

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:

IN THE MATTER OF: :

:

Forest City SEFC, LLC - : Case No.

"Parcel I" in the Southeast : 18-20

Federal Center (Square :

744, part of Lot 807) :

:

:

-----:

Thursday,

April 11, 2019

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 18-20 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
BRANDICE ELLIOTT

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ.
ALEXANDRA CAIN, ESQ.
MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from
the Public Hearing held on April 11, 2019.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

T-A-B-L-E O-F C-O-N-T-E-N-T-S

| | <u>PAGES</u> |
|---|--------------|
| Preliminary matters | 7 |
| Applicant's case presented by David Avitabile of Goulston & Storrs | 13 |
| Questions and Comments | 28 |
| Erwin Andres for Gorove/Slade | 54 |
| Report of the Office of Planning | 77 |
| Report of other government agencies | 79 - 80 |
| Report of the ANC | 79 |
| Organizations and persons in support | 80 |
| Organizations and persons in opposition | 80 |
| Organizations and persons who may be undeclared | 80 |
| Rebuttal in closing by the applicant | 80 |

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

(6:33 p.m.)

1
2
3 CHAIRMAN HOOD: Good evening, ladies and
4 gentlemen. This a public hearing of the Zoning Commission
5 of the District of Columbia. Today's date is April 11th,
6 2019. My name is Anthony Hood. Joining me is Vice Chair
7 Miller, Commissioner May, Commissioner Shapiro, and
8 Commissioner Turnbull.

9 We're also by Office of Zoning staff, Ms.
10 Sharon Schellin, Office of Attorney General staff, Mr.
11 Tondro, Ms. Lovick, and Ms. Cain. Ms. Cain, is this your
12 first time sitting on the dais of the Zoning Commission?

13 MS. CAIN: Yes, it is.

14 CHAIRMAN HOOD: We want to welcome you to the
15 Zoning Commission. How long have you been in your new
16 capacity?

17 MS. CAIN: Two weeks.

18 CHAIRMAN HOOD: Okay. Are you, are you, do you
19 enjoy the Zoning Commission?

20 MS. CAIN: I -- from little I know, yes.

21 CHAIRMAN HOOD: All right. We want, we want to
22 -- we've had some experiences.

23 MS. SCHELLIN: The real question is if she
24 likes it better than the BZA.

25 CHAIRMAN HOOD: Well that's, that question

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 comes in about a week. Yes, so anyway, Ms. Cain, we want
2 to welcome you to the Zoning Commission. Also the Office
3 of Planning, we have Ms. Steingasser and Ms. Elliott. Did
4 I get it right? Sounds right. I'm doing good this week.

5 Okay. So this proceeding is being recorded by
6 a court reporter, and is also webcast live. Accordingly,
7 we must ask you to refrain from any disruptive noise or
8 actions in the hearing room including display of any signs
9 or objects.

10 Notice of today's hearing was published in the
11 D.C. Register and copies of that announcement are
12 available to my left on the wall near the door.

13 The hearing will be conducted in accordance
14 with the provisions of 11 DCMR Chapter 4, as follows,
15 preliminary matters applicant's case, report of the Office
16 of Planning, report of other government agencies, report
17 of the ANC, organizations and persons in support,
18 organizations and persons in opposition, organizations and
19 persons who may be undeclared.

20 Then we'll have rebuttal and closing by the
21 applicant. The following time restraints are be
22 maintained in this meeting. Applicant has up to probably
23 about 20 minutes. I see 60 minutes here. I think we can
24 do it in 20, or less.

25 Organizations five minutes, individuals three

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 minutes. I think it'll be more advantageous if we ask our
2 questions and you all can hit the highlights of the things
3 that still deal with some concerns.

4 Commission intends to adhere to the time limits
5 as strictly as possible in order to hear the case in a
6 reasonable period of time. All persons wishing to testify
7 before the Commission at this evening's hearing, I ask to
8 register at the witness kiosk to my left and fill out two
9 witness cards.

10 Please turn off all electronic devices at this
11 time so not to disrupt these proceedings. The Staff will
12 be available throughout the hearing to discuss procedural
13 questions. Would all individuals wishing to testify
14 please rise to take the oath. Ms. Schellin, would you
15 please administer the oath.

16 MS. SCHELLIN: Please raise your right hand.
17 Do you solemnly swear or affirm the testimony you'll give
18 this evening will be the truth, the whole truth and
19 nothing but the truth?

20 (Witnesses sworn.)

21 MS. SCHELLIN: Thank you.

22 CHAIRMAN HOOD: At this time, the Commission
23 will consider any preliminary matters. Does the staff
24 have any preliminary matters?

25 MS. SCHELLIN: Yes, sir. First the expert

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 witnesses, we have Claire Bedat who's being proffered in
2 planning, urban design, and landscape architecture. We
3 did not have her down as previously being accepted.

4 The other three experts architecture, landscape
5 architecture, and traffic engineering, the Commission has
6 accepted them previously. We just ask that they are
7 accepted in this case. So there's only the one expert
8 that has not been accepted before.

9 CHAIRMAN HOOD: Thank you, Ms. Schellin. So we
10 have Ms. Bedat and her resume is in Exhibit 19-C1. So we
11 will consider her. The rest, I believe since have no, I'm
12 sure we have no objections in the three we've already
13 previously done.

14 Not hearing any, and so we will continue to
15 give them that status. So let's move to Ms. Bedat. Any
16 questions or comments on Ms. Bedat? Mr. Turnbull --

17 COMMISSIONER TURNBULL: Thank you, Mr. Chair.
18 Is Bedat, Ms. Bedat doing planning, urban design, or
19 landscape architecture?

20 MR. AVITABILE: A little bit of both. Ms. Bedat
21 is responsible for the design of One and a Half Street.

22 COMMISSIONER TURNBULL: You also, you already
23 have a landscape architect.

24 MR. AVITABILE: He's the -- Mr. Parisi designed
25 the landscape architecture for the building.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER TURNBULL: Ah.

2 MR. AVITABILE: So they've worked together on
3 that.

4 COMMISSIONER TURNBULL: I see. Got to have
5 two.

6 MR. AVITABILE: That's right, two landscape
7 architects.

8 COMMISSIONER TURNBULL: Why don't you have two
9 architects?

10 MR. AVITABILE: Well, in a way we do because
11 Mr. Shirey over here, we'll introduce in a second, does
12 have a background in architecture.

13 COMMISSIONER TURNBULL: Does he overrule Mr.
14 Swiatocha?

15 MR. AVITABILE: We'll let them answer that.

16 COMMISSIONER TURNBULL: If he's part of the
17 owner, I guess, he does. Okay.

18 CHAIRMAN HOOD: Any other questions or
19 comments? Mr. Turnbull, you fine with Ms. Bedat?

20 COMMISSIONER TURNBULL: Ms. Bedat is fine.

21 CHAIRMAN HOOD: Fine. All right. All right,
22 so --

23 COMMISSIONER MAY: Well, if I could ask her
24 one thing. What, what arborvitae grows well in half
25 shade, 50 percent shade?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: You going to answer?

2 CHAIRMAN HOOD: We need to start doing that. I
3 didn't know --

4 COMMISSIONER MAY: It's a touch.

5 CHAIRMAN HOOD: Yes, we need to do that. Sit
6 down and introduce yourself, and let's see if we -- I
7 don't know the right answers, but if you give us the right
8 answers.

9 MS. BEDAT: From my experience, the arborvitae
10 will take shade and prefer the sun.

11 COMMISSIONER MAY: Which one? Which one is
12 that?

13 MS. BEDAT: The arborvitae.

14 COMMISSIONER MAY: How do you spell that?

15 MS. BEDAT: A-R-B-O-V-I-T-A-E.

16 COMMISSIONER MAY: You'll have to write that
17 down for me. Thank you.

18 MS. BEDAT: Okay.

19 COMMISSIONER MAY: I have an issue screening
20 plants. I thought I could get some free advice.

21 CHAIRMAN HOOD: Oh, oh, okay. We know, seize
22 the moment. I don't blame you. Okay so we will put her
23 in our book as an expert. Anything else? All right. So
24 all cool, you all meeting.

25 MS. SCHELLIN: I have one more.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Oh, I'm sorry.

2 MS. SCHELLIN: Mr. Zimmerman from DDOT is not
3 here this evening. He is off having a great time out of
4 the country on vacation, but he did send me an email that
5 said that DDOT had come to an agreement with the applicant
6 on the mitigation conditions/conditions that were raised
7 in their April 1, 2019 report.

8 And they have no outstanding issues. The final
9 agreements are memorialized in the April 10, 2019
10 Gorove/Slade response to DDOT's memo, that the applicant
11 informs me, him will be uploaded to the record on
12 Thursday, April 11, prior to the hearing.

13 And that has been updated in the record, the
14 Gorove/Slade. So I just wanted to let you know although
15 DDOT is not here, they per his email to me, they are
16 satisfied.

17 CHAIRMAN HOOD: Okay. So they have satisfied
18 all the issues, outstanding issues that they --

19 MS. SCHELLIN: They no longer have any.
20 Correct.

21 CHAIRMAN HOOD: So that's why Mr. Andres is not
22 sitting at the table. Because he's, he's can relax this
23 evening. Right now, I guess. Okay. So --

24 COMMISSIONER MAY: I have a question. Mr.
25 Zimmerman could have reviewed that and come to agree while

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 he was on -- he's on leave. Right?

2 MS. SCHELLIN: He did it before he left.

3 COMMISSIONER MAY: Oh, okay. I was just
4 curious about that because if you could do that while he
5 was on leave, why, why couldn't he just at least be
6 watching? Maybe he is watching.

7 MS. SCHELLIN: He might be.

8 CHAIRMAN HOOD: I hope he's not spending this
9 time. But any way, all right. Anything else?

10 MS. SCHELLIN: No, sir.

11 CHAIRMAN HOOD: All right, thank you. Okay Mr.
12 Avitabile, let's go to you.

13 MR. AVITABILE: Thank you, very much. David
14 Avitabile with Goulston & Storrs, land-use counsel for the
15 applicant tonight.

16 And what we're going to do tonight is we're
17 going to skip our planned presentation and just focus
18 specifically on the, the issues that were raised in the
19 agency reports since I think that is really the only
20 outstanding item in the record.

21 Before I began, I wanted to, to say, you know,
22 we are here on behalf of the applicant who is now a
23 Brookfield. Brookfield acquired Forest City a couple of
24 months ago though they still have the same apparatus here
25 in town that is overseeing the build-out of The Yards.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I did want to introduce the two people that are
2 kind of overseeing that on the ground here in D.C. To my
3 left, Toby Millman who's the head of development and David
4 Shirey who's the head of design. And I think Toby wanted
5 to briefly give a couple of remarks and then we'll get
6 going.

7 MR. MILLMAN: Sure. Thank you, David. Again,
8 my name is Toby Millman, I am the Senior Vice President of
9 Development for Brookfield Properties here in D.C. As Mr.
10 Avitabile mentioned, Brookfield acquired Forest City
11 about, well back in December of last year.

12 As you know, Forest City was the master
13 developer for The Yards. Brookfield, like Forest City,
14 has a significant presence here in the Washington area.
15 Our Washington area offices are, are in the District.

16 And the development team, including myself, is
17 based here in D.C. I've been doing development here in
18 the District for 20-plus years. And been before this
19 Commission many, many times.

20 We are as committed as Forest City is, was to
21 the building out The Yards in the highest quality way
22 possible. And we are very excited to discuss Parcel I
23 with you all tonight. Thank you.

24 MR. AVITABILE: Thank you. So with that, I, I
25 did want to go through the issues that were raised in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 OP and DDOT reports. Mr. Swiatocha and I will kind of
2 handle going through those issues.

3 I think we all know where the site is here.
4 It's in, this is the first site we are now bringing to you
5 that is in what we call Yards West, which is the area
6 that's, you know, the development area of the Yards, it's,
7 rather than in the historic area of The Yards.

8 West of the main pumping station between N
9 Street and the river. And so I think with that, we want
10 to go to the next slide and start talking about the
11 materials and design details.

12 MR. SWIATOCHA: Good evening, Brett Swiatocha
13 with Perkins Eastman DC. We're the design architects for
14 Brookfield on this project. So this is one of the primary
15 views of the project.

16 You're standing on One and a Half Street --
17 what will be the future One and a Half Street, looking
18 east toward the building. And you see you one of the big
19 features of the project, which this amenity bridge
20 spanning over the courtyard.

21 Just to quickly point out in this view the
22 various, relatively simple pallet of materials that we're
23 using on the project. The base of the building consists
24 of pre-cast, form pre-cast columns, a pre-cast header, and
25 then glass at the store fronts.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And then the primary bars of the building where
2 the residential components are on the north side and the
3 south side of the building are masonry with a dark metal
4 window frame.

5 And then the bridge is intended to be a little
6 bit of a contrast to that with some crisper glass,
7 structurally glazed curtain wall. And we have some
8 details of that, as requested by the Office of Planning.
9 But this image really is kind of the highlight of the
10 project and the primary view.

11 The material palette, which I believe you, you
12 all have up there to view in person highlights the primary
13 materials again with the pre-casts, the dark pre-casts
14 base. This varied brick, the range of the brick on the
15 facade.

16 The reflective metal panel, metal cladding
17 which will be the underside of the bridge. The intent
18 there is that the other side of the bridge is reflective,
19 has some light, captures reflection of the ground floor
20 and the courtyard experience.

21 And then the, the dark metal, which will be
22 used consistently for the east facades of the building,
23 the west-facing facade into the courtyard. The window
24 glazing system, the mullions, and the, the handrails, the
25 balcony railings.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Just another enlarged view. This shows the
2 north elevation of the building, the active ground floor
3 with the open store fronts. Open, very open glass
4 storefronts for the retail, which will primarily occupy
5 the N Street elevation.

6 The projecting glass bays above. And then the
7 use of two different, the same, the actual same brick, but
8 using the brick in two different ways to provide some
9 texture and some richness to the facade.

10 So you see, we call out a brick type one, which
11 we have referred to as the field brick. And we have some
12 more details on the next page. A brick type two, which
13 in-fills at the spandrels between floors and then
14 vertically in groupings of windows, as you move up the
15 facade.

16 MR. AVITABILE: Is there some difference in
17 the, I mean, is it -- you know, go to the next picture.
18 It's better.

19 MR. SWIATOCHA: Yes. So --

20 MR. AVITABILE: We've got in and out there.
21 Okay.

22 MR. SWIATOCHA: Yes. So the intent is that
23 we're going to use the same actual palette of brick
24 colors. It'll be same finish, but we'll be using two
25 different sizes of bricks. So the brick type one, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 field brick will be a utility scale brick. It'll be a
2 little bit larger.

3 And brick type one, will be a Norman size
4 brick. But the intent is that we're going to alternate
5 courses in and out to provide some shadow and some depth
6 on the facade, and some variation. To group these larger
7 groupings of windows in three sorts --

8 COMMISSIONER TURNBULL: I wonder, I wonder if I
9 could interrupt you. Is it, the utility is 4 by 12?

10 MR. SWIATOCHA: Utility is 4 by 12. Correct.
11 Yes.

12 COMMISSIONER TURNBULL: Okay.

13 MR. SWIATOCHA: So two courses to eight. And
14 then the Norman is the same height as a modular brick, but
15 also 12 inches wide, so three courses to eight.

16 So the detail on the right-hand, the enlarged
17 section here, shows the intent of the depth for the brick.
18 The in and out of that brick coursing for the accent
19 brick, or brick type two.

20 And the depth of the window system, its
21 position relative to the facade. So it was important to
22 us create some shadow and some depth on the facade by
23 recessing those window units into the face of the
24 building. They're approximately six and half inches back
25 from face of brick to the window system.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And then Office of Planning also asked us to
2 provide some information on the facade systems at the
3 bridge. This amenity bridge component that you saw in
4 the, the first image we showed.

5 The intent here, like I said, was to have a
6 cleaner aesthetic to the glass, structurally glazed
7 curtain wall system. And then you see the reflective
8 metal panel cladding which would be on the underside of
9 the bridge and wraps up to the bottom of that curtain wall
10 in the facade.

11 So in contrast to the dark metal frames of the
12 punched windows on the residential bars, the bridge will
13 have a distinct aesthetic.

14 And so here's the view looking west on N Street
15 as if you were headed largely from The Yards towards the
16 ballpark. This would be the primary retail frontage of
17 the building. Activated --

18 This does point out that we -- the building is
19 elevated above the 500-year floodplain, the ground floor
20 of the building. So we did work with Office of Planning
21 to develop a solution that allowed us to gracefully access
22 the retail, which unfortunately the grades ends up above
23 the surrounding sidewalk grades.

24 And you -- in this image you're also seeing the
25 articulation of, of some canopies along that retail

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 frontage. The intent that as Brookfield works with
2 tenants, retail tenants that they would like the
3 flexibility to introduce some simple glass and metal
4 canopies at these retail fronts.

5 MR. AVITABILE: And I think also two other
6 points. One this image also reflects the signage plan
7 that we have in the package, which spells out where
8 signage will be located. The height of the signage and so
9 on. We made sure to include that.

10 The other element that is included in this
11 rendering is, is another item that was raised in the OP
12 report, which is a question about the design of the fence
13 you see on the left, which is the perimeter security fence
14 around the D.C. water sites.

15 This fence design, it, it isn't our design.
16 It's their design. They've, they've gone through some
17 preliminary processes to get their fence approved. And
18 this is the design that they've had and they've shared
19 with us.

20 The fence is located either on their campus or
21 within public space. So they will have to go through, you
22 know, full approvals to get that fence approved.

23 But what we are showing generally conveys I
24 think the style that they are they are contemplating for
25 that fence and gives you a sense of how our building will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 relate to their campus.

2 I'll add just because I think the last time I
3 was here before you on a design review case for The Yards,
4 we've been working very, very closely with D.C. Water in
5 the last couple of years.

6 And this represents us working out with them
7 collaboratively how our sites would mesh together. So
8 we've been -- continue to work very, I think very closely
9 since that time to amicably work through our issues to
10 make sure this all works together.

11 MR. SWIATOCHA: So in response to some gentle
12 suggestion from Office of Planning and DOEE, we have
13 worked with Brookfield to introduce solar panels into the
14 project. So we're planning on building integrated
15 photovoltaic panels.

16 And our intent is to integrate them into the
17 south-facing screen wall of the mechanical penthouse. As
18 you see in, in this plan, pre-planned view in the enlarged
19 roof section, they would comply with the one-to-one
20 setback required.

21 We're asking for flexibility be able to vary
22 the slope of those up to 20 percent off of vertical, still
23 complying with the requirements of a screen wall,
24 mechanical enclosure, penthouse enclosure.

25 And here's a view, just an aerial view of where

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we would be integrating those photovoltaic panels into the
2 architecture of the building.

3 We all had some questions from DOEE about the
4 building's response to the floodplain. And DOEE did rule
5 that the building is -- the site is just outside the 100-
6 year floodplain.

7 But the developer did desire to integrate
8 resiliency measures into our approach to this project. So
9 the -- as I mentioned earlier, the ground floor of the
10 building is elevated above the 500-year floodplain.

11 And the entrances to the garage, which are at
12 the lower point of the overall site on N Place -- the
13 location desired by both the owner and DDOT, and Office of
14 Planning -- is just above the 100-year floodplain.

15 The garage of the building in a severe flood
16 event is actually designed to flood to prevent the
17 building from floating out of the ground effectively
18 because we're using a mat slab foundation, so that the
19 water infiltrating the garage would help keep the --
20 resist buoyancy, the surrounding ground water.

21 Because the garage is at the low point of the
22 site and has the potential to flood in the severe flood
23 event, we relocated the building's primary electrical
24 switchgear above the 500-year floodplain and above the
25 ground floor all together.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So it's located at a mezzanine level, above the
2 first floor, as you see in this diagram, the primary
3 switch gear. And then the emergency switch gear and
4 emergency generator are located at the roof. So they are
5 not at risk of flooding.

6 MR. AVITABILE: Okay. And then I just wanted
7 to briefly conclude by touching on the DDOT report. As
8 Ms. Schellin indicated, we did work with DDOT to come to
9 an agreement on the issues they raised in their report.
10 Their primary request of us was to consider support for
11 Capital Bikeshare.

12 They, they said, you know, they, they
13 originally asked for us to provide, to fund a station in
14 the area. And then, what we talked through with them, if,
15 if you look at the image on the screen, where our site is,
16 there were already two Capital Bikeshare stations within a
17 block of the site.

18 One immediately west, it's kind of on the west
19 side of parcel H, which is right next to parcel I. And
20 then there's another Capital Bikeshare station a block to
21 the east, kind of just north of Tingey Square. And then
22 there are three other stations along N Street, very close
23 to the site.

24 And so between the fact of the existing
25 presence of Capital Bikeshare, and what we also talked

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 with them about is, as we've gone to the planning process
2 for Yards West, we've thought about where Capital
3 Bikeshare would make the most sense.

4 And where we've been anticipating it would go
5 would be either on the north, the north side of Yards
6 West, kind of right next to the Plan Third Metrorail
7 entrance, at the top of One and a Half street. Right, you
8 know, and kind of south where the Metro symbol is here.

9 And then the other location would be at the
10 very south end of the site, you know, close to the water,
11 the furthest point from Metro where people would go. But
12 it makes a lot more sense for us to integrate those
13 potential Capital Bikeshare stations and work out with
14 DDOT exactly where they go and how it's going to be funded
15 when we're actually developing those parcels. So that's
16 what we talked with DDOT about, and they agreed that made
17 sense from a planning and from a need perspective.

18 What we did agree to do is fund Capital
19 Bikeshare memberships for units in the building. We'll
20 provide them for units for the first three years up to a
21 maximum of \$40,000.

22 So that will I think accomplish what DDOT
23 wanted, which is to help encourage residents in the
24 building to, to use Bikeshare as, as many, as well as
25 other modes of transportation as an alternative to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 driving.

2 So again, we are in agreement on this as
3 appropriate in this case. And we also reached an
4 agreement with DDOT on their other recommendations. I
5 won't go through them in detail. They're all in the report
6 that Gorove/Slade prepared. And as Ms. Schellin
7 mentioned, we submitted into the record. So with that, I
8 think we've addressed all of the issues that were raised
9 by the Office of Planning and by DDOT.

10 And also in our materials address the items
11 raised by DOEE. So with that, I think we'll conclude.
12 And we're happy to answer questions.

13 The only thing, I'll note for the record
14 because I don't think they're here tonight, we do have the
15 ANC support on this. I'm pretty sure that letter is in
16 the record, as well. I just wanted to make sure that we
17 noted that we spent not one, but a couple of visits with
18 ANC. Thank you.

19 CHAIRMAN HOOD: Okay. Thank you all for your
20 presentation. I'm just curious, is there anyone here
21 who's in opposition to this case, who's tonight. Okay.
22 All right. We appreciate the presentation. Let's see if
23 we have any questions, comments. Commissioner May.

24 COMMISSIONER MAY: Okay. So while I appreciate
25 the fact that you don't want to spend a whole lot of time

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 giving your presentation, but we didn't, I didn't see the
2 report, the response to the DDOT until, I don't know,
3 6:15. Right?

4 It was entered into the record pretty late. So
5 it would be helpful to walk through that. And I would
6 also like to hear from the architect what their response
7 was to the CFA letter.

8 Because I don't want to make you have to go
9 through two intensive design reviews when you've already
10 gone through theirs. And I'm not going to second guess
11 much of their judgment, but I mean, some of it.

12 MR. AVITABILE: Sure.

13 COMMISSIONER MAY: But usually on my own
14 projects, but none on theirs. But no, but, I, I, I mean,
15 I would like to hear what you did to respond because it
16 looks like, I see some of it. But it's not all apparent
17 to me.

18 MR. AVITABILE: Sure. So why don't -- Brett,
19 do you want to first talk to CFA comments? And then Erwin
20 will come up and speak to the DDOT report.

21 MR. SWIATOCHA: Sure. Let me find a relevant
22 image to talk to. So I think if we start with the first
23 image, in our presentation to CFA, there were a number of
24 comments that were brought up.

25 I think the most significant one was about the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 articulation of the underside of the bridge. It was at
2 the time, quite a bit more complicated than you're seeing
3 expressed here. And so in response to those comments,
4 we've work to, to simplify that articulation quite a bit.

5 And I think it, it unifies the entire
6 expression of the bridge. So we moved from an overall
7 large panel system to, to more of a plank system that then
8 wraps up in ties into the expression of the curtain wall.
9 Another significant comment from CFA --

10 COMMISSIONER MAY: Let's, let's do one at a
11 time.

12 MR. SWIATOCHA: Sure, sorry.

13 COMMISSIONER MAY: So on that one, I
14 mean, I read the comment, I'm reading the comment. It, it
15 doesn't say exactly what you reported. And maybe I missed
16 it. But, I mean --

17 Their comment was it, you know, the courtyard
18 of the building, sorry. The two-level bridge appears
19 alien when compared with the more traditional masonry
20 wings, and talked about the detailing of it.

21 I mean, I'm not sure that changing the
22 underside of it is really addresses the current concerns
23 that I was reading there. But maybe you've had subsequent
24 discussions or something with staff that we're not aware
25 of.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. SWIATOCHA: So yes, I mean, I'm responding
2 I guess both to the letter and the concerns about the
3 detailing of the bridge, and to the, the verbal discussion
4 that we had at the CFA hearing where they did talk at
5 length about the underside of the bridge and the
6 articulation of those details.

7 COMMISSIONER MAY: Okay.

8 MR. SWIATOCHA: And that, the response to that
9 was largely to simplify the curtain wall, as well as the
10 underside of the bridge. So the -- a more united
11 expression.

12 The other significant discussion about the
13 articulation the bridge had to do with the overall
14 composition of the west facade of the building.

15 And with the complicated underside of the
16 bridge, the ground floor expression, the brick on other
17 side, they felt that there was a lot going on. So
18 simplifying the approach to that underside of the bridge
19 and integrated with the, the curtain wall expression of
20 the building.

21 And then tying the module of the ground floor
22 expression of the building, that simplified very clean
23 glass expression to the same language of the bridge was to
24 address that comment and tie together the components that
25 are linking together the primary residential bar on,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 masonry bars on the north and south sides bridge.

2 COMMISSIONER MAY: All right. So, I mean, I
3 understand all that stuff. But none of that is in the
4 letter. And what we're, you know, sort of reacting to is
5 what was in the letter. Or almost none of it was in the
6 letter.

7 So all right, is the image that we have in the
8 October 12th submission, that -- is this what CFA
9 reviewed?

10 MR. SWIATOCHA: I believe so, yes.

11 COMMISSIONER MAY: Okay. All right. I can see
12 some of it, in terms of how the storefront was changed.

13 CHAIRMAN HOOD: What page are you on, please?

14 COMMISSIONER MAY: Page 30 of the, it's not on
15 the PowerPoint. It's in the paper we received in advance.

16 CHAIRMAN HOOD: Oh.

17 COMMISSIONER MAY: And I see that the, the
18 difference in the underside went with some -- what's the
19 plank system? How, what, what are the size of the planks?

20 MR. SWIATOCHA: So the module of the plank is
21 approximately four and half inches wide by approximately
22 five feet long. So it follows the module of the curtain
23 wall that it ties into.

24 COMMISSIONER MAY: And it's in the -- what's
25 the -- the orientation is the long way. The planks --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. SWIATOCHA: Yes, the planks, the planks are
2 running the length of the bridge.

3 COMMISSIONER MAY: All right. And I see, you
4 went to a more shear glass surface with the supports
5 behind it.

6 MR. SWIATOCHA: Correct.

7 COMMISSIONER MAY: Yes. Okay. Sorry, so I was
8 focused on the bridge. And what have you done with the
9 egress stair in response to their comments?

10 Projecting egress stair, which will also be
11 used for exercise by residents, should be developed
12 further in form and material to emphasize its role as an
13 amenity for the building. So did that change?

14 MR. SWIATOCHA: No. The amenity, that stair
15 structure did not change. We felt that the relationship
16 to the bridge above, and to the tower, and to the podium
17 below was the expression that we felt was right for whole
18 element.

19 COMMISSIONER MAY: So I mean, I've forgotten.
20 Is that how that this works? You, you just take it to
21 CFA, and they give you comments, and you do whatever you
22 want?

23 MR. AVITABILE: It's a little more complicated
24 by that we work with the General Services Administration.
25 And they I think work with us to identify. And together

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we all kind of decide which comments -- how we're going to
2 thoughtfully respond to the comments.

3 COMMISSIONER MAY: So Mina Wright is okay with
4 what you decided to do in the end?

5 MR. AVITABILE: I believe so.

6 COMMISSIONER MAY: That's, that's a really long
7 pause.

8 MR. AVITABILE: Well, I haven't been directly
9 involved in that process.

10 COMMISSIONER MAY: Okay.

11 MR. AVITABILE: Brett Banks is here and could
12 speak to that directly. Not to pull Brett up here, but --

13 COMMISSIONER MAY: Oh, yes. No, Brett, come on
14 up. You've got to be at the microphone to talk. Nice to
15 see you, Brett. I haven't seen you in while.

16 MR. BANKS: How have you been? So you, GSA --

17 COMMISSIONER MAY: Mic on.

18 MR. BANKS: We have issued approval. We have a
19 35 percent approval per our development agreement, and we
20 have issued that letter to them. Yes.

21 COMMISSIONER MAY: And that's, that's it.
22 That's where your approval stands?

23 MR. BANKS: That's where we stand. Yes.

24 COMMISSIONER MAY: Yes. Okay.

25 MR. BANKS: And just, just for point of record

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 on the CFA and the NCPC, we do have MOUs with them related
2 to the review.

3 COMMISSIONER MAY: Yes.

4 MR. BANKS: We do a staff level review and then
5 we bring it to full Commission. But they do, unlike our
6 federal projects, they have only an advisory review, where
7 on the federal projects, they have that full, regulatory
8 review where they can approve.

9 COMMISSIONER MAY: NCPC does, but CFA doesn't.

10 MR. BANKS: Neither one of them.

11 COMMISSIONER MAY: Oh, yes. Yes, right.

12 MR. BANKS: Neither one of them, both of them
13 have advisory on this particular project.

14 COMMISSIONER MAY: Right. Yes. And I'm aware
15 of the, I mean, the MOUs are cited in both letters and the
16 reports and also, so I -- and I remember that about it.

17 CHAIRMAN HOOD: Let me just say this. Were you
18 sworn in?

19 MR. BANKS: I don't believe I was.

20 CHAIRMAN HOOD: So you can just tell me
21 anything. No. Let's swear him in. Thank you all for the
22 personal reminder.

23 MS. SCHELLIN: Please raise your right hand.

24 Do you solemnly swear or affirm the testimony you will
25 give this evening will be the truth, the whole truth, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 nothing but the truth?

2 (Witness sworn.)

3 MS. SCHELLIN: Thank you.

4 COMMISSIONER MAY: So, you know, if we were to
5 make a fuss about the design at this point, it would
6 completely mess you up. Right? You need approval from us
7 right?

8 CHAIRMAN HOOD: I'm sorry to keep interrupting,
9 but did you identify yourself? Anything else he didn't
10 do? Can you identify yourself, please?

11 MR. BANKS: Yes. I'm Brett Banks with the
12 United States General Services Administration.

13 CHAIRMAN HOOD: Oh, GSA, okay. I didn't --
14 glad you identified yourself, now. Thank you. I have
15 some questions. Okay. Go ahead, now.

16 MR. BANKS: They run your building. Right?

17 CHAIRMAN HOOD: Oh, yes, that changes the
18 case.

19 COMMISSIONER MAY: So anyway, yes. I'm not
20 trying to make it any more painful than it needs to be.
21 And again, normally in this sort of a case, I would
22 generally defer to the amount of design that's already
23 happened.

24 But I'm just trying to confirm that everything
25 has been addressed in accordance with the MOUs and the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 reviews that have to be done.

2 MR. AVITABILE: That is absolutely true. And
3 actually there was, there is at least one other element
4 that did revise directly in response to the CFA letter,
5 which --

6 COMMISSIONER MAY: Yes.

7 MR. AVITABILE: -- I think Brett can speak to,
8 which is the --

9 COMMISSIONER MAY: The base --

10 MR. AVITABILE: -- balcony enclosure.

11 COMMISSIONER MAY: Oh, the balcony.

12 MR. AVITABILE: -- the base too, but the
13 balcony enclosures.

14 COMMISSIONER MAY: Right.

15 MR. SWIATOCHA: So I may be able to pull up
16 another exhibit from the package to illustrate it better
17 if you feel it's necessary.

18 But one of the comments that also came out of
19 CFA had to do with the articulation of the metal panel
20 laser cut, patterned balcony railings that we had been
21 using on the project, and showing -- showed to CFA at the
22 time.

23 That laser cut metal panel was used at all of
24 the balcony railings as well as the terraces that are on
25 top of the glass bays that you see here on the N Street

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 entry elevation that also occur on the end place
2 elevation. I believe the comment relative to those at the
3 time at our meeting with staff was that those appeared as
4 dirty fingernails on top of the glass bays.

5 So continuing to work through the articulation
6 of the metal panel. Simplifying the palette, in regards
7 to that laser cut metal panel, which they felt has the
8 potential to become dated over time. We went to a much
9 simpler expression of all of the balcony rails to a
10 vertical picket railing.

11 And then in lieu of a metal panel or picket
12 railing at the top of these -- the projecting glass bays
13 on the building, we have moved to a glass railing
14 expression. So it reads as an extension of this bay that
15 is projecting out.

16 COMMISSIONER MAY: Do you have something that
17 shows that detail better?

18 MR. SWIATOCHA: Yes. If you give me a second,
19 I can find another exhibit.

20 COMMISSIONER MAY: So are you saying that the
21 CFA had a comment about dirty fingernails? Because that's
22 much more Mina Wright than it is CFA.

23 MR. SWIATOCHA: Yes.

24 COMMISSIONER MAY: Really?

25 MR. SWIATOCHA: And dirty diapers, but we can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 leave that one --

2 COMMISSIONER MAY: From the Commission
3 themselves?

4 MR. SWIATOCHA: From staff.

5 COMMISSIONER MAY: Oh well, okay. Now, I
6 understand.

7 MR. AVITABILE: I think the sum total, this is
8 stating there was a meaningful feedback from the
9 Commission of Fine Arts, which you can see in their letter
10 to us. And we did incorporate a number of design changes
11 that responded to it.

12 COMMISSIONER MAY: Yes. Okay. All right, so
13 I'm satisfied on that point. I'm still, I don't
14 understand the exercise stairway thing because it's, you
15 know, it shows up like it's a tower element. But it --

16 You're not really using it that way. And how
17 it fits into this overall composition seems weird. So
18 maybe you want to talk to the rationale for that, and
19 explain to me why it needs to have, why it needs to be as
20 tall as it. Because clearly it doesn't have to be that
21 tall from a practical point of view.

22 MR. SWIATOCHA: Sure. Would you like me to
23 speak to that --

24 COMMISSIONER MAY: Well you've got to answer
25 his question first. So you want to find a better view,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 right?

2 MR. SWIATOCHA: Go to that one? Okay. So one
3 of the driving factors of this project was an approach to
4 overall health and wellness, and encouraging the use of
5 this phenomenal fitness center that's being provided in
6 that bridge spanning over the courtyard.

7 But also encouraging individuals to use the
8 stairs as part of their daily vertical circulation from
9 entrance into the building to their unit, to the fitness
10 center, to the pool deck that is on top of this bridge and
11 to the amenity spaces.

12 So we felt it was important to connect to all of
13 the levels of the building with this stair and the idea is
14 that by bringing the stair, which would otherwise -- it's
15 doing double duty as an access stair and an egress stair.

16 So while it would typically be buried kind of into
17 the darker depths of the building, and enclosed with concrete
18 or block, and not necessarily an inviting experience, the
19 intent was to pull that glass -- the volume of the stair
20 forward.

21 Project it beyond the surrounding walls of the
22 building so that you are getting views and daylight as you're
23 moving vertically through this field. And get a sense of
24 where you are vertically as you move up to access the bridge.

25 The stair does open up into the bridge. Kind of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the feeling of almost climbing a tree house up to this
2 destination. But really it was, it's driven by the idea of
3 wanting to make the stairs an inviting design component of
4 the project. The --

5 In addition to the exterior glaze, the intent is
6 to have upgraded finishes inside to enhance that inviting
7 experience and encourage people to use a stair in lieu of the
8 elevator when they can.

9 COMMISSIONER MAY: Okay. So why is it as tall as
10 it?

11 MR. SWIATOCHA: It is, it's, the stair, like I
12 said, is, is being used as an egress stairs. So we're
13 bringing it all the way up to the penthouse level.

14 COMMISSIONER MAY: To the, to mechanical level
15 of the penthouse?

16 MR. SWIATOCHA: Yes. Yes. So the stair, the
17 volume of the, the actual stair access is the penthouse units
18 located at the occupiable penthouse level. The volume of the
19 stair continues up to the top of the mechanical penthouse
20 enclosure.

21 The intent here was that by extending that glass
22 enclosure higher, to a taller volume you're bringing, your
23 capturing more light and daylight into that stair at the top
24 of the space.

25 It is also a glass stair enclosure so and it is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 facing south. There will be stack effect of heat inside that
2 space, heat gain. The intent was to elevate that above the
3 occupied zone of the stairs.

4 So by giving some breathing room above the
5 uppermost level of the stair where people will be
6 theoretically be exercising, using this as part of their
7 exercise circuit, you're relieving that hotter air at the top
8 of the stairs. As opposed to where you'll have individuals
9 occupying the space.

10 COMMISSIONER MAY: Okay. I'm wondering if you,
11 if -- and maybe this is question for Mr. Avitabile. But I'm
12 wondering why this is not a towers, domes, and spires, or
13 something like that, instead.

14 Because it's, you know, there's really no, you
15 know, difficulty in being able to bury the stair into the
16 building. Right? It's, this is a, this has to do with how
17 you want to treat the stair.

18 And it, to me, it fits more of the definition of
19 a -- the kind of relief that you're allowed, or the things
20 you're allowed to do in the tower.

21 MR. AVITABILE: So generally speaking, the Zoning
22 Administrator has adopted the conservative position that you
23 can't have a vertical embellishment like a tower that has a
24 functional purpose.

25 So you couldn't, for example, have a tower at, out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of the perimeter of a building that underneath it had
2 habitable penthouse space because you're effectively using
3 that architectural embellishment to circumvent the intent of
4 the regs.

5 COMMISSIONER MAY: Right.

6 MR. AVITABILE: And here, I suppose one could
7 split hairs and say that the functional portion of the tower
8 stops at a point where no setback would -- it would meet the
9 setback requirements but then the rest of it goes up above
10 that point.

11 But that it seems to me to be a little too clever.
12 I also think -- I do want to note that we also, we also
13 struggled a little bit with whether the relief was even
14 required. And I think NCPC actually asked the same question.

15 Because if you look at it based on the overall
16 footprint of the building, it is set back. But it's because
17 that, that bridge element doesn't come up to the same level
18 as the roof of the building as a whole that --

19 I mean, I took the position of technically it's
20 facing an open court, and therefore, you know, arguably it
21 would be subject to the setback requirements. We thought
22 since we were coming before you anyway there's no particular
23 reason to be too creative or clever on finding a way around
24 it.

25 And I think the other thing I'll add is, although

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the penthouse flexibility, or the penthouse special exception
2 regulation references difficulty, is not the same as a
3 variance.

4 I think it's more of a -- and I think it's been
5 interpreted this way before. It's, it's, it's a more subdued
6 version of difficulty where it's -- it's more about
7 operational difficulty. It's not about -- there's no way you
8 could build a building.

9 Of course, we were could put a stair within the
10 building. But the point here is, because we're deliberately
11 trying to daylight it, it has to be at on the exterior of the
12 building, and it has to be like mostly glassy to bring the
13 daylight into it.

14 And so then, and I was glad that Mr. Swiatocha got
15 to that final point, which is, it has to also functionally
16 work. And it needed to be that tall in order to get the warm
17 air to rise.

18 I asked that same question. Why does it need to
19 be that tall? And that was ultimately at least what made me
20 feel like we had now met the, the requirement of the
21 regulation, or the standard I should say, in the difficulty.

22 COMMISSIONER MAY: Yes. Okay. I mean, I think
23 it's all adding up appropriately. I mean, the thing, you
24 know, I'm not, I often don't necessarily agree with the
25 Zoning Administrator and interpretation of some of things.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Because they, you know, they have allowed certain
2 treatments of that top level that I don't think qualify as
3 towers, domes and spires. They've, you know, they've lumped
4 in architectural embellishments with it.

5 And then all of a sudden, you got a building that
6 looks a lot taller than is allowed. I mean, this
7 circumstance, it seems to me like the fact that it's got
8 functionality shouldn't diminish it as a tower.

9 It is a little bit strange because it's, you know,
10 this, this view kind of captures it because you've got --
11 it's not a very prominent feature, if it's a tower feature
12 at all.

13 So I feel like, you know, it might have been good
14 to make it into something and make it more visible. But I'm
15 not trying to redesign the building at this point. So --

16 MR. AVITABILE: Well and we're, we're not
17 amateurs. We know that penthouses are sensitive and relief
18 from penthouses --

19 COMMISSIONER MAY: Yes.

20 MR. AVITABILE: -- is particularly sensitive when
21 we're coming here.

22 COMMISSIONER MAY: Right.

23 MR. AVITABILE: So I think there was an effort to
24 balance out the desire to make this a really unique feature
25 of the building, but not, not rub it in your face, for lack

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of a better term.

2 COMMISSIONER MAY: Well, well thank you. So I do
3 have one question, which is that -- kind of what was my
4 question? Oh, yes. So there, the enclosure on the
5 mechanical level of the penthouse is very large, I mean,
6 very, very large.

7 And I'm wondering if, if all of that enclosure is
8 truly necessary? Or whether it's, you know, you, you've just
9 kind of doing the max that you can do, given the setbacks?

10 MR. SWIATOCHA: Let me jump to the roof plans, so
11 we can speak to that.

12 MR. AVITABILE: Yes.

13 MR. SWIATOCHA: So we, I think actually in the,
14 the submission prior to this, we were showing a consolidated
15 penthouse, particular on the southern bar where we had for
16 the southern wing of the building where we had reduced it to
17 where we thought was necessary to capture the mechanical
18 space.

19 Subsequent to that design, with the integration
20 of solar panels and wanting to be able to capture the full
21 length of that southern mechanical enclosure for a unified
22 expression of those solar panels.

23 And then in revised approach to the programming
24 at the ground floor of the building where retail has been
25 introduced at the southwest corner, which now requires

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 further mechanical equipment to be coming up through the
2 space, through the height of the building into that enclosure
3 at the very western edge.

4 We had to capture that remaining space of the, of
5 that mechanical enclosure. There are certainly areas where
6 the distribution of mechanical equipment is -- we're not
7 filling that volume, that space of the mechanical plan.

8 But we felt it was more important to maintain a
9 continuous unified expression of that mechanical closure, as
10 opposed to splitting it into multiple volumes.

11 COMMISSIONER MAY: Okay. So I certainly wouldn't
12 want to have a mish mash of volumes on the top. But, for
13 example, if you could get away with an enclosure on the south
14 bar, enclosure on the north bar, and not have the connector
15 between it, that would be better.

16 I mean, less stuff on, on the very top is better.
17 The other thing that, that could get you, is more solar
18 coverage. And I think that there is -- I mean, you still
19 theoretically have that opportunity within that enclosure.
20 Right?

21 You can always put solar panels, you know,
22 somewhere in that eight feet or so that you have inside the,
23 the barrier. And I would certainly encourage that, if you're
24 not confident at this point that you could get rid of a big
25 chunk of that enclosure.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 It just seems like it's an extremely large
2 penthouse enclosure. I know it's a big building, but we're
3 seeing these things get smaller and smaller because of
4 improvements in mechanical systems and so on.

5 And of course, we want to try to encourage you to
6 put as much solar on top as you can. So whatever can do
7 that.

8 All right, one last question, which is that I
9 appreciate the detailed information about the signage plan.
10 And perhaps, Mr. Turnbull will have more specific comments.

11 But I just had one, which is, you have a long list
12 of things that are not allowed. And the thing that did not
13 see on either the allowed or not allowed was full motion,
14 video signage. And maybe that's in there somewhere and I
15 missed it?

16 MR. AVITABILE: It's not allowed in this area.

17 COMMISSIONER MAY: It's not allowed at all?

18 MR. AVITABILE: The regulations currently only
19 allow that sort of signage --

20 COMMISSIONER MAY: Even, even a small one? Like
21 even the one that's like in front of your shop? You can't
22 do it in here?

23 MR. AVITABILE: No, no. And I don't think there's
24 one in front of our shop.

25 COMMISSIONER MAY: No, no, no. I don't know mean

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that.

2 MR. AVITABILE: If we were to do --

3 COMMISSIONER MAY: I mean, you know, if you had a shop --

4 MR. AVITABILE: Yes, and you have, have just a
5 small --

6 COMMISSIONER MAY: You know, if it were David's
7 Wine House, instead of Amy's Wine House --

8 MR. AVITABILE: Yes.

9 COMMISSIONER MAY: -- in that rendering. No, I
10 mean, I'm just thinking, that's not something that we have
11 to worry about happening here?

12 MR. AVITABILE: I do not believe, so because I do
13 not believe it is allowed. The only place a full-motion
14 video signage is allowed under the code is in the
15 entertainment areas, like the ballpark or like over --

16 COMMISSIONER MAY: Right. And I can't remember
17 exactly where they are. So I just wanted to --

18 MR. AVITABILE: But, but the ballpark area is
19 defined, currently at least, between South Capitol and 1st
20 Street --

21 COMMISSIONER MAY: Okay.

22 MR. AVITABILE: -- and in between the ballpark and
23 N Street.

24 COMMISSIONER MAY: Okay.

25 MR. AVITABILE: We are on the other side. We will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 be facing it, but not allowed.

2 COMMISSIONER MAY: Not close enough to have it.
3 Okay. Thank you.

4 CHAIRMAN HOOD: Okay. Any -- do you have
5 questions? Any other questions?

6 MR. AVITABILE: Well I do think that we still have
7 the pending question about the items in the DDOT report. If
8 you want us to go through that we can do that.

9 CHAIRMAN HOOD: Do want to go through those one
10 by one?

11 MR. ANDRES: Yes. For the record, good evening,
12 Commissioner Hood, Chairman Hood and members of the
13 Commission, Erwin Andres for Gorove/Slade.

14 In response to Commissioner May's question, our
15 April 10th memo is approximately five pages. There's 18
16 points. Eight of them, we completely agree to implement them
17 as per DDOT.

18 So I can go to, through the ten that are the
19 clarifications, just to expedite process, if that's okay with
20 the Commission. So the first three bullets under site design
21 in our memo, DDOT just wanted some clarifications, some plain
22 clarifications.

23 And in our memo, on Page 4, for Points 1 and 2
24 we've identified some clarification regarding loading and
25 clarifications regarding where the long-term bicycle is. So

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that, that settles the first two items.

2 Number 3, DDOT suggested that we implement some
3 electric vehicle charging stations and we agreed to do that.

4 Item 4 and Item 5 are items that DDOT wants us to
5 coordinate beyond the zoning process and into public space.

6 And so we agree to do that.

7 Item 6, DDOT recommended that 23 dock Capital
8 Bikeshare station.

9 COMMISSIONER MAY: Yes, we covered that already.

10 MR. ANDRES: Okay. The same with Number 7, the
11 Capital Bikeshare membership. We've agreed to that. Eight,
12 nine and 10, we agree to. Eleven, DDOT recommended that we
13 will not lease the unused residential spaces.

14 So with respect to the way that we're providing
15 parking for the site, there are 243 spaces. Of those 243,
16 we're going to park the residential at a ratio of .6, which
17 we think is a little bit on the higher end.

18 But it's well within the range of parking down in
19 this part of town. And the remaining parking we, we see as
20 supporting the ground-floor retail, which is about 18,000
21 square feet.

22 As well as all the other retail uses in Yards
23 West, given that a lot of the parking will be going away with
24 the redevelopment of a lot of those existing surface parking
25 lots. And so if you look at the remaining parking that's not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 associated with the residential, you have about 35 spaces.

2 So if you look, if you're providing 35 spaces for
3 about 18,000 square foot of retail, that's about one per two,
4 one per two. And so one per 2,000, excuse me, I'm getting
5 a little confused here.

6 So it's one space for every 2,000 square feet.
7 So within, that's within ranges, excuse me. Two spaces for
8 every 1,000 square foot of retail service. Sorry about that.
9 So it's well within urban ranges for retail parking.

10 So we believe that is what's appropriate here.
11 And so we don't think that we need to put any restrictions
12 on who we provide that parking to whether it's the
13 residential or the retail. And so that Item Number 11.

14 Item Number 12, DDOT had recommended a stipulation
15 that if we don't provide a dedicated -- if a car sharing
16 service does not agree to come here, that they've implemented
17 the need for additional Capital Bikeshare for each resident.

18 We, we're pretty confident given where the site's
19 located that there would be an opportunity for car share to
20 be at, at the site. And so that only leaves us with Item
21 Number 14 where DDOT requested that we provide ten shopping
22 carts. We'll do that.

23 DDOT also requested that we provide family-
24 friendly bike storage. And we will do that. What we won't
25 do is provide storage for strollers. We think that providing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 strollers is almost, me given --

2 Given I'm a parent of a young child, strollers
3 in the units are relatively common and actually very
4 convenient. So identifying areas for stroller storage, we
5 don't think is a good use of that space.

6 COMMISSIONER SHAPIRO: Quick question for you.
7 I want to understand about the parking that you setting aside
8 for retail. And I'm just trying to make sense of,
9 practically how that would work. It may not be -- may
10 actually kind of be a programming question.

11 But given its location and the ballpark, and the
12 kind of retail you're looking at. I mean, essentially you're
13 talking about 30 or 40 spaces of this two-story underground
14 parking will be public parking. So it will be advertised as
15 public parking? And how, how does work, next to a ballpark?

16 MR. ANDRES: So typically, there's, there's ways
17 to structure the pricing and signage to essentially let
18 people know whether or not parking is available in that.
19 Because in an instance like this, the residents would
20 essentially have to go through the public portion of the
21 parking to get to their sort of designated residential
22 spaces.

23 And that sort of demising line can be moved
24 depending on the demand for the residential parking, and part
25 -- since that parking will be paid parking for the retail

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 component that can be sort of priced appropriately depending
2 on what's going on.

3 So that's something that we, know you, that's
4 managed currently at The Yards. You know, there's, there's
5 parking there that, that is, you know --

6 On game days, for example, you know that you want
7 to discourage people from parking there, if they're just
8 going to the restaurants. So there, there's different
9 opportunities and ways to manage that.

10 CHAIRMAN HOOD: Let me just ask and I may have
11 missed this in your report, your report as I understand. The
12 ten shopping carts, how's that going to work?

13 MR. ANDRES: So the ten shopping cart, you know,
14 a lot of residential buildings have, have these. Ten seems
15 a lot but that's what DDOT requested.

16 CHAIRMAN HOOD: I mean, do they pay for them? Or
17 do they --

18 MR. ANDRES: No. It's essentially, you know,
19 I've, I've had it in my building when I live three blocks
20 from here. Essentially, you go downstairs, give him your ID,
21 they give you your shopping cart. And you walk --

22 CHAIRMAN HOOD: So that's why you return it. You
23 give them your ID. Okay. I just want to know how it gets
24 back to where it needs to be.

25 MR. ANDRES: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Instead of in somebody's
2 neighborhood or out on the streets somewhere.

3 MR. ANDRES: Yes, yes.

4 CHAIRMAN HOOD: All right. You've answered my
5 question. Thank you. All right. You all finished? Okay,
6 that's right. Any other questions, Commissioner May? You're
7 good? Okay. Any, any questions or comments from up here?
8 Vice Chair Miller?

9 VICE CHAIR MILLER: Thank you, Mr. Chairman and
10 thank you for your presentation, and welcome to the -- what
11 is your name again? I'm sorry.

12 MR. MILLMAN: Toby Millman.

13 VICE CHAIR MILLER: Toby Millman, welcome, Mr.
14 Millman.

15 MR. MILLMAN: Thank you. And I'm glad you're
16 continuing the commitment to high-quality that Forest City
17 initiated here. So I think it's very attractive project.
18 And I like, certainly like all the balconies, and the
19 projected glass bays, and the two types of brick.

20 The bridge feature is interesting. I don't know
21 if you're, you're on the top two unit, two floors of the
22 units that will be looking at, how, how interesting that will
23 be.

24 But I was trying to find a view of how it would
25 look from those top two floors that will be looking at. But

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I don't know. Is it is it glass on the other side too, or
2 not? I see it's glass on the side that faces the street.

3 MR. SWIATOCHA: It's a more articulated. It's so,
4 it's less continuous curtain wall. It's broken by metal
5 panel so you don't have continuous views into that space from
6 the units on either side.

7 VICE CHAIR MILLER: And I like the wood, the wood
8 looking ceiling on top of it and it's, it's transparency.
9 And the only views that it is blocking are the views of
10 those, those top floors. But I guess they can see below it,
11 or above it, or they'll see the reflection, and --

12 So I had a couple of questions, just a couple of
13 questions. You've got 348 residential units. And I think
14 the overall Forest City, or overall Southeast Federal Center
15 plan, 20 percent set aside for affordable. And this, this
16 project has 20 percent set aside.

17 MR. AVITABILE: That's correct. Twenty percent
18 at 50 percent AMI.

19 VICE CHAIR MILLER: At 50 percent AMI.

20 MR. AVITABILE: And that includes all units in the
21 building, so it includes units that are in the penthouse.

22 VICE CHAIR MILLER: Well that was going to be my
23 other question that, is that incorporates -

24 MR. AVITABILE: Yes.

25 VICE CHAIR MILLER: -- the trigger that would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 happen from, from that. Do you anticipate these are for
2 rental or for sale?

3 MR. AVITABILE: Rental, rental.

4 VICE CHAIR MILLER: The range of units goes from
5 studio to three, three bedrooms as I recall. And so, I think
6 you noted in your Supplemental Statement Mr. Avitabile that
7 I think there will be, will be four, three bedroom units.

8 MR. SWIATOCHA: Correct.

9 VICE CHAIR MILLER: But I guess the, the vast
10 majority of the affordable -- and there will be four, three
11 affordable units. But the vast majority of the affordable
12 will be the same percentage, the same range, which are
13 mostly, I guess, one and two bedrooms. Is that right? Or
14 is it mostly one bedrooms?

15 MR. SWIATOCHA: That's correct. I mean, it's,
16 it's a -- I don't remember the exact distribution of
17 percentages, but there's a combination of ones, junior ones,
18 and two bedrooms.

19 VICE CHAIR MILLER: And you've got several,
20 several residential buildings are, are operational on this,
21 the Southeast Federal Center site and I assume they had the
22 20 percent affordable. I wonder, just how that's working
23 out?

24 MR. AVITABILE: So yes, there are multiple
25 buildings that have the 20 percent requirement. That would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 include the, the 1212 Building, which is building with Harris
2 Teeter.

3 The Arris, which is the building that's the brick
4 base with the glass on top, that's on the west side of
5 Fourth. Foundry Lofts, which is the historic building, the
6 first one that was converted.

7 There will also be 20 percent of the units in the
8 building on parcel L, which is currently under construction.
9 And the building that was just delivered, the Guild, also has
10 that. In terms of how they're operating --

11 VICE CHAIR MILLER: Well, I mean, I assume the
12 developer does their own marketing and it's --

13 MR. AVITABILE: Yes.

14 VICE CHAIR MILLER: -- not through the city
15 because it's not, it's not --

16 MR. AVITABILE: I believe it's all, all funded
17 through, through LIHTC, so it's administered through that,
18 that same processes as any LIHTC would be.

19 VICE CHAIR MILLER: Okay. When you added -- I'm
20 glad you added the solar or photovoltaic panels. But that
21 didn't get you any additional points to get from LEED Silver
22 to LEED Gold? Or it did get you additional points, but not
23 enough to get to gold?

24 MR. SWIATOCHA: It, the, based on current tracking
25 the additional points available for the solar would not get

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 us to gold.

2 VICE CHAIR MILLER: You were at 50 and some in
3 chart I saw, 50 definite.

4 MR. SWIATOCHA: Yes, 50 definite. It would
5 require 60 for us to get to gold.

6 VICE CHAIR MILLER: Right.

7 MR. SWIATOCHA: And that's --

8 VICE CHAIR MILLER: What did you get? How many
9 points did you get from the solar panels? Obviously not ten.

10 MR. SWIATOCHA: Based on the amount of solar panel
11 that we're able to contribute here, I think the maximum we're
12 able to get is one LEED point.

13 VICE CHAIR MILLER: One.

14 MR. SWIATOCHA: Yes.

15 MR. AVITABILE: But, I will note that we're --

16 VICE CHAIR MILLER: Maybe two if you deal with the
17 Commissioner May's suggestion.

18 MR. AVITABILE: We, we are under version 4, not
19 version 2009. So, you know, like I think just had couple
20 different buildings that came before the Commission in the
21 last few months that were LEED Gold , but they were the old
22 version, 2009.

23 And generally speaking, as I understand it, LEED
24 Silver under version 4 is the equivalent of LEED Gold under
25 2009. The same things you have to do, the same features,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it's just a newer version of LEED.

2 MR. SWIATOCHA: Correct. It's fairly complicated
3 with the way they've restructured the points and in LEED 4
4 versus 2009.

5 But, generally speaking, what is required to get
6 your building to both the investment and the design to get
7 your building to LEED Silver under version 4 is, is seen is
8 equivalent to LEED Gold. Sorry, LEED Silver, yes under
9 version 4 is seen as equivalent to LEED Gold under 2009.

10 VICE CHAIR MILLER: Okay. I assume that -- well,
11 we'll hear from Office of Planning. I assume that the -- I
12 don't think I saw the email that sent to OP, but I'm sure it
13 had suggestions of how to get to, get to Gold.

14 And I would encourage you to try, to try to do as
15 many of those that you're able to. I have no other, further,
16 no other questions, thank you. Thank you for your
17 presentation.

18 CHAIRMAN HOOD: Thank you. Mr. Turnbull.

19 COMMISSIONER TURNBULL: Thank you, Mr. Chair.
20 Thank you for your presentation, very interesting building.
21 Just had a -- the stair, the glass stair is that simply a
22 communicating stair, or is it also an exiting requirement?

23 MR. SWIATOCHA: It's serving both purposes.

24 COMMISSIONER TURNBULL: So the glass is fire
25 rated? Or it's -- what do you have to do to -- I mean,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that's really building --

2 MR. SWIATOCHA: Code.

3 COMMISSIONER TURNBULL: -- code question, but I'm
4 just curious.

5 MR. SWIATOCHA: Yes. So the glass will be
6 required to be fire rated as it slips through the bridge, the
7 occupied, the enclosed --

8 COMMISSIONER TURNBULL: Yes.

9 MR. SWIATOCHA: -- spaces of the bridge. And then
10 the separation distance on either side is, is enough that
11 we're not required to rate the exterior faces of glass.

12 COMMISSIONER TURNBULL: Oh, really.

13 MR. SWIATOCHA: Where it's outside the building.

14 COMMISSIONER TURNBULL: Oh, okay, interesting.
15 Norman brick, we don't get a lot of architects using Norman
16 brick before us. I'm looking at your drawing. Are the
17 vertical joints on the projecting Norman brick, are they
18 mortared flush?

19 MR. SWIATOCHA: No. I think that's just the
20 expression of the rendering.

21 COMMISSIONER TURNBULL: Oh.

22 MR. SWIATOCHA: The intent is that they would be
23 tooled as the, as the drawings.

24 COMMISSIONER TURNBULL: Well I was kind of hoping
25 here. I thought you were going to be a regular Frank Lloyd

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Wright and have them flush and create that nice horizontal
2 band.

3 MR. SWIATOCHA: We certainly could consider it.

4 COMMISSIONER TURNBULL: Just, just curious. I
5 mean, you're one of the -- been a long since we've ever seen
6 that. But it'd be kind of interesting feature. Okay.

7 MR. SWIATOCHA: If we could find a mason who could
8 do it.

9 COMMISSIONER TURNBULL: If you could find a mason
10 who could it right, yes. All right. Now, I go to one of my,
11 one of my favorite subjects. And Mr. Avitabile knows it
12 signage.

13 And I like signage, I'm not opposed to lots of
14 signage. But I like it to blend in with the building. I
15 like -- I don't wanted it to overcome the architecture of the
16 building.

17 I like it to somehow work with the structure. And
18 I'm just curious on page R8, R7 -- interesting name of a
19 shop, Amy's Wine House. I'm thinking of the singer, you know.

20 You got a 36-inch pre-cast panel header and flat
21 sign zone and then you've got a 51-inch top hung sign zone.
22 Are you seeing eventually having two signs? One above the
23 other?

24 MR. SWIATOCHA: No. The intent would be to
25 utilize only one of those faces.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER TURNBULL: Only one? Do you ever see
2 using the top part, the pre-cast concrete part? Do you --

3 MR. SWIATOCHA: I'd -- Brookfield wanted to build
4 in the flexibility that we could integrate signage into that
5 pre-cast band, as they start to work with retail tenants and
6 determine their optimal view for location of signage, for
7 visibility on N Street.

8 COMMISSIONER TURNBULL: Yes. Oh, I understand the
9 visibility. I just like some type of uniformity and
10 consistency that makes sense as reads your whole building,
11 that makes, that, that would read better. You've got signs
12 for -- blood blade signs.

13 The one issue that I have, which you really
14 haven't discussed much, but it shows on, show on any of the
15 renderings of the building. But on elevations on R3 and R5,
16 you show rather large, like 10 to 12 feet by 40 feet blocked
17 out blue areas.

18 MR. SWIATOCHA: So the intent of those two
19 locations would be to incorporate building branding signage.

20 COMMISSIONER TURNBULL: Well I think we need more
21 information. If you're going to locate that and show that,
22 I think we need to somehow define what, what that's going to
23 really be. Those are -- that's a huge, that's a huge sign.

24 I'm not against branding and having doing that but
25 I think that's, that's a pretty big sign up there. It's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 pretty large, 40 feet by 12 to 15 feet.

2 MR. SWIATOCHA: Yes. The, the intent would not
3 be to necessarily utilize that entire zone for a full sign.

4 COMMISSIONER TURNBULL: Well if you could, if
5 you could maybe finalize it. I would like to see some
6 more definitive ideas of what you're working at. And the
7 other thing would be the awnings. Have you -- there's,
8 I don't --

9 Is there really a -- I don't see a dimension
10 on the awnings. Was there a dimension? Maybe there was
11 and I just missed it. I see how you are R7, it shows 11,
12 11 feet above finished floor signage mounted to top of
13 glass canopy. But I don't know that glass canopy
14 continues along the elevation of the street.

15 MR. AVITABILE: No. So it actually, it
16 couldn't be. It would --

17 COMMISSIONER TURNBULL: Yes.

18 MR. AVITABILE: This would be in public space.
19 So we would be limited by the building code, which
20 generally limits canopies to the area over the entrance
21 that they're protecting. And also limits the depth of
22 them. And I can't remember whether it's four or five
23 feet.

24 COMMISSIONER TURNBULL: Okay.

25 MR. AVITABILE: But these, these would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 canopies consistent with the building code.

2 COMMISSIONER TURNBULL: Okay. All right.
3 Well that's, that's it for my questions. I'm just
4 curious about those rather large, blocked out areas for
5 branding signs, I just place them. Thank you, Mr. Chair.

6 CHAIRMAN HOOD: Okay. All right. I just have
7 one or two questions. Is there a reflection up under the
8 bridge? I'm, I'm just looking at the pictures. It looks
9 like there's reflection. Is there, is that, is that --
10 it's going to be a reflection?

11 MR. SWIATOCHA: So the intent and you can see
12 on the material sample, sample board is to utilize a
13 reflective material in the, the purpose behind that is to
14 give some life to the underside of the bridge, reflect
15 the greenery that's on that courtyard.

16 CHAIRMAN HOOD: I actually thought that was
17 pretty good. I mean, I looked at the pictures. I didn't
18 turn around and look at that. I thought that was a great
19 idea, but --

20 Now the greenery, let's go to the greenery.
21 I'm looking around the site and especially on the
22 outskirts of the project, are we using enough greenery?
23 Because --

24 And then, how do we -- let me ask this like
25 this, are the plants and the vegetation that we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 using, is it low maintenance? I mean does it require a
2 lot of water? Or -- and will it, will it --

3 Well let me ask it this way, will it survive
4 with low maintenance? I'm not going to say no
5 maintenance, but very low maintenance.

6 MR. PARISI: It's Rick Parisi. I'm MPFP,
7 Landscape Architect. It's all low maintenance, a lot of
8 grasses native grasses. The majority of the plants of
9 the we're using are native, or very drought tolerant.

10 Now they are irrigated. We do meet the GAR.
11 We're, we exceed the requirements. You know, there's,
12 the changes with the bio-retention are pretty
13 significant.

14 So it's really difficult to do a building with
15 a lot, with a little bit green. And in this one, because
16 the concept from Perkins from the start was to integrate
17 green throughout the whole building.

18 That's why they have the courtyard and the
19 upper level green. It was a real, really the core of the
20 design. So, you know, we have a significant amount of
21 green and it's low maintenance.

22 CHAIRMAN HOOD: So, yes, I wanted to make sure
23 it was low maintenance because I don't see a lot of it
24 being watered. I want to make sure to come back. So,
25 anyway, okay. What's going on in the bridge, inside of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it, what's going on?

2 MR. SWIATOCHA: So inside the bridge is
3 primarily the fitness center for the, for the occupants
4 of the building. So it really is taking this idea of
5 health and wellness, and putting that component of the
6 project front and center as a special element in the
7 project.

8 CHAIRMAN HOOD: And this --

9 MR. SWIATOCHA: On top of the bridge is a
10 pool.

11 CHAIRMAN HOOD: Right. So that's, that's kind
12 of the going thing now. Isn't it? Putting the fitness
13 center in bridge like this so you can, when you walk by,
14 you look and see them doing their exercise. I mean, this
15 is kind -- is that, that's the new architecture. Is that
16 a correct assessment?

17 MR. SWIATOCHA: I don't know that it's a new
18 architecture but --

19 CHAIRMAN HOOD: Just agree with me. Just
20 agree with me. Just agree with me.

21 MR. SWIATOCHA: Yes.

22 CHAIRMAN HOOD: Okay. All right. I'm just,
23 I'm just curious. All right. That was really all the
24 questions that I have. And I actually do like this. I
25 really like the bridge. Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And I'm not going to ask Mr. Banks, here. But
2 you know, Mr. Banks, it's hard to build facilities in
3 old buildings. Isn't it, isn't that correct?

4 MR. BANKS: It sure is. Yes.

5 CHAIRMAN HOOD: Thank you. I will make sure
6 that I play this back.

7 MR. BANKS: We bunch of them in our inventory,
8 yes, yes.

9 CHAIRMAN HOOD: Okay. It's hard, boy. In the
10 GSA they-- you all do your best. And I'm so glad I don't
11 have facilities no more I don't know what to do. So I
12 just wanted to make that point. All right.

13 Any other questions up to here? All right,
14 let's go to the Office -- oh wait a minute, do we have
15 representing the ANC? We do have a letter and I'll read
16 that later.

17 Let's go to the Office of Planning and Ms.
18 Schellin's already mentioned the DDOT, so I think we're
19 covered on that. Ms. Elliott --

20 MS. ELLIOTT: Thank you, Mr. Chairman and
21 members of the Commission. The Office of Planning is
22 recommending approval of the design review. There are
23 also a couple areas of relief that were requested that
24 we're also recommending approval of.

25 And that includes the variance from the green

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 area ratio, which is an interim condition that the
2 applicant described in the application. As well as, a
3 special exception for the penthouse setback. We did have
4 a few issues that we noted at the beginning of the report
5 and the applicant has sufficiently addressed OP's
6 outstanding concerns.

7 And there was a question from the Commission
8 regarding LEED Gold and how to get to LEED Gold and if we
9 offered any suggestions. And what we did receive from
10 DOEE was actually incorporated into our report.

11 So unless some of those items get the
12 applicants to LEED Gold, we don't really have anything
13 additional to suggest other than to continue working with
14 DOEE. I'm sure they'd be happy to provide more
15 suggestions for you. But other than that, I'll stand on
16 the record of our report and I'm happy to answer any
17 questions you have.

18 CHAIRMAN HOOD: Okay. Thank you, Ms. Elliott.
19 Any questions of Ms. Elliott? Okay does the applicant
20 have any questions of Ms. Elliott?

21 MR. AVITABILE: No.

22 CHAIRMAN HOOD: Okay. And the DDOT report.
23 All things have been satisfied. I think we went through
24 that. So we're pretty good. So we got the DDOT report.

25 Do I have any other reports of any other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 government agencies, other than the ones we spoke about?
2 And I think we covered the Commission of Fine Arts. Do
3 we have any others? So not seeing any.

4 The report of the ANC. Okay. What is it, I
5 think that's Exhibit 8. ANC6D supports the proposed
6 design of the project, as well as the two items of zoning
7 flexibility as requested.

8 It goes on to say, this project will be a
9 catalyst for the emergence of the Yards West
10 neighborhood. The ANC hereby requests that the
11 Commission give this resolution to support the great way
12 it is to be afforded under the zoning regulations.

13 Again, and this is from Chairperson Fascett,
14 ANC6D. All right. Do we have any persons --

15 COMMISSIONER TURNBULL: Mr. Chair, I just
16 wanted -- you had asked for any other agencies reporting.

17 CHAIRMAN HOOD: I'm sorry --

18 COMMISSIONER TURNBULL: There was a report
19 from NCPC.

20 CHAIRMAN HOOD: Oh.

21 COMMISSIONER TURNBULL: Exhibit 10A.

22 CHAIRMAN HOOD: Okay.

23 COMMISSIONER TURNBULL: And Mr. Acosta says
24 that they're, I'm quoting, they approved 35 percent
25 design for the proposal of the 11-story residential

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 building et cetera, et cetera.

2 CHAIRMAN HOOD: Okay. All right. Thank you,
3 Mr. Turnbull. I appreciate that. Do we have any
4 organizations and persons who are here in support?

5 Any organization or persons who are here in
6 opposition? Any organization and persons who are here
7 undeclared? Okay. Mr. Avitabile, do have -- you don't
8 have any rebuttal, do you?

9 MR. AVITABILE: I don't think. The only thing
10 I'm thinking and maybe I'm -- it seems the issue that we
11 have to addresses is the specific issue of the signage or
12 the height of the signage on the exterior of the
13 building, that building identifier signage.

14 I'm, I'm was checking to see whether there's
15 anything else that the Commission was looking for us to
16 specifically address beyond that.

17 COMMISSIONER SHAPIRO: Sure there was
18 Commissioner May's point. We thought that was a good
19 one.

20 MR. AVITABILE: About?

21 COMMISSIONER SHAPIRO: Which was to see if you
22 can take up the rooftop canticle --

23 MR. AVITABILE: Right.

24 COMMISSIONER SHAPIRO: -- in a different way
25 and that might allow for more solar.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. AVITABILE: Right. Okay. That would --

2 COMMISSIONER SHAPIRO: Possibly more green
3 roof, more solar.

4 MR. AVITABILE: That was the other item I had
5 in my mind. I wasn't, I wasn't clear on whether that was
6 just a comment, or a direction. But that, that's
7 helpful. Thank you.

8 CHAIRMAN HOOD: Okay. Anything else up here?
9 Mr. Avitabile, do you have a closing or was that it?

10 MR. AVITABILE: That, that was it. I, I think
11 I was just trying to understand where we stood relative
12 to the Commission to see if it was just say the height of
13 the signage.

14 That might be something that we could have
15 provided this evening, perhaps if we put our heads
16 together quickly. But the redesigning the roof structure
17 I think requires a bit more careful consideration.

18 CHAIRMAN HOOD: Okay. Commissioner Shapiro.

19 COMMISSIONER SHAPIRO: Did you discuss any
20 point, a dog walk, dog run? I'm surprised it wouldn't
21 come up in a, in a building downtown these days.

22 MR. MILLMAN: I'll go ahead and take that.
23 Certainly there's no area at the ground level on a site
24 like this for a dog run. We have, I think not embrace
25 the idea of the, as some buildings have, dog runs up on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the roof.

2 I think especially in the neighborhood like
3 this where there's a lot of open space and people live
4 here because a lot of people with pets like to walk their
5 dogs out in the neighborhood, it's just not something
6 that we find is a high value in the building.

7 COMMISSIONER SHAPIRO: That's it. Thank you,
8 thank you, Mr. Chair.

9 COMMISSIONER TURNBULL: Would dogs be allowed
10 in the building?

11 MR. MILLMAN: Yes. Generally our buildings
12 are dog friendly.

13 COMMISSIONER TURNBULL: Oh.

14 CHAIRMAN HOOD: We had a recommendation, but
15 I'm, I'm not going to mention it. I'm just going to
16 laugh about it and keep it to myself. Okay. No. I
17 better not say that when that'll give me in trouble.
18 Okay. Do -- you didn't have any closing right.

19 MR. AVITABILE: No, sir.

20 CHAIRMAN HOOD: If you know what it is, come
21 to see me after this hearing.

22 MR. AVITABILE: Okay. Yes, sir.

23 CHAIRMAN HOOD: Not I would be, it won't
24 because they definitely would not let them use the pool
25 after a certain time. No, they wouldn't do that. So

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 anyway, if you didn't catch that, then that's worse than
2 just thinking.

3 That would be -- does anybody care to
4 understand? Okay. All right. If not, catch you on the
5 way home, I guess. Okay, Ms. Schellin do we have
6 anything else?

7 MS. SCHELLIN: How much time do you think
8 you guys need?

9 MR. AVITABILE: Sounds like we need two weeks
10 on our end --

11 MS. SCHELLIN: Two weeks.

12 MR. AVITABILE: -- to do the design.

13 MS. SCHELLIN: Okay. All right. So that
14 pushes you to the May meeting then.

15 MR. AVITABILE: Yes.

16 MS. SCHELLIN: So I will actually give you
17 until -- give you until the 29th to provide your --
18 that's a little bit over, well about two and a half
19 weeks. To provide your documents, 3:00 p.m. by the 29th.
20 And also a draft order.

21 And then if the ANC wants to respond, if you
22 want to work with them, they would have until May 6th at
23 3 p.m. to respond to those documents. And OP and DDOT,
24 also if there's something they want to respond to. And
25 then we'll put this on for May 13th.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Okay. I think Commissioner
2 Shapiro had a -- oh, you're going to follow up. Okay.
3 Anything else? We all on the same page? Mr. Turnbull -

4 COMMISSIONER TURNBULL: Other than I think
5 you're in pretty good shape on this.

6 MR. AVITABILE: Thank you.

7 COMMISSIONER TURNBULL: Just those few items.

8 MR. AVITABILE: Yes. Thank you.

9 CHAIRMAN HOOD: So you got a ringing
10 endorsement, ringing endorsement. Okay. Anything else,
11 anybody? All right. Ms. Schellin, are we all straight?

12 MS. SCHELLIN: Yes.

13 CHAIRMAN HOOD: All right. I want to thank
14 everyone for their participation. This hearing's
15 adjourned.

16 (Whereupon, the above-entitled matter went off
17 the record at 7:53 p.m.)

18

19

20

21

22

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing, Case No. 18-20

Before: DC Zoning Commission

Date: 04-11-19

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701