you hand money
14 out. So you all may want to revisit that, Mr. Utz.
15 You don't have to revisit it tonight, but I think if
16 I'm understanding Mr. Lawson correctly, it's how it's
17 administered.

18 MR. LAWSON: That's correct. It's certain --
19 again, it's not a problem with the proposals. It's
20 how they relate to the wording of the Zoning
21 Regulations for how proffers are evaluated.

22 CHAIRPERSON HOOD: Okay. So we can -- Mr.
23 Utz, we can look at that at a later time.

24 Any questions of Office of Planning or DDOT?
25 Mr. --

1 MR. TURNBULL: Basically what you're saying
2 is that it would be self-executed. They would
3 execute the work themselves, or have a contractor
4 execute it for them.

5 MR. LAWSON: That would be one option for the
6 applicant, yes.

7 MR. TURNBULL: Right.

8 CHAIRPERSON HOOD: You don't have to give us
9 the option now. We don't want you to jump off the
10 fly and do that. If you could do that and let us
11 know how that's going to be administered and done.
12 Okay?

13 Any other questions of either Office of
14 Planning or DDOT? Okay.

15 Let's go to the ANC. Anyone representing the
16 ANC 2F? I don't see Chairman Fanin so -- bless you.
17 So again, I think we kind of talked about what's in
18 the ANC. I think the ANC is fully supportive. ANC
19 2F voted seven, zero, to one to support the proposed
20 planned unit development and zoning map amendment,
21 and that's our Exhibit 20. Okay?

22 Let's go to -- did I leave any other reports
23 out, other than the ones we've already had?

24 MS. SCHELLIN: No.

25 CHAIRPERSON HOOD: Okay. Let's go to any

1 organizations or persons who would like to testify in
2 support?

3 Any organizations or persons who would like
4 to testify in opposition?

5 Okay. Mr. Utz, if you do have any rebuttal,
6 which I doubt, we'll take your closing.

7 MR. UTZ: Thank you. I do not have a
8 rebuttal. I appreciate the discussion of our case
9 and we're very glad to be here after its been about
10 18 months or longer since this has been kind of going
11 on. So this is a bit of a goal that's always been
12 fleeting for us and we're finally here. So it's kind
13 of nice. But we appreciate the comments. I think we
14 understand what you would be looking for in a post-
15 hearing submission.

16 If it behooves the Commission we would love
17 to ask for proposed action tonight. But otherwise,
18 we're available for any other questions and that
19 brings our presentation to a conclusion.

20 CHAIRPERSON HOOD: Okay. I want to thank
21 everyone for their participation and let's see,
22 Commissioners. I think this is pretty straight
23 forward. We can move on with this, especially with
24 our schedule. We don't want to have a whole lot of
25 adding on, and adding on, and adding on. Plus, I

1 think this is right. This is baked and ready to go.

2 Okay. Somebody like to make a motion?

3 MS. COHEN: Mr. Chairman, I move to provide
4 preliminary approval to Zoning Case 15-32,
5 Consolidated PUD with PUD Related Map Amendment for
6 1126 9th Street Northwest, and ask for a second.

7 MR. MILLER: Second.

8 CHAIRPERSON HOOD: It's been moved and
9 properly seconded. Any further discussion?

10 [Vote taken.]

11 CHAIRPERSON HOOD: Ms. Schellin, would you
12 record the vote?

13 MS. SCHELLIN: Yes. Staff records the vote
14 five to zero to zero to approve proposed action in
15 Zoning Commission Case No. 15-32, Commissioner Cohen
16 moving, Commissioner Miller seconding, Commissioners
17 Hood, Turnbull, and May in support, and if we -- do
18 you want to go over the list of items that have been
19 asked for?

20 CHAIRPERSON HOOD: I would suggest that we
21 do.

22 MS. SCHELLIN: Okay. My list is not very
23 long. Commissioner May asked for them to provide the
24 capacity of the roof deck.

25 MR. MAY: That's okay. I don't need that.

1 MS. SCHELLIN: You don't need that. Okay.
2 Commissioner Turnbull asked -- or said that he was
3 worried about the windows on the lower level, the
4 bedroom windows, that maybe they should take a look
5 at those.

6 MR. TURNBULL: No, that's fine. That's their
7 issue.

8 MS. SCHELLIN: Okay. All right.

9 MR. TURNBULL: They've got to make it work.

10 MS. SCHELLIN: Cohen had wanted an update on
11 the windows, so I don't know if she wants that since
12 -- do you still want an update on those windows or
13 not?

14 MS. COHEN: I just think for the record it
15 would be helpful to know that they have acknowledged
16 that there is no bedroom that will not have a window.

17 MS. SCHELLIN: Okay.

18 MS. COHEN: Okay? There may be dens but I
19 just want to make sure the bedrooms are windows.

20 MS. SCHELLIN: Okay. So it was a different
21 issue.

22 Commissioner or Chairman Hood asked that they
23 relook at the way that the proffers and amenities,
24 that how they're going to be handled instead of
25 giving out cash money that -- you know, how they're

1 going to handle those items.

2 CHAIRPERSON HOOD: Yeah, maybe conform to our
3 regulations as Mr. Lawson stated. I'm sure Mr. Utz
4 knows what to do.

5 MS. SCHELLIN: And of course the schedule for
6 those items, we need to -- I don't think that it's
7 going to take very long for those to come in, and
8 actually it's probably something that you'll have to
9 include in the process of the 2403.15 through .20. I
10 think you're going to have to include it in that
11 process. So, I don't think we need to set a date for
12 any of that since those dates are already set per the
13 regulations. The first one being due in seven days.
14 Okay?

15 And so a draft order in two weeks. Okay.
16 And this will go on the first meeting in September
17 for final action.

18 MR. MAY: What's that date?

19 MS. SCHELLIN: I believe it is September
20 12th, but let me double-check.

21 Yes, September 12th.

22 CHAIRPERSON HOOD: Is there a -- or a timing
23 factor that we can't deal with this in July?

24 MS. SCHELLIN: Correct. It has to be
25 referred to NCPC.

1 CHAIRPERSON HOOD: Okay. Oh, that's right.
2 Okay. All right.

3 MS. SCHELLIN: An also, so in two weeks the
4 draft order would be due on the 21st. Actually,
5 let's just make it, since you have to do the -- go
6 through the process, we'll just make it, one, two,
7 three -- make it the 28th. That will give you three
8 weeks since that falls in line with the process you
9 have to go through anyway. Thank you.

10 CHAIRPERSON HOOD: Okay. Anything else,
11 colleagues?

12 MS. SCHELLIN: No, sir.

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

16 [Hearing adjourned at 8:00 p.m.]

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