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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission

Public Hearing  
Case No. 15-27 (KF Morse, LLC)

6:31 p.m. to 8:23 p.m.  
Thursday, January 12, 2017

Jerrily R. Kress Memorial Hearing Room  
Judiciary One Building  
441 4<sup>th</sup> Street, N.W.  
Suite 220 South  
Washington, D.C. 20001

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APPEARANCES

Board Members:

- ANTHONY HOOD, Chairman
- ROBERT MILLER, Vice Chair
- PETER MAY, Commissioner
- PETER SHAPIRO, Commissioner
- MICHAEL TURNBULL, Commissioner

Office of Zoning:

- SHARON SCHELLIN, Secretary

Office of Planning:

- MATTHEW JESICK
- JENNIFER STEINGASSER

District Department of Transportation

- JONATHAN ROGERS

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## PROCEEDINGS

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CHAIRMAN HOOD: Good evening, ladies and gentleman. This is the public hearing of the Zoning Commission of the District of Columbia. Today's date is January the 12th, 2017. We are located at the Jerrily R. Kress Memorial Hearing room.

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My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner Shapiro, Commissioner May, and Commissioner Turnbull. We are also joined by The Office of Zoning staff, Ms. Sharon Schellin, as well as the Office of Planning Staff's Ms. Ms. Steingasser and Mr. Jesick. And The Department of Transportation's, Mr. Rogers.

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This proceeding is being recorded by a Court Reporter. It is also webcast, live. According, we must ask that we refrain from any disruptive noise or acts within the hearing room, including

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1 display of any signs or objects.

2 Notice of today's hearing was published in  
3 the DC registry, and copies of that announcement  
4 are available to my left, on the wall near the  
5 door. The hearing will be conducted in accordance  
6 with

7 provisions of 11 Z-DCMR, Chapter 4, as follows:

8 Preliminary matters, applicants' case, report  
9 of The Office of Planning, Report of other  
10 government agencies, report of the ANC,  
11 organizations of persons and support,  
12 organizations of persons in opposition. Rebuttal,  
13 and closing by the applicant.

14 The following time constraints may be  
15 maintained in this meeting. The applicant has up  
16 to sixty minutes. I see that they have requested  
17 thirty. The organizations five minutes, the  
18 individuals three minutes. All persons appearing  
19 and wishing to testify before the commission in  
20 this evening's case hearing are asked to register  
21 at the Kiosk. Again, if you need any assistance,  
22 you can ask Mr. Schellin, who is sitting to my

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1 left.

2 When presenting information to the  
3 commission, please turn on and speak into the  
4 microphone. First stating your name and home  
5 address. When you are finished speaking, please  
6 turn your microphone off, so that your microphone  
7 is no longer picking up sound, or background  
8 noise.

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

16 MS. SCHELLIN: Yes, would you please  
17 raise your right hand?

18 [OATH ADMINISTERED]

19 [Witnesses simultaneously saying I do.]

20 CHAIRMAN HOOD: Okay, Ms. Schellin, do  
21 we have any preliminary matters?

22

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1           MS. SCHELLIN:     Yes, just to remind  
2 everyone that at the prior hearing, the  
3 commission approved party status, in support of  
4 1250 4th Street. Edans LLC. and Union Market  
5 Apartments LLC. They are represented by David  
6 Avitabile, Attorney. The Commission also waived  
7 the rule to accept the late filing of the  
8 applicant's transportation report. And the  
9 commission acknowledged the applicant's expert  
10 witnesses, Jeff Barber in Architecture, Erwin  
11 Andres in traffic engineering, Sacha Rosen in  
12 Architecture.

13           CHAIRMAN HOOD:     Okay, so, it looks like  
14 we've taken care of all our preliminary matters  
15 previously. I guess we can go straight to the  
16 case unless we have something additional?

17           MR. FREEMAN:     No, Mr. Chairman. In the  
18 event there are any questions regarding civil, or  
19 landscape, we do have our landscape architect, as  
20 well as our civil engineer, whom if they testify,  
21 we would like them to be qualified experts at  
22 that point. If you need to hear from them.

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1           CHAIRMAN HOOD:       Okay, We'll wait till  
2 we're at that point, and deal with that at that  
3 point. Anything else? Okay, you may begin.

4           MR. FREEMAN:        Good evening, Chairman  
5 Hood, members of the commission. For the record I  
6 am Kyrus Freeman, I am a partner with the Law  
7 firm of Holland & Knight. Here with me are a  
8 group of people. Ms. Jessica Bloomfield, also  
9 from Holland & Knight. Mr. Chip Glaslow, we have  
10 a room full of people, I am not going to  
11 introduce them all, but they are all very  
12 supportive and familiar with the project.

13           We will keep our presentation as short as  
14 possible. When we last met, you may recall OP's  
15 report listed ten issues, as promised, we've  
16 narrowed all those down and have their full  
17 support. We have seen a consolidated review of  
18 approval of the project from CM1 to C3C. The  
19 project includes multiple components, which our  
20 architects will describe in detail as they do  
21 their presentation. Again, we will keep it brief.  
22 So, with that, I'll like to turn it over to our

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1 witnesses to get started with their  
2 presentations.

3 MR. TYRRELL: Good evening, everyone.  
4 My name is Graham Tyrrell. I am Vice President of  
5 development for Kettler. For those of you that  
6 are not familiar with Kettler, we are a Regional  
7 Property developer and manager of multifamily  
8 housing. We have about 20,000 apartments that  
9 we've developed over the years. Currently, have a  
10 management portfolio of about 30,000 apartments  
11 across the Eastern U.S.

12 Kettler currently controls all of Lot 6,  
13 which is the subject of the meeting. Except for  
14 the land that is owned by the District of  
15 Columbia. We will be taking on the role of lost  
16 developer for the project. So, we will be  
17 building the streets, the infrastructure, and all  
18 the public improvements. We'll also be building  
19 buildings A1 and B. Those are both residential  
20 apartment buildings for rent. That would be  
21 approximately 560 units in phase one.

22

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1 I am very excited to have, as part of this  
2 project Carr properties. They are building an  
3 office building, C1 building in the parity as  
4 part of phase one. Giving the interest in the  
5 market, we definitely foresee phase two moving  
6 forward very soon. I have to ensure that the  
7 residents and office workers have a strong sense  
8 of place from day one.

9 We will be building out the full street grid.  
10 Including Neal Place the public Plaza. Compliant  
11 the pedestrian connection in Florida Avenue. As  
12 well as some great interim public uses and parks.  
13 Since the sit down in October m the Zoning  
14 Commission meeting. We've continued to meet  
15 regularly with OP, DDOT and other agencies to  
16 refine the project. There have been a number of  
17 building and site design modifications that we've  
18 made. Particularly in response to OP comments and  
19 Sacha Rosen from R2L architect will address those  
20 in his presentation. On the committee benefit  
21 side, we have made a number of significant  
22 improvements to the package. We have IZ now at

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1 eleven percent of GFA, with fifty percent, at  
2 fifty AMI. That was originally at eight percent,  
3 with twenty percent of fifty AMI.

4 Our buildings are now lead Gold, previously,  
5 they were silver. We have forty-five hundred  
6 square feet of our retail space, dedicated to  
7 make space. We have been working with DDOT on a  
8 number of traffic modification items. New traffic  
9 signal at Fourth and North Street. A new bike  
10 share station and a number of other bike-friendly  
11 measures, as well as the other previously  
12 mentioned connection of Neal Place at phase one.

13 [Mr. Carr talking off the microphone]

14 We also -- Mr. Carr had just reminded me we  
15 also added to the benefits. One-hundred and fifty  
16 thousand dollar contribution to the Florida  
17 Avenue Park. Which is the park adjacent to our  
18 plaza between building A1 and B. We've continued  
19 to meet with all of our neighbors in the  
20 community. We've met with ANC5D on numerous  
21 occasions, and we have support from them. We've  
22 met with Gallaudet University to discuss the

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1     airspace design. And we have a letter of support  
2     also from the University.

3             We have extensive coordination with Pen Fed,  
4     VRE, and Edens L-core, and particularly with  
5     level two in terms of coordinating the Florida  
6     Avenue Park, and making the very important  
7     connection between the Newman Neighborhood and  
8     the Union market area.

9             As a result to all of this coordination, we  
10    do have letters of support from all of those  
11    people I've mentioned including Gallaudet  
12    University, that I also mentioned. Finally, I  
13    would like to mention that Kettler's commitment  
14    creating a special place here is very strong. As  
15    a resident of New Northeast for over ten years,  
16    it's been personally amazing to see the area  
17    change. H Street, NOMA, and Ivy City have all  
18    transformed very quickly. And the market will  
19    further link all these neighborhoods together  
20    into one continuous amenity rich, pedestrian,  
21    bike friendly center.

22

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1           We're very aware that our PUD will be a multi-  
2           year endeavor. And its appeal must endure to  
3           respond to the needs of the diverse and grand  
4           population. It will include families looking to  
5           stay long-term in the city. So, we are definitely  
6           very thoughtful about that in our design, and I  
7           will let Sacha now take over and walk us through  
8           the design.

9                           MR. ROSEN:        Good evening,  
10           Commissioners. My name is Sacha Rosen. I am a  
11           principal of R2L Architects, located in  
12           Georgetown. Graham, thanks for that introduction.  
13           Graham mentioned a large number of the  
14           development partners, and experts working on this  
15           project. I just want to say it has been a labor  
16           of love for two years. It was approximately a  
17           year in the making just as the team began to  
18           understand the project's overall scope. Which is  
19           significant, and reach out to the community and a  
20           second year of modifying the design. Again  
21           reaching out to the community working with the  
22           office of planning and other agencies. So, it has

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1 really been an exciting project.

2 The slide I'm showing now shows the extent of  
3 lot six. It's a complicated site. As Graham  
4 alluded, it has two privately owned parcels, as  
5 well as the land between those parcels, owned by  
6 the District. It's a significant percentage of  
7 the land area in the Union Market neighborhood.  
8 As a result of that, we've worked very hard to  
9 work with the other development partners, working  
10 in the neighborhood. Working to realize the small  
11 area plan that kicked off the whole process of  
12 the redevelopment of the Union Market Terminal.  
13 Florida Market neighborhood. Whichever name you  
14 choose to use.

15 I'm sure you've seen many photos of the  
16 neighborhood. Given all of the projects that have  
17 come through here. My own personal take on this  
18 is that it is one of the most eclectic  
19 neighborhoods in the city. It's really amazing  
20 that it's so different. It's been characterized  
21 as industrial. It has been characterized as  
22 commercial. Those things, and many other things

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1 as well. So, really, my takeaway is that it is  
2 hard to define and characterize. It's about  
3 transportation. It's about commerce. It's about  
4 local industry and distribution. It's not just  
5 about generic ideas of what might be industrial.

6 We have tried to capture that in our designs.  
7 We've tried to show that different design teams,  
8 different developers, different members of the  
9 communities all have different ideas about what  
10 should be here. And we just want to create a  
11 design that speaks to as many people as possible.

12 As Kyrus mentioned, we're asking for  
13 consolidator review of a portion of the project  
14 and first stage for the northern end of the  
15 project. So, this is a diagram that generally  
16 shows that. There is a dashed line approximately  
17 here that shows the separation between the two  
18 portions. There is color coding here showing the  
19 different uses. The office being blue, yellow  
20 residential, and red hotel. As you can see, we  
21 have several different options for the first  
22 stage POD for the north end. The overall goal of

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1 the project has really been truly mixed use  
2 integrated real community. The exciting part of  
3 this project is due to the size of the project,  
4 and due to its configuration, which we have  
5 worked extremely hard at for these two years is  
6 to create a finished public realm. Not just the  
7 edge of something. But in fact, a gateway into  
8 the Florida Market neighborhood, from the metro,  
9 from Florida Ave. And to create a space that is  
10 finished and attractive immediately.

11 As a slightly larger perspective, but again  
12 showing our focus from day one has been on  
13 exterior spaces. The spaces between the  
14 buildings, providing the green space throughout  
15 the neighborhood. Providing pedestrian access  
16 through the neighborhood. Places to stop and  
17 enjoy this outdoor space. But also pathways and  
18 connections between spaces. And that has really  
19 been the focus on our collaboration, with the  
20 office of planning. It seemed to us that that was  
21 jumping the most important interests. When we  
22 started the project, this area here was already a

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1 pending PUD, getting close to approval.

2 That was the level two project, and as part  
3 of the level two project there was this part at  
4 the end here which had been -- the origins for  
5 that park were in that small area plan. The  
6 interesting idea was that there was a significant  
7 grade change between this point and this point  
8 here. And an existing building blocking this  
9 corner. So, while the small area plans suggested  
10 that this would be a gateway, it took a lot of  
11 really intense work and creativity to work with  
12 the almost approved park. Next to level two and  
13 then create this gateway that would be pedestrian  
14 friendly and accessible.

15 So, here's an aerial rendering. This is --  
16 the graphics here are somewhat simplified just to  
17 give us a sense of how the buildings come  
18 together, and the three-dimensional relationships  
19 between them. There more detailed renderings of  
20 the materials and the character spaces you'll see  
21 in the next few slides, but, what I want to show  
22 is the down in this area. Again, this was the

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1 focus, this is one gateway to the market terminal  
2 neighborhood, and we want to create a truly  
3 dynamic three-dimensional space, but before we  
4 started the process and then throughout the  
5 process, we got numerous comments from The Office  
6 of Planning asking for creative massing. Not just  
7 a series of blocky buildings as you might have  
8 found in a few other of the neighborhoods that  
9 have developed quickly in the last few years. But  
10 really to take the time to understand the  
11 eclectic nature and eclectic quality of this  
12 neighborhood historically. And in the process of  
13 significantly increasing the density in the  
14 neighborhood to maintain some sense of that  
15 eclecticism and the relationship between the  
16 buildings and the outdoor spaces.

17 Here's a rendered view of the completed  
18 project from across the track, so this is from  
19 the NOMA neighborhood. The building in here is  
20 the level two building which has been approved.  
21 This is the L-Corp building which is currently  
22 under construction. So as you can see here, we've

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1 taken a view showing railroad the tracks. Showing  
2 this gantry feature, showing some of the metro  
3 lines here. So, it really shows you that it is a  
4 unique place that has both the industrial and the  
5 commercial heritage as well as the transportation  
6 heritage of the neighborhood.

7 And as you look through you can see the  
8 outdoor space as the entry, and then buildings of  
9 multiple heights and significant articulation and  
10 various facade, creating more dynamic interest  
11 rather just a series of a flat facade. Here's a  
12 view from Florida Avenue, looking up the hill.  
13 What we refer to as building B, as on the right,  
14 that on the midrise at residential building  
15 ground for retail. The tower element in the slide  
16 to the left uses a dynamic, organic form that's  
17 the high-rise building A, and which entrance to  
18 the neighborhood is along the park here which has  
19 been carefully created to be accessible and  
20 walkable. Then, as you'll see, there's a dynamic  
21 point at which you then turn and see into the  
22 neighborhood. As I'll show you in a minute. This

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1 particular park is visible from down 3rd street  
2 where there are a number of other developments as  
3 your coming up 3rd street or under the tunnel  
4 from the metro.

5 This is a very significant outdoor public space  
6 that we anticipate will be a real amenity for the  
7 community place to gather a place to meet people  
8 and as a result of that, we've tried to really  
9 make it a dynamic space. Another area in  
10 particular interest to The Office of Planning was  
11 the outdoor space between our building B and the  
12 level 2 building so you can see we've worked very  
13 hard at that space and really created the dynamic  
14 gathering space. The upper part of the outdoor  
15 space at the entrance to the park is where we  
16 refer to Plaza. It has a nice outdoor sculpture  
17 that has a misting feature. And a lot of other  
18 exciting aspects, so, we really see that as a  
19 significant component of the neighborhood. A real  
20 focal point for outdoor space.

21 We've also located the residential lobby of the  
22 main building right on the plaza. To help

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1 activate that, lots of plain things that also  
2 contribute to storm water and then the  
3 immigration of building systems into the outdoor  
4 plaza design as well as the significant amount of  
5 retail space.

6 As you come up to the plaza and you turn into  
7 the corner, again just a large mix of exciting  
8 uses. In here we've located our bike room. We  
9 don't see it as just a mandatory requirement, in  
10 fact, a key feature and centerpiece of the  
11 project. And the retail areas is over here and  
12 there outdoor space which will be activated by a  
13 variety of detailed landscape ideas if you're  
14 interested in hearing about those later. As you  
15 turn the corner, you then see into the interior  
16 of the neighborhood. Here you can see the office  
17 building which my colleague Jeff Barber will  
18 discuss in a moment.

19 Again, the centerpiece of building A where we  
20 are trying to really activate the outdoor space  
21 is on the left is the main residential lobby,  
22 this is the bike facility, which could be an

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1 independent bike shop. Or it could be managed by  
2 the building but open to the public. Then we have  
3 an outdoor porch space here as an amenity for the  
4 building. Again to halo activate that space night  
5 and day throughout the year. So, it is covered  
6 outdoor space.

7 You can see through to the space into the  
8 exterior courtyard through the building which is  
9 also a dynamic feature which is step landscaping  
10 here. Then retail on this side as well. Terrace  
11 seating here really encourages the community to  
12 interact with the building.

13 This is a view of Third Street. Looking  
14 north, you can see the office building. On Moore  
15 Street, a little bit to the west looking back  
16 east, so you can see the outdoor space and the  
17 background at the center is building B here on  
18 the left. You can see we've really focused on the  
19 pedestrian experience interrogated street trees.  
20 Judicially and created streetscape that would  
21 permit outdoor terrace seating and a high-quality  
22 public life. Another aspect of our significant

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1 coordination with the office of planning has been  
2 over the past month or two, a significant  
3 redesign of building B. One of the key features  
4 was to create the opening here. This entire  
5 feature here is the visual terminus of Third  
6 Street now the South end. Opening up here allows  
7 the public to see the backside of the level 2  
8 building, as well as liven that outdoor space  
9 that was between building B. and the level 2 we  
10 have maker space and lobby and retail space again  
11 to liven and activate the street.

12 Here we're a little bit up Third Street  
13 looking back south. Here we brought in some of  
14 the characteristics of the neighborhood such as  
15 projecting canopies in a particular attention to  
16 the ground plane the way the buildings hit the  
17 ground. But looking up is a really unique and  
18 creative overall building massing. Again, in  
19 responding to some of the requests from The  
20 Office of Planning. In the interest of time I am  
21 going to minimize the review of the plans, here I  
22 just want to point out there is a lot of yellow

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1 and green here, so the yellow is all retail  
2 space. So, in all the buildings, we've worked  
3 very, very hard to make these highly leasable,  
4 well designed, desirable places for retailers to  
5 come. And for the public to come and enjoy the  
6 retail. So that's yellow. The green, you can see  
7 a lot of detail, park space and outdoor  
8 functionality here. And here all along Third  
9 Street.

10 Then this is actually the interim conditions,  
11 so, initial buildout of the consolidated portion.  
12 North end until such time as phase 2 forward  
13 there will be significant outdoor space again we  
14 can add detail to that if you like.

15 Typical residential plan and office plan have  
16 all been carefully designed. Very dynamic roof  
17 space. The roof of the upper portion here will be  
18 some of the nicest outdoor roof space in the  
19 city. As you all know there is a completion every  
20 building gets better and better, so this will  
21 have the highest levels of design, this office  
22 building here, Jeff Barber will speak about in a

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1 minute. The upper levels and then there's a  
2 couple of different mid-rise buildings, some  
3 green roof. We've modified mechanical systems to  
4 really reduce massive rooftop penthouses. Here on  
5 this midrise building, we've already created some  
6 outdoor space on the roof that is pertinent to  
7 individual units.

8         Again, I'll skip these plans in the interest  
9 of time, but if anyone has any questions, I'm  
10 happy to come back to them soon. I do want to say  
11 that one of the changes from the first time from  
12 our sit down hearing. At that time we were  
13 requesting some relief from penthouse structures.  
14 I just want to note that we are no longer  
15 requesting relief from setbacks from rooftop  
16 structures. We have diagrams showing all of that.

17         Materials, there are three materials pallets  
18 behind you, on the floor. I won't go into those  
19 in detail, but those are for Building A, which is  
20 predominately dark gray metal panel and glass.  
21 This is the backside. The midrise portion of  
22 building A, which is the tannish stone, which is

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1 typical of the neighborhood. Some of the historic  
2 buildings, in the center of the neighborhood,  
3 have that materiality. It's a combination of  
4 those materials.

5 Then on building B, again in working for the  
6 office of planning, we've come back several times  
7 and refined those materials. The now combination  
8 of very nice brick, at the base and some unique  
9 metal panels of a variety of colors in the upper  
10 portions. Again, here's those elevations as they  
11 have evolved with our collaboration with the  
12 office of planning. And a detail of the ground  
13 plan, where we focused a lot of our attention.  
14 Thank you very much.

15 MR. BARBER: Thank you, Sacha. Good  
16 evening commissioners and Chairman Hood. I'm Jeff  
17 Barber, Principal of Gensler. A global  
18 architectural design firm. I am presenting  
19 Building C1, on behalf of Carr Properties. The  
20 building is ten stories. It is about 217,000  
21 square feet of office, sitting atop about 750,000  
22 square feet of retail grade. This rendering you

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1 can see Third Street to the west. Moore Street to  
2 the south, then Flanking to the east is the  
3 alley. The base of the building is extended  
4 beyond the plan of the building above. So, the  
5 retail experience grounds the building and  
6 expands onto the sidewalks as well.

7 Then there is a bit of a reveal before the body  
8 of the building takes off from that base. You can  
9 see four terraces located in the body of the  
10 building. The building revolves itself at the  
11 top, with a rooftop experience, the green roof on  
12 top of the penthouse itself. But the rooftop  
13 experience has habitable penthouse for office  
14 space. Some dedicated space to the roof to that  
15 tenant. But also some shared space for all the  
16 tenants in the building.

17

18 This located it in plan again with - this is  
19 now oriented in such where the right side of the  
20 page is to the north. So, Third Street is to our  
21 west, Moore is to our south. In two orienting  
22 views for building C1 and its relationship to the

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1 other buildings and the overall neighborhood.  
2 This really comes the corner piece in the PUD and  
3 has the ability to really complete the  
4 neighborhood.

5 We're focusing the building and its tenants  
6 on the creative office. And the tenants that want  
7 to occupy creative office space. This seems to be  
8 the perfect neighborhood for that. The vibe and  
9 the feeling of that neighborhood that not only  
10 will capture but will also help to create. It's  
11 really about people at the center, who will  
12 create a flexible, creative office building. And  
13 we're all aware that there is a great interest in  
14 existing historic buildings such as warehouses  
15 and the great feeling that is generated into  
16 those buildings when you overtake them and  
17 renovate them.

18 We have a chance here to define, in new  
19 construction a new inventory. We're going to  
20 focus that around three ideas. The idea that we  
21 can get the expression of those buildings and the  
22 experience of those buildings and the emotion of

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1     them without imitating them. But instead, by  
2     exploring the structural expression and the frame  
3     through folded planes and exposing slabs, and  
4     even exposing moments like terraces that we get a  
5     generous building and volume is expressed, rather  
6     than a slim stack or floor plates. Through that  
7     expression, through openings in it and carvings  
8     out. We'll create rooms with a view and shared  
9     connections. Finally, the floor plate itself is  
10    flat and fast and fun, and the people are the  
11    center of the floor plate rather than typically  
12    the core.

13         We're going to the ground floor plan now.  
14    You'll see that the building opens on the Third  
15    Street with retail. The lobby is opening to Third  
16    Street as well. That lobby is meant to feel  
17    almost lounge like as a shared amenity for the  
18    neighborhood. The part that is in Rose also opens  
19    up in conference and locker room and fitness  
20    center east along the alley side. The retail  
21    anchors the south where there is a large gracious  
22    sidewalk. And we hope that could be a restaurant

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1 that opens out with seating along there,  
2 activating the street itself. Retail is also  
3 opening on Third Street. Then the alley is where  
4 we get into loading, and into parking below  
5 grade.

6 This is a view of the building from the  
7 Southwest as you approach with expressed a very  
8 tall retail floor. The ground floor at a 20-foot  
9 floor to floor in this corner. You will also see  
10 to the right, the Capital Bike Share, designated  
11 location for that. The tree is along that edge  
12 and then the large sidewalk, where we can spill  
13 out into chairs and seating from a restaurant.  
14 Perhaps they'll even open the restaurant onto the  
15 street itself. Then the piano Novo lay, the first  
16 level of office, pulled back a bit, and  
17 overlooking the street. Then you can start to see  
18 the terraces. Where there is an opportunity for  
19 each floor to open onto a terrace.

20 This is the second-floor plan where I  
21 mentioned it pulls back a bit from the retail  
22 that extends out blow it. So, there is a seven-

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1 foot terrace running along the west side of the  
2 building, and there is also a separation from the  
3 future building to our North of almost 35 feet.  
4 So, that becomes a terrace as well. With  
5 landscaping. You can see the location of the core  
6 here is slipped a bit to the north and really the  
7 southern end is wide open. The south is where we  
8 get views all the way to the capitol. As you go  
9 up into the building, the typical upper plan then  
10 is pulled away from the building to our north.  
11 Almost 35 feet. So, you get windows surrounding  
12 the entire building. We've reserved a large part  
13 of the southern part of the floor plate as  
14 contiguous changeable space for tenants. So that  
15 the core slides up, and out of the way.

16 Getting to the roof. We have a habitable  
17 penthouse there that can spill out onto the roof  
18 itself. But there is also the ability to come up  
19 from the elevators for all the tenants in the  
20 building and share in the rooftop experience.  
21 Great views in every direction, but especially to  
22 the south and to the west.

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1           The direct elevation to the west, which is  
2 similar on the east and representative of that  
3 south and north three simple materials. A metal  
4 panel, in a dark gray tone. Glass and aluminum  
5 storefronts. Glazing in a two story expression,  
6 or perhaps one story across the body of the  
7 building. Then a masonry or perhaps metal rack  
8 frame expressed in the terracotta color.

9           A close up of that frame on a typical  
10 elevation, you see that the right we have quite a  
11 tall, floor to floor. So, these floors will feel  
12 more loft-like, more generous, and more open.  
13 Tons of daylight pouring in and the expression is  
14 that the structural frame has been clad and the  
15 material like terracotta. The windows overlap  
16 that frame such that there are no restrictions to  
17 the view, in any direction, up, down, or to the  
18 side. The explanation of those materials.  
19 Material B, as we call it, is at the top and at  
20 the bottom. At expressing this connectivity  
21 between that top and the bottom of the building,  
22 and that is meant to be a dark middle panel and

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1     then material an in the middle of the building  
2     might be terracotta, might be a material with a  
3     terracotta color. Or perhaps a metal wrapper. But  
4     simply in that pallet of a rust colored body.  
5     That is what I wanted to share with you from  
6     building C1.

7             MR. FREEMAN:     Mr. Chairman that  
8     concludes our direct presentation. We have Mr.  
9     Andres and Mr. Hoover available if you have any  
10    questions regarding transportation or landscape.  
11    But with that, we conclude.

12            CHAIRMAN HOOD:     I want to thank you all  
13    for your presentation. Let's see if we have any  
14    comment or questions from up here.

15            MR. MAY:         Mr. Chairman, of course, I  
16    have questions and comments. But I would be very  
17    happy to have someone else go first. I have been  
18    talking a lot lately, and I'm kind of tired.

19            CHARMAN HOOD:     Well, let's not change  
20    the trend. Go ahead.

21            MR. MAY:         Are you sure?

22            CHAIRMAN HOOD:     Yeah.

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1           MR. MAY:        Alright. Well first of all  
2     judging from the number of developers and lawyers  
3     and architects in the room. You know that  
4     somebody is like, not supposed to be in the room  
5     in case something bad happens here. And there  
6     will always be a developer and an architect and -  
7     - Okay.

8                         [Laughter fills the room]

9           I appreciate you all being here as obviously  
10    a project of great interest to many people. Not  
11    just those that are at the table. So, that is a  
12    good thing. Just a few points of clarification, I  
13    saw somewhere in your submission reference to  
14    Lead Gold or equivalent. Are you actually  
15    submitting to certification at the gold level?  
16    Because that is - I also read that. Also, in  
17    other people's statement about what you're doing.

18           MR. TYRRELL:    Yes, we'll be doing lead  
19    gold certified.

20           MR. MAY:        You'll be going for the  
21    whole certification process?

22           MR. TYRRELL:    Yeah.

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1           MR. MAY:       Okay, I'm a little confused  
2 by. There is a drawing that shows Neal Place in  
3 the alignment with the rest of Neal Place. Then  
4 there is an alternate alignment. I got confused  
5 about what that meant. Sorry, there is a lot to  
6 observe on this one.

7           MR. FREEMAN:       Mr. Graham Tyrrell  
8 will walk through it. But it's the civil sheet.  
9 Give me one second. I just want to make sure we  
10 are all looking at it. C 202.

11          MR. TYRRELL:       Yes, so the idea here is  
12 that building C2 and building D would have a  
13 garage underneath of Neal Place. So, what we  
14 walked through many conversations with both DDOT  
15 and OP is the idea that we would be putting in  
16 Neal Place as part of the first phase. But if C2  
17 or D are moving forward, we would like to defer  
18 that construction so that we have these alternate  
19 plans to provide the same connection on a  
20 temporary basis, while that building is  
21 completed. So, if building D is under  
22 construction, then the Neal Place temporarily

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1 moves to the south and vice versa of C2 is moved  
2 forward. It moves to the north.

3 MR. MAY: To north of the apartment  
4 building --

5 MR. TYRELL: North of its ultimate  
6 location.

7 MR. MAY: North of its ultimate  
8 location. Oh, I see, I got it, all the way up  
9 there showing in blue. I'm looking at -- I am  
10 looking at C202. Alright, very good. Which, just  
11 talking to the high question. Which street does  
12 this front - - Which 110 foot wide or more street  
13 is this front on?

14 MR. FREEMAN: New York. The lot goes on  
15 and tough and touches New York.

16 MR. MAY: New York. Goes and touches  
17 New York, so that's where it gets the high from.  
18 Okay, the -- I see in the far calculations. But  
19 the far calculations are by - so, it's by  
20 theoretical lot. The red outlines, right. So,  
21 each of the individual buildings far calculations  
22 are based on that?

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1 MR. FREEMAN: Correct.

2 MR. MAY: And the overall 6.9 is an  
3 aggregate of that? Exclusive of the private  
4 stream?

5 MR. FREEMAN: It's up a little at 7.1,  
6 but yes, it's a combination of that, minus the  
7 street.

8 MR. MAY: Right, so the area in the  
9 street is not included in the far calculation.  
10 Okay, so, DDOT's last memo from the third of  
11 January, has a few areas that require some  
12 clarification. I think you spoke to some of that,  
13 But, I kind of missed it all. We know you  
14 basically agreeing with all of their  
15 clarifications that you will pay for the bike  
16 share station. No matter the costs?

17 MR. FREEMAN: Yes.

18 MR. MAY: So, all of those things are  
19 in grasp.

20 MR. FREEMAN: Yes.

21 MR. MAY: They are? Okay. So, I have a  
22 few small questions about the roof top. And I

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1 don't know where they are in your PowerPoint. I  
2 should have made a note as we went through but on  
3 page 43 of that same submission that we were  
4 looking at. So, this is the roof plan. And this  
5 drawing has both too many measurements on it and  
6 not enough. Right? So, it's got: top of the  
7 parapet, top of the roof, and it's not clear  
8 always what the actual top -- If we just had  
9 elevation marks on the top of the roof, it would  
10 be easier to understand. But the thing that I do  
11 find a little bit confusing is that the setback  
12 requirements. Say, let's just talk about C1, the  
13 majority of the penthouse is set back 15 feet.  
14 And it's a 15-foot penthouse measured from the  
15 top of the main roof to the top of the roof or  
16 the parapet on the roof? I mean the penthouse  
17 roof or the parapet on the penthouse roof?

18 MR. HOOVER: The highest parapet on the  
19 house. So we're going from roof to the top of  
20 parapet in any condition and we are at a one to  
21 one on the main building.

22

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1           MR. MAY:           Here's where I see an issue.  
2    And it's a small issue. I'm sure that it is  
3    something that you can fix. You're showing the  
4    top of the roof at 1286. Right? I'm looking at  
5    numbers that are on that drawing, all the way to  
6    the bottom there. To the left of the word, the  
7    alley. So, top of the roof is 1286, and the  
8    setback has to be from the top of the roof, or  
9    edge of the building. Not the top of the parapet.  
10   So, you measure from that, the setback of the  
11   penthouse, including any parapet on the  
12   penthouse, has to be from that intersection of  
13   the roof to the face of the building. Not any  
14   parapet that extends above it. I think your  
15   diagrams show that correctly, but this drawing is  
16   either incorrect, or there is a problem there.

17           So, I'm not sure, but you follow me in what I  
18   am saying here right? You measure the one to one  
19   set back, starts where the roof meets the face of  
20   the building. Then it has to cover the highest  
21   element as you said on the top of the parapet.

22           MR. FREEMAN:       Yes.

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1           MR. MAY:           Okay.

2           MR. ROSEN:        I think you are right,  
3 the dimension is not correctly shown here. But  
4 we'll make sure the one to one goes to the  
5 highest element on the penthouse.

6           MR. MAY:        Yeah, and maybe it's best  
7 to just in some sort of subsequent submission,  
8 either correct the drawing or perhaps, better  
9 yet, point to the section that shows that and  
10 that demonstrates that the set back is properly  
11 matched. Also, again these are all small points,  
12 but there are planters of stuff growing like  
13 directly on the roof on pages 52 and 53 in those  
14 small sections.

15          Right by the face of the building, so, I  
16 don't know if that is just shown there for  
17 decoration or that you're actually going to try  
18 to grow something there. But there doesn't seem  
19 to be any growing medium. And maybe that is just  
20 because it is not showing in the detail and it  
21 will be recessed, and it will be at the level of  
22 the roof. If there is going to be some sort of

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1 planter above the roof that is something that has  
2 to be set back one to one.

3 MR. ROSEN: Right, these diagrams are  
4 diagrammatic. As we enter the building, we do  
5 understand the requirements there.

6 MR. MAY: Okay, so we've run into this  
7 with other projects, so, it would be best just to  
8 clarify that. Either, show us a drawing that  
9 doesn't have anything growing magically out of  
10 the surface. Or, show us notionally how you think  
11 -- it doesn't have to be engineered completely,  
12 and of course you will still have to go through  
13 your zoning review and permit. But it would be  
14 best to show it correctly here because this is --  
15 were going to vote to approve this theoretically,  
16 and we want it to be correct in what we're  
17 seeing. Again, minor, minor points. On page  
18 64 -- I'm sorry Mr. Chairman, you wanted me to go  
19 first.

20 CHAIRMAN HOOD: As Mr. Freeman said, my  
21 team is no longer in the NFL playoffs so.

22 MR. MAY: You're in no rush?

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1 CHAIRMAN HOOD: Yeah.

2 MR. MAY: Me neither. Okay, on 64  
3 there -- I am confused by what I am seeing in the  
4 section on the left, at the very top where we  
5 have -- you have a 45-degree angle shown there on  
6 a dashed line. It seems to be cutting through  
7 parts of the upper level of the parapet. Or the  
8 upper level of the penthouse. So, is that an  
9 error?

10 MR. ROSEN: That's because of a  
11 complexity of the --

12 MR. MAY: Of the shape?

13 MR. ROSEN: Of the infrastructure. So,  
14 we take the section, you know, it sometimes  
15 changes. But at any point in the plan, the  
16 setback will comply.

17 MR. MAY: Right, Okay, so again that's  
18 something that needs to be shown. Again, you have  
19 the section at the right place, or, take it at an  
20 angle that it shows up correctly or whatever.  
21 Because this seems to indicate that you are not  
22 meeting the setback.

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1           Then on the right side of that page, the  
2 amenity deck. So, what we are seeing there  
3 labeled the amenity deck, that's the actual  
4 platform, right? Of a deck?

5           MR. ROSEN:       That is actually the fence  
6 the required fence around the pool area.

7           MR. MAY:         Oh, so it is a guard, rail,  
8 or it's a guard around the fence?

9           MR. ROSEN:       Right.

10          MR. MAY:         And the fence itself is --  
11 sorry, the pool itself is flush with the --

12          MR. ROSEN:       -- It will be elevated  
13 within that section.

14          MR. MAY:         Okay, I think that needs to  
15 be shown correctly too. Because when I see that  
16 and read amenity deck, I think that the top of  
17 that is the platform that is three eleven and a  
18 half whatever, four feet above the roof,  
19 nominally. Then there would have to be a guard  
20 rail that is set back on top of that.

21          MR. ROSEN:       Right.

22

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1           MR. MAY:           So, it should be shown  
2           correctly. Then on building B, do I understand  
3           correctly on page 69. If I understand correctly,  
4           what you have there is a - there is a central,  
5           mechanical screening, right? That's about eight  
6           feet off the roof surface itself? And it's set  
7           back eight feet and a minimum on all sides,  
8           except for the south side where you have your  
9           elevator overrun?

10           MR. ROSEN:        Correct.

11           MR. MAY:           It shows up in the  
12           drawings, the subsequent elevations as sort of a  
13           continuation of that segment of the facade? Is  
14           that?

15           MR. MALE SPEAKER:    Correct.

16           MR. MAY:        Okay, so, there was something  
17           odd about that in the dimensions. Here we go, on  
18           page 76, we're seeing a section through that  
19           screen, and it is shown to be in the neighborhood  
20           of eight feet. A little less than eight feet  
21           back. In terms of the scaling. But if you look at  
22           the dimension on it, the top of the parapet

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1 screen wall is at 8811, and the top of the roof  
2 is 7066 which means that it is 12 and a half feet  
3 tall. So, I just think that top dimension is off.  
4 The 8811 is incorrect.

5 MR. ROSEN: We'll check those.

6 MR. MAY: Yeah. I think it is worth -  
7 - on the elevation, on 70 when you show the  
8 extension of the facade. You call that an  
9 architectural embellishment and the plan. It's  
10 not that much of an embellishment, but it is  
11 arguable that that's a tower piece. It's not as  
12 embellished as architectural embellishments are.  
13 I think that's okay. You just might want to call  
14 it out on that elevation drawing as well, so it  
15 matches up with what you are describing in the  
16 plan.

17 I think that is it on the architectural  
18 things. I think that one of the big issues with  
19 this project is that it's a really, really big  
20 change. This is what we have all over Union  
21 Market, but it's a really big change in the  
22 density. Going from matter of right zone, to this

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1 zone. I appreciate the fact that the affordable  
2 housing component has improved. I also appreciate  
3 the fact that there are substantial benefit to  
4 the general public here. It's a little bit hard  
5 to judge whether this is the right mix and hits  
6 the mark. I am interested in hearing what my  
7 colleagues have to say about whether they think  
8 the benefit of amenities associated with this  
9 project is actually sufficient to justify that  
10 change in the overall zone. It might actually be  
11 worth wild.

12 I think, let me ask you this Mr. Freeman. At  
13 the matter of right zone. The CM1, which is what?  
14 3.0 Or something like that? There is a  
15 difference. I think OP did a calculation that  
16 showed that you are gaining 800 some thousand  
17 square feet. Over a matter of right. Is that  
18 based on the development of the parcels under the  
19 old zone versus the development of the parcels  
20 under the C3C? Or is it based on the development  
21 of the entire property at CM 1?

22

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1           MR. FREEMAN:     I have to double check  
2 with OP In terms with how they were calculated.

3           MR. MAY:        I mean, assuming that you  
4 addressed that. Where is struck me was in the OP  
5 report, but it was in your submission I imagined  
6 as well. Or it should be.

7           MR. FREEMAN:     The increase in our  
8 project is actually not as much as we could --

9           MR. MAY:        -- I know, I know, you're  
10 at 7.1, right. I understand that it's at 7.1, but  
11 it is also net of streets. But those streets are  
12 streets that are private streets that you are  
13 electing to put in. Theoretically, if it were  
14 developed at CM1 you could put development over  
15 the whole thing, right?

16          MR. FREEMAN:     Well, the city-owned  
17 street and the public streets. So, the public  
18 would.

19          MR. MAY:        Oh, they are public streets?

20          MR. FREEMAN:     The land is currently  
21 owned by the District, and we have agreements in  
22 place to develop it.

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1 MR. MAY: Got it.

2 MR. FREEMAN: So, it's not private  
3 streets.

4 MR. MAY: But some segments of it are  
5 private streets?

6 MR. FREEMAN: No, they are public  
7 streets.

8 MR. MAY: Every one of those are going  
9 to be public?

10 MR. FREEMAN: The small Neal extension.

11 MR. MAY: Oh, it is? So, I  
12 misunderstood that. Okay, well, in any case, it's  
13 a really big increase. That's one of the things  
14 that still hard to judge and evaluate. I  
15 appreciate the amount of change that has occurred  
16 between sit down and today. I can't really speak  
17 to what happened at the last hearing since I  
18 wasn't here. Although, I reviewed the record on  
19 it. I didn't have a whole lot to say at the time.  
20 But I appreciate where it came from. From sit  
21 down to get to today. It is sort of interesting  
22 to think about there are a lot less unresolved

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1 issues. I mean at this point there a virtually no  
2 unresolved issues. That is always a good place to  
3 be when we have the hearing. Too often we enter  
4 into hearings with a lot of unresolved issues.  
5 Maybe this strategy of pushing off the hearing.

6 [Laughter fills the room]

7 MR. FREEMAN: No, that's not the  
8 right strategy. I hope not. What we have prepared  
9 and can submit for the record in terms of the  
10 amenities. We've quantified and evaluated all of  
11 the amenities. I am happy to submit that into the  
12 record.

13 MR. MAY: Yes, that would be very  
14 helpful. I think that is it for y questions Mr.  
15 Chairman.

16 CHAIRMAN HOOD: Let me just say I think  
17 that was the right strategy. Because

18 MR. MAY: Certainly, in this case,  
19 But should we make it a practice?

20 CHAIRMAN HOOD: Well, it depends. I  
21 think we do everything case by case. Because if  
22 we went any further where we were, they might not

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1 have got a favorable vote.

2 MR. FREEMAN: I think Mr. Avitabile  
3 might like that for his cases maybe, but I don't  
4 know.

5 CHAIRMAN HOOD: I think Mr. Freeman you  
6 were doing fine, so let's keep this going.  
7 Commissioner Shapiro.

8 MR. SHAPIRO: Thank you Mr. Chair.  
9 First and foremost, if we could get a little bit  
10 more information about the proffers 11 percent.  
11 Can you talk a bit about the unit mixes? Any  
12 comments about locations? I think you had the 50,  
13 50, 50, 80, 50 and 50?

14 MR. TYRRELL: That's right, yes.  
15 So, we have 11 percent of gross floor area, 50  
16 percent, 50 AMI and 50 percent, 80 percent AMI.  
17 That would be distributed evenly amongst the unit  
18 mix of the entire project. So, within the A1 and  
19 the B building we actually have a pretty broad  
20 range of unit types, ranging from studios, one  
21 bedroom, twos to and even a small quantity of  
22 threes. Those will all be represented in the IZ.

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1           MR. SHAPIRO:           What's the total  
2 number of units again?

3           MR. TYRRELL:           We have 560 in the  
4 first phase. Then the total build out would  
5 probably be closer to 1100.

6           MR. SHAPIRO:           And so that would be  
7 11 percent of 1100 units?

8           MR. TYRRELL:           That's right.

9           MR. SHAPIRO:           Okay.

10          MR. TYRRELL:           With a square  
11 footage.

12          MR. FREEMAN:           Commissioner Shapiro,  
13 we have plans in our planes an older iteration of  
14 our IZ worksheet. But when we submit our  
15 evaluation of our benefits, we'll also submit the  
16 updated version that shows the 11 percent just to  
17 make sure that's fully clear and in the record.

18          MR. SHAPIRO:           Okay, thank you. The  
19 next question is around the -- this is related to  
20 the DDOT report. I just wanted to have you talk  
21 me through that just for a minute or two. Their  
22 issues were, essentially around clashing

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1     circulation, bike circulation, pet circulation,  
2     auto circulation. Is there something that you can  
3     show me that shows how that's laid out in plan,  
4     just so I can see it, visually?

5             Or if not, if you can just talk me  
6     through it and find the right thing. I mean  
7     they're talking about dedicated pedestrian  
8     circulation dedicated by circulation.

9             MR. FREEMAN:             It's actually a  
10    couple of sheets. I'll let Mr. Andreas start with  
11    his transportation slides and show you some of  
12    those features. As he is doing it, I will find  
13    some of those specific documents in the plan.

14            MR. SHAPIRO:            I'm especially  
15    curious as to how it all seems to come together  
16    at the top of the park, the plaza.

17            MR. ANDRES:            Good evening, Chairman  
18    Hood and members of the commission. For the  
19    record, Erwin Andres with Grove Slate Associates.  
20    Commissioner Shapiro, with respect to your  
21    question, DDOT issues two review letters. One on  
22    October 11th and another on January 3rd. As Mr.

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1 Freeman had said, we've went through all of the  
2 different comments that they had. There were  
3 comments associated with their TDM, and there  
4 were comments related to some of the planned  
5 roadway improvements. And some of the issues  
6 related to the design as a proposed alley. What  
7 I can go through is essentially the concept  
8 related to the access for all of the different  
9 buildings and all of the different --

10 MR. SHAPIRO: I don't think I need  
11 that level of detail. I think it's more -- what's  
12 the -- if you were biking in, how are you getting  
13 in and how are you getting out? How do you not  
14 get run over? How do you not run over people?

15 MR. FREEMAN: Okay, let's go to  
16 sheet L1.26 or L1 26 and start from there.

17 MR. SHAPIRO: Is that in the  
18 transportation plan?

19 MR. FREEMAN: It's in the packet, and  
20 we'll have Mr. Hoover, Don, talk about the  
21 pedestrian zones and flex zones, so it is  
22 essentially L1.26 through the sections which end

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1 at L1.32. So, we'll walk -- Mr. Hoover will walk  
2 us through those and the different zones.

3 MR. HOOVER: I do, I am just  
4 wondering if they want to see the site. I guess  
5 we can use this. So, the -- I don't know  
6 specifically what the concern is for these zones,  
7 but I will walk you through --

8 MR. SHAPIRO: The main concern,  
9 especially for me, is around the Plaza.

10 MR. HOOVER: Okay.

11 MR. SHAPIRO: So, I just want to  
12 get a sense for how you have designed the coming  
13 together of cars, bikes, and people. And  
14 especially, as I look at it in the elevations  
15 that are designed. I didn't quite get a sense  
16 where automobiles stopped.

17 MR. HOOVER: Ah, Okay. So, looking  
18 at the plan on the screen, what you see in gray  
19 is the vehicular zone. There is a curbed edge,  
20 you're probably wondering, yeah, this all reads  
21 on the illustrative plan as being all the same  
22 tone. So, you may have thought that cars could

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1 drive down there. That is not the case.

2 MR. SHAPIRO: So, the cars curve  
3 around Morris and Neal?

4 MR. HOOVER: That's correct.

5 MR. SHAPIRO: And the bike lane --

6 MR. HOOVER: The bike lane is here,  
7 there are no bike lanes beyond that. So, it would  
8 be any -- bike movement would be mixed with  
9 pedestrians. Within this space.

10 MR. SHAPIRO: But the bike valet is  
11 at the corner, right?

12 MR. HOOVER: The bike valet is --

13 MR. SHAPIRO: At the corner of the  
14 park?

15 MR. HOOVER: That's correct. So,  
16 it's a minimum 20-foot wide plaza space going  
17 down the hill. It's more like 22 or 23. It's at  
18 least 20 foot wide because that is a fire lane,  
19 which if you're headed towards putting a bike  
20 lane through the plaza. That may be a problem  
21 with the fire lane. So, the bike valet is at the  
22 bottom of the plaza, so, it would be mixed

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1 pedestrian and bicycle traffic in that zone is  
2 what's being proposed.

3 MR. SHAPIRO: Is there a way that  
4 bicycles make it through the park up the  
5 elevation?

6 MR. HOOVER: The Florida Ave Park?

7 MR. SHAPIRO: Yeah.

8 MR. HOOVER: It's possible to take  
9 a bike down the switchback, their stairs coming  
10 directly up the hillside, but that switchback  
11 that you see could be maneuvered by a bicycle.

12 MR. SHAPIRO: I think what I'm  
13 looking for is some kind of -- because there is a  
14 heavy emphasis on bike access, and I missing how  
15 that is designed in. I get it in the alley, on  
16 the backside. And I didn't get it where you have  
17 the office building. The dedicated bike lane  
18 takes you right there, but you're looking at  
19 attracting as many people up through the park,  
20 and then it just got confused for me.

21 MR. FREEMAN: Let us let Graham  
22 take a run at answering your question.

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1                   MR. TYRRELL:                   So, the way as a bike  
2 rider I sort of envision this happening is, we  
3 have a bike lane on 4th street where the bike  
4 lane that we're putting in on Moore Street  
5 between 4th and the alley. So, that really serves  
6 as sort of the primary, through bike network, if  
7 you will for people who want to come into the  
8 market. The plaza and the park, I think it's a  
9 very steep grade, to begin with then obviously,  
10 you've got the switch back ramp situation, so, it  
11 is ramped. It is there primarily as a handicap  
12 access, but I think it could also serve as  
13 somebody walking a bike through that area. I mean  
14 I think that would certainly work. Then in the  
15 Plaza, we have positioned our resident bike  
16 storage and our bike, hopefully, bike storage  
17 area, bike valet area in the plaza. I think the  
18 idea there is people would sort of come towards  
19 that plaza, and they would dismount, walk to the  
20 valet, leave their bike there and then go explore  
21 the market on foot. So, that is sort of the  
22 concept that we been working with.

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1           MR. SHAPIRO:           They're dismounting  
2     at the bike valet, but they have to get to the  
3     bike valet.

4           MR. TYRRELL:           Right, so, you know  
5     ideally they would be dismounting at the plaza,  
6     people are going to ride their bikes through the  
7     plaza. Don't mention there is a 20-foot wide fire  
8     access way, so, it is a pretty broad area.

9           MR. SHAPIRO:           I don't have a good  
10    idea how to better design it, but it feels messy.  
11    I'm not sure if I even have a suggestion. It  
12    feels like it is your intention to have that be  
13    as you described it as one of the main features  
14    of the plaza. So, you're really encouraging a lot  
15    of bike traffic, right onto the plaza. Which I  
16    commend you for. I think it sounds significant.

17          MR. TYRRELL:        Yeah, I think that is  
18    certainly our hope, that this is a predominate  
19    bike and pedestrian oriented environment.  
20    Obviously, the street and network is relatively  
21    small. Car speeds are going to be relatively  
22    slow. So, we do envision it sort of being a space

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1 where bikes and pedestrians will kind of  
2 intermingle pretty comfortably.

3 MR. SHAPIRO: So, this goes to  
4 Commissioner Mays comment about the amenities  
5 packet. And it's back to the two when you're  
6 talking about the plaza and having the plaza be a  
7 really significant feature for the entire  
8 development. I wanted to get a little more flavor  
9 to what the main focal point of this is and the  
10 drawings you have an art feature we talked about  
11 some sort of potential misting something. My  
12 immediate reaction is that it feels a bit light  
13 for what you are trying to attract here. So, what  
14 plans are concrete and beyond the amount of  
15 money?

16 MR. TYRRELL: I'll like Don to  
17 spend a few minutes just maybe highlighting a few  
18 of the features of particularly the gantry  
19 feature. We think that is going to be a very cool  
20 interactive element within the plaza. Sort of  
21 serve as a backdrop to all of the activation  
22 within the plaza. So, I think he's got a few

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1 slides here that sort of show that very well.

2 MR. HOOVER: Okay, I'm not going to  
3 walk you through this. So, this is a diagram. I  
4 think that you can probably see where were at  
5 here, hopefully. With Third Street being here,  
6 Moore Street being here, and you can't read this,  
7 but the curbeage is right there. So, this also  
8 includes the level to Terrace Garden. So, what  
9 this diagram is illustrating is a couple of  
10 points. One, this is primarily a pedestrian  
11 circulation way. But we also see it as a  
12 destination.

13 As Sacha said, the grade change here, what  
14 happens here is from this edge, it slopes five  
15 percent to about there. Then from this point down  
16 you drop another 15 feet. So this zone through  
17 here is relatively flat.

18 MR. SHAPIRO: I lost you for a  
19 second, where is the plaza in this?

20 MR. HOOVER: Let me just jump  
21 ahead. So, the plaza, this is the edge of the  
22 roadway here, so that would all be considered,

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1 that entire thing is considered the plaza space.

2 MR. SHAPIRO: Then the park works  
3 its way down that way?

4 MR. HOOVER: This is the level 2  
5 park that's here.

6 MR. SHAPIRO: Right, I got you.  
7 Okay.

8 MR. HOOVER: So, to hit on those  
9 grates again, you're basically dropping six feet  
10 from here down to about there. Then from here,  
11 it's about two percent coming around relatively  
12 flat, coming from here, and then you drop 15 feet  
13 down the hill. So, this is full of stairs through  
14 here and switch back ramps coming through here is  
15 relatively flat. So, I'm just going to jump back  
16 to the diagram for a second. So, this is just  
17 illustrating, as I said it's that major  
18 pedestrian circulation way from the metro in  
19 Florida Avenue, through the space into the  
20 market. But along the way, this diagram is  
21 hopefully illustrating the diverse program that  
22 happens along the edges. I did mention that we

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1 had to keep the center 20 feet open because of  
2 the fire lanes. So, everything needs to happen  
3 along the edges. So, there are the collection of  
4 outdoor café spaces. We have public seating at a  
5 number of locations. Some, in this case, is  
6 minced seating; this is that terrace -- a wood  
7 element that is terrace down the hills almost  
8 like bleacher seating. Then there is step seating  
9 that wraps the corner of the plaza.

10 Then you've got the residential lobby here,  
11 outdoor café space from the coffee shop inside  
12 the residential building. Then you've got the  
13 gantry feature which I'll talk about more here in  
14 a minute. How that is kind of the centerpiece and  
15 activator of this space down here. But in a  
16 nutshell, everything is happening along the  
17 edges, and it's happening at different levels,  
18 and its terracing down. Then you have the  
19 experience of the terrace gardens going down the  
20 hill.

21 If I jump to the -- this slide illustrates,  
22 again what you see in brown is all the seating

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1 elements on that terrace.

2 MR. SHAPIRO: I'm with you on that.  
3 I think we'll go right to that central point.

4 MR. HOOVER: To the gantry piece?  
5 Okay, sure. So, I don't know how much history was  
6 given to you guys. What started the whole notion  
7 of the gantry, but it was -- the idea of the  
8 gantry came from the gantries that are spanning  
9 the rail tracks. Up and down the tracks. So,  
10 that's how it all started. The idea of looking  
11 down Morris Street and instead of blocking the  
12 view of the trains, we were trying to embrace  
13 that and make it part of the experience of the  
14 plaza. And so the gantry feature is basically  
15 framing the view of the trains moving past beyond  
16 and if I step back from the plan for just a  
17 second, you can sort of see how the building wall  
18 of Morris Street -- Building A steps out in front  
19 of it, and then this portion of building A steps  
20 out even further, so, you've got this layering,  
21 visual layering as you're going down. Then the  
22 gantry piece is what you're looking at is sort of

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1 end of the view, but also looking through that to  
2 the trains beyond. It's also a piece that from  
3 Third Street you're going to see. Now, in terms  
4 of when you're on foot, what do you experiencing  
5 -- well, this is giving you the dimensions here,  
6 and again, we see this is a backdrop for  
7 potential films, again, think about the terrace  
8 seating that is set up within the plaza space  
9 looking at this structure. We see this is an  
10 opportunity for it to be lighted at night,  
11 because you're going to see it from all the way  
12 down Third Street from the big building from the  
13 end of Third Street.

14 Uline Arena. This is going to be sitting up  
15 on the hill, 20 feet up above that, so you're  
16 going to be looking up at that piece. So, let me  
17 go to a couple of other views.

18 MR. SHAPIRO: I think I get the -- I  
19 appreciate what you're going for with it. What  
20 I'm wondering is if there is some kind of amenity  
21 that could be designed in, that is much more  
22 about the fun, the entertainment, the experience

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1 of being in that plaza beyond how beautiful it  
2 looks. And it does look beautiful. I don't know  
3 where my colleagues are with this, but it seems  
4 like if you want to create this as a kind of  
5 destination for more than just the people that  
6 will be living or working there. I think you want  
7 something that is going to give people a reason  
8 to go there and play there. I don't want to  
9 simplify it over. I don't know if that means some  
10 kind of really fun fountain, where people bring  
11 their kids to play and the enhancement one of the  
12 misting features. I don't know whether that is an  
13 ice rink or whether it's a -- you know something  
14 that can. It's hard for me to gauge it based on  
15 the size of it. But just something that people  
16 can go to that will be more of an attraction than  
17 the --

18 MR. FREEMAN: We'll look at that  
19 commissioner and at the next submission we'll  
20 present some concepts and some ideas.

21 MR. HOOVER: I'll like to make just  
22 one more pitch for the fog feature which is --

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1     having worked on dozens of plaza spaces  
2     throughout the city, and we have incorporated  
3     interactive water features, and a lot of those,  
4     they are around every corner. This which the  
5     images you see on the left is a project in  
6     Pittsburg, and it is, you think it's not  
7     interactive. It's very interactive. And what  
8     happens is every few minutes the fog is released,  
9     and it starts moving across the site, and a bunch  
10    of us went up there and looked at this and kids  
11    are like, they're hiding, they're running, and  
12    you know.

13           MR. SHAPIRO:            See, that sounds fun.

14           MR. HOOVER:            Ten minutes later then  
15    that dissipates. Then, let's say it releases the  
16    fog every 15 to 20 minutes maybe it's every half  
17    hour. So, it also serves as a clock, but you also  
18    wait for that in anticipation. Then it releases  
19    the fog and it kind of moves through that space.  
20    I think it's going to be something that's unlike  
21    anything else in the city. It also speaks to the  
22    rail sort of being next door.

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1           MR. SHAPIRO:           I would say if that's  
2 your pitch, I would accentuate that you know  
3 that's what I'm looking for.

4           MR. HOOVER:           Okay.

5           MR. SHAPIRO:           And if it's there and  
6 I just didn't hear about it then my bad. But I  
7 didn't hear that in what you were describing.

8           MR. ROSEN:           If I could jump in for  
9 just a second, I hadn't realized it until this  
10 moment in spite working on this for two years. If  
11 you could, imagine the pathway at the zoo, kind  
12 of as you go down the hill. Right between the  
13 elephant and the monkeys. And there is a couple  
14 of misters' right there that is the character,  
15 the space. This is a pretty wide space. There's  
16 different things happening on both sides. There  
17 is seating. There's retail, there's kiosk. That  
18 is the general character that were talking about.

19           MR. SHAPIRO:           But it's not going to  
20 smell like the elephant house?

21                                   [Laughter]

22           MR. ROSEN:           That right. It will be

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1 completely unique and not smell like the elephant  
2 house.

3 MR. SHAPIRO: Thank you. Okay,  
4 thank you. Thank you, Mr. Chair.

5 CHAIRMAN HOOD: Alright, Mr. Turnbull.

6 MR. TURNBULL: Alright, thank you Mr.  
7 Chair. Maybe it will smell like trains? I want to  
8 thank you for your presentation. I think better  
9 dramatic inquiry, I mean it's an improvement  
10 since our sit down. I think we can all see that.  
11 I like the architecture for the most part. I  
12 think that I'm fairly pleased with it. I think  
13 the introduction of the curvilinear balconies on  
14 the building A is exciting. I think it changes. I  
15 think I see more of that happening as we go  
16 around. I think the best example I have is in  
17 Chicago the Aqua building by Jeanne Gang Studios,  
18 and you're not there, but it has that same kind  
19 of flavor. Very fluid, very moving, And I think  
20 it fits in this situation like this to introduce  
21 you and come into the plaza and take leads you to  
22 the other streets.

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1           So, I think from that standpoint. I like the  
2 way it's been going on. I like what I've been  
3 seeing. I do have a few questions. I think my  
4 colleagues have asked a lot of it. Let me get my  
5 sheet out here. We've talked about the IZ, we  
6 have gone through that. One of the things which  
7 is troubling to me on the drawings is some of the  
8 rather wishy-washy languages that I have seen.  
9 And we have gone through -- Mr. Freeman knows we  
10 go through this before. I think one of the  
11 things, which we try to do in the zoning  
12 commission. Is to finalize the documents, so,  
13 when we put out an order, and it goes to the ZA,  
14 and he looks at the drawings, and he looks at the  
15 project. He knows exactly what's in the project,  
16 and there's not a lot of room for interruption on  
17 his part as to what he thinks should be in the  
18 project.

19           There's some language in the drawings. I'm  
20 looking at I guess you repeat the same language  
21 on several drawings. The exterior elevation are  
22 preliminary in shown for illustrative purposes

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1     only. All retail storefront including tenant  
2     awnings, canopy's and signage are subject to  
3     tenant modification. What we need to finalize  
4     this is what those requirements is what you see  
5     as you are doing.

6             We need a signage sheet; we need to know  
7     awning sizes, what you're looking at. I think  
8     you've got a consistency in these drawings which  
9     is very nice. I mean the architecture seems to  
10    blend. So, when we see that this kind of  
11    language, that these things can really change and  
12    we can see things on the drawings that we weren't  
13    expecting. I think that sets up a lot of  
14    uneasiness with the zoning commission as to how  
15    these things are going to be modified.

16            I think you really need to tighten up on  
17    canopies, the signage. I think as Mr. Freeman  
18    will attest to, we've usually get a signage  
19    drawing that shows the heights of what you're  
20    looking at. Where they're going to go, the ranges  
21    you are actually going to see on this plan. So,  
22    that's my first thing. The other thing is there

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1 was one on the roof plans. The let me find the  
2 drawing here. I think it's on several roof plans,  
3 but on drawing 99, it says that mechanical  
4 penthouse locations and sizes are approximate.  
5 Final layouts may vary depending upon engineering  
6 and construction requirements. Well, that's true  
7 maybe to a give and take, to a given extent. But  
8 I think were expecting, what you're showing on  
9 the roof plans is what we're really going to see.  
10 I think if we see something different that says  
11 that you may not meet the setback requirements.  
12 So, I think that language ought to be omitted. I  
13 don't think we want to see that

14 The terminal market signage facing the -- by  
15 the tracks. I'm reading that that's made up of  
16 either like a black or white brick, that the  
17 lettering -- it sounds like its two-tone brick,  
18 and that it's spaced. And that you're reading am  
19 I right?

20 MR. HOOVER: That's most likely to  
21 be painted, just to be able to execute it  
22 properly. It's primarily a black brick with white

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1 painting.

2 MR. TURNBULL: With white? It can be  
3 painted white. And it looks like you're using up  
4 lighting?

5 MR. HOOVER: That would be our intent  
6 there to show --

7 MR. TURNBULL: Is that your best from a  
8 lead standpoint? To have up lighting in a  
9 situation like that?

10 MR. HOOVER: On the back of the  
11 building, on the lower portion, we've actually  
12 projected the --

13 MR. TURNBULL: Okay, if you could --  
14 what I would like to see then is a blow up of  
15 that.

16 MR. HOOVER: Sure.

17 MR. TURNBULL: A blowup of that a  
18 section through it showing what you intend to do  
19 in that area.

20 The IZ requirements, the habitable space  
21 that you're getting up on the roof has been taken  
22 into account fully for the bonus for the IZ?

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1                   MR. HOOVER:                   We don't have  
2                   habitable residential space on the roof of the  
3                   residential building. I think that's only for the  
4                   office building.

5                   MR. TURNBULL:                   Oh, okay. Let me ask  
6                   you, I didn't see, and maybe I'm wrong, maybe I  
7                   just missed it. Any floor plan locations for the  
8                   IZ units?

9                   MR. FREEMAN:                   You're correct, that  
10                  is not there. We can add that for you.

11                  MR. TURNBULL:                  Could you provide that  
12                  for us? Okay. The only other question that I have  
13                  is we get into this whole material selection, and  
14                  if you're going to be using terracotta, I would  
15                  like to see terracotta in the drawings and not  
16                  suddenly find out it's going to be metal or  
17                  something else later on. So, I'd like you to -- I  
18                  don't mind a variation, we don't mind having you  
19                  pick a product, a material and then either have  
20                  to change within the range of that within that  
21                  specified material. But what I don't want the  
22                  language to say is that you're going to change

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1 materials on the drawings. In other words, you're  
2 going to go from terracotta to metal.

3 I would prefer that we know exactly what's  
4 going to be on the building and that you may have  
5 a range within that material that you have to  
6 choose from. But I'd like to see a definite  
7 material picked for the building and the  
8 different elements of it. I think that gives the  
9 zoning administrator some understanding of what  
10 this building is going to look like and what he  
11 has to interrupt, and not interrupt.

12 I think Mr. Chair, those are my comments for  
13 now.

14 CHAIRMAN HOOD: Okay, thank you.  
15 Vice Chair.

16 MR. MILLER: Thank you Mr.  
17 Chairman, and thank you all for all your work on  
18 this project over two years. For the  
19 presentation, this evening and this certainly  
20 will be another one of these transformative  
21 projects that will -- taking vacant and under-  
22 utilized industrial land and creating a

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1 neighborhood. A mixed-use neighborhood, with a  
2 lot of residential that both market rate and  
3 affordable housing that the city needs.

4 The 11,000 units total and nearly 600 in that  
5 first phase is great. I think as commissioners,  
6 as my fellow commissioners has alluded to, it has  
7 really improved since we saw it at sit down way  
8 back in the spring I guess. So, I think that the  
9 overall architecture and attractiveness of it and  
10 many of the features and the benefits have all  
11 been improved and strengthened. So, I would just  
12 echo the compliments of my fellow commissioners  
13 that you have gone lead gold certification.  
14 Although I've noticed DOEE wanted you to use a  
15 more up to date lead thing. At some part of your  
16 post-hearing submission, I wonder if you could  
17 provide a response to the DOEE. I don't know if  
18 we necessarily need it here, but one of the  
19 comments that I recall was that they were talking  
20 about more permeable spaces on the plaza. If any  
21 of the plaza painting permeable? Or is it all  
22 impervious?

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1           MR. BARBER:       It's all impervious at  
2 this point.

3           MR. MILLER:        I think maybe if that  
4 could be considered as you go forward. If you can  
5 make more of those, of the plaza space permeable  
6 surface. I think, and they also call for more  
7 landscaping of the plaza. Although, I see a lot  
8 of landscaping, so I'm not sure if they saw the  
9 most recent renderings or not. But I don't know  
10 if you have any comment on it?

11          MR. BARBER:        Only that on the time  
12 that we got that comment to when the drawings  
13 were finalized, we added quite a few trees  
14 expanded the plant material. I'm not sure if they  
15 wouldn't still have the same comment but yeah.

16          MR. MILLER:        Yeah, if you could  
17 just provide for the record a response to their  
18 comments and perhaps give consideration to adding  
19 more permeable surfaces on that whole plaza area.  
20 Which is a significant part of - How many square  
21 feet is all the open space that you're - do you  
22 know?

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1           MR. FREEMAN:           We do know.

2           MR. MILLER:           If you could provide  
3 that for the record as well.

4           MR. FREEMAN:           Its TL 1.02, Park  
5 Plaza open space is approximately 7,875 square  
6 feet.

7           MR. MILLER:           And that includes the  
8 Florida Avenue Park as well? Or is that --

9           MR. FREEMAN:           That's 17,000, no,  
10 that's just on ours. Our site.

11          MR. MILLER:           Just on your site. But  
12 you're attributing dollars towards that park?

13          MR. FREEMAN:           Correct.

14          MR. MILLER:           150,000?

15          MR. MILLER:           Yes.

16          MR. MILLER:           Yeah, so. That's good.

17 I also appreciate that you did increase the  
18 strength in the IZ amount to 11 percent. I think  
19 it was maybe a 10 percent the last time you saw  
20 it. And I appreciate the 50, 50 split between 50  
21 percent AMI and 80 percent AMI.

22          So, none of the habitable space on the

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1 office. That doesn't trigger any kind of housing  
2 contribution requirement at all?

3 MR. FREEMAN: When using the word  
4 habitable, it's just office. It's not habitable  
5 by residents. It's just office space.

6 MR. MILLER: I really don't have  
7 questions. I think it's an attractive project. I  
8 like all the balconies. I always do like  
9 balconies. I like curvilinear ones, and I like  
10 the square ones. I like them all. I guess you  
11 don't have that many facing the railroad tracks?  
12 I guess that might not be as attractive of a  
13 place to be hanging out. But maybe it would  
14 looking at the trains going by. So, and all the  
15 terrace and the seating terrace and the landscape  
16 setting. I think it's all very attractive and I  
17 compliment you on that. I don't have any other  
18 questions at this time, Mr. Chairman.

19 CHAIRMAN HOOD: Mr. Freeman I have  
20 watched you grow in that position that you are in  
21 now, and I just want you to know that I am very  
22 observant. And you've learned how to get your

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1 clients and those speaking to know when to hold  
2 and when to fold. So, I just want you to know  
3 that I'm watching that. Let me just -- I don't  
4 really have a whole lot. When it gets around to  
5 me a lot of stuff has been hashed or spoken  
6 about, and I don't want to be redundant. But I do  
7 want to talk about -- I saw, I think I read  
8 somewhere where this elaborate sound proofing  
9 from the trains, and I don't know if there was a  
10 rendering or I may have missed it. Maybe I didn't  
11 recognize it, but can you show me a rendering  
12 with all of the elaborate soundproofing from the  
13 trains?

14 MR. FREEMAN: So, the comment was  
15 that we would incorporate it. Sound into new  
16 weighted windows on that west elevation, so there  
17 is not a plan it's just -

18 CHAIRMAN HOOD: So, there's not a plan  
19 showing me all this elaborate stuff that I was  
20 reading about?

21 MR. FREEMAN: Correct.

22 CHAIRMAN HOOD: It just talks about it?

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1                   MR. FREEMAN:                It's just  
2 incorporation of soundproofing windows.

3                   CHAIRMAN HOOD:        Do we know, so  
4 soundproofing windows. It's not like a wall or  
5 what I see on 95 or nothing like that?

6                   MR. FREEMAN:                No.

7                   CHAIRMAN HOOD:        Okay, alright. How  
8 close are the train tracks to the property line?  
9 I'm thinking vibration. Are we going to get any  
10 vibration?

11                  MR. FREEMAN:                Let me, there's a  
12 sheet for that.

13                  CHAIRMAN HOOD:        I'll tell you this  
14 because growing up in North Michigan Park, the  
15 bus used to come by our house and all our houses  
16 would shake. For years, and it's still there,  
17 though, it's still standing. They would give a  
18 little vibration, so, I'm just curious.

19                  MR. FREEMAN:                So, sheet 105 is a  
20 section and it has some dimensions on there. So,  
21 if you go to 105 in the packet, we'll have Mr.  
22 Rosen talk through some distances.

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1 CHAIRMAN HOOD: We don't need to spend  
2 a lot of time. I'm just curious.

3 MR. FREEMAN: So, were at least 32  
4 feet than from the proposed VRE tracks.

5 CHAIRMAN HOOD: Let me ask you, is VRE  
6 the only person that uses these tracks? Or is it  
7 Amtrak? I know who owns the track.

8 MR. FREEMAN: Those would be the  
9 closest tracks on this side. We're further from  
10 the ones on the other side.

11 CHAIRMAN HOOD: So, VRE is the only  
12 rail that uses that?

13 MR. FREEMAN: It would be the  
14 closest ones.

15 CHAIRMAN HOOD: Okay, so Amtrak is not,  
16 Excel or anything won't be running through there.

17 MR. ROSEN: So, Amtrak, Excel trains do run  
18 through there. They are greater than 30 to 35  
19 feet. It varies from the building, and this is  
20 something that we've carefully considered.  
21 Because the project doesn't work if people don't  
22 want to live there. And people won't live there

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1 if the noise is annoying. So, that is one of the  
2 reasons we actually have the residential units  
3 above grade. So, there's the back of that  
4 building. The first two floors are actually  
5 parking. Then we've actually taken the podium  
6 slab, it's on the base of the third floor and  
7 extended that out. That helps catch some of that  
8 sound, so it doesn't come up the face of the  
9 building.

10 We've done a few other things on that side.  
11 The impact of the sound on the building is  
12 directly related to the ratio between the window  
13 and solid wall. So, there is more windows on the  
14 other sides of the building. On that side, we've  
15 reduced the size of the window.

16 Mr. Miller asked about balconies. One of the  
17 things about balconies is as the sound comes up,  
18 the bottom of the balcony bounces the sound in  
19 the unit. So, that's one of the reasons we've  
20 carefully put the balconies where we have and not  
21 had too many. All that being said, one of the  
22 major factors here in our initial analysis is

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1 that this is at the end of the rail line. Union  
2 Station is right there, so, the trains are moving  
3 quite slowly. So, typically when you get the  
4 heavy noise and vibration is when the trains are  
5 at full speed.

6 So, we've worked with our acoustical  
7 consultant to really understand the impact here,  
8 and we feel that the vibration is not really  
9 going to be an issue. We've actually paid more  
10 attention to the metro, because that's the  
11 station right there. And the station, even though  
12 at full speed, that metro trail of trains are  
13 quieter. At the station where you get the  
14 announcements, and you get the beeping from the  
15 bonging form the doors. Those are -- it's a  
16 different quality of sound. It's a higher pitch,  
17 and that can effectively be controlled with the  
18 types of windows that we are proposing to use on  
19 that side. So, we have worked with our acoustical  
20 engineer. We've looked at a variety of issues  
21 from distance to configuration, to material use.

22 CHAIRMAN HOOD: I think you bring

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1 up a good point, though. Which gives me more of a  
2 comfort level. When I think about Amtrak, and  
3 I've worked there, I think of how at night they  
4 are blowing the horn when they are coming up from  
5 the south and all that. So, you're right, when  
6 getting closer, they do slow down. So, that's  
7 key, and I'm sure you've worked it out to where  
8 they won't be blowing the horn. Then again, the  
9 closer they get into the city sometime, that's  
10 when they hit the horn. So, I'm sure from what  
11 I've read you all are working that out with those  
12 trains.

13 Let me go back to what Commissioner Shapiro  
14 was talking about with the design. The still  
15 design. You mention that the design was going to  
16 give off some kind of mist? Is that what this is  
17 going to do? MR. TYRRELL: Its fog,  
18 yes.

19 COMMISSIONER HOOD: It's not going to be  
20 a mist?

21 MR. TYRRELL: It's not, there are two  
22 different systems. What they have at national zoo

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1 is misting, and that's the cool people off when  
2 it's really hot. The fog is something, it's a lot  
3 finer and it kind of lingers in the air more.

4 COMMISSIONER HOOD: I think my own  
5 analysis is that those type of units not only  
6 attract kids, I think that is what you said. I  
7 think it attracts adults, because I know I run to  
8 them. So, I'm sure others probably do and I see  
9 some adults over there with me. So, I think that  
10 would be an attraction. So, I think that's a good  
11 idea. So, I don't have anything else. I don't  
12 have anything major. I think most of the  
13 questions should have been asked by now. Let's  
14 see if we have any follow up questions.

15 MR. MAY: I'm sorry, did I miss it? Is  
16 there actually a drawing that indicated the  
17 allocation of the IZ units?

18 MR. FREEMAN: Not the location. So,  
19 we're going to put that in the record.

20 MR. MAY: You will add that?

21 MR. FREEMAN: Yes, sir.

22 MR. MAY: Okay, then well, let's talk

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1 about the habitable space in the penthouse level  
2 because office space on top of an office building  
3 that's at the penthouse level is habitable space.  
4 It would -- that's my understanding of it. It  
5 would trigger the contribution requirements.

6 MR. FREEMAN: Yeah, well run the  
7 numbers and do the math and whatever is required  
8 we'll do it.

9 MR. MAY: Okay, then the wing of  
10 building A1, that's to the east side, there is  
11 the indication that there is habitable penthouse  
12 space that is part of those units.

13 MR. HOOVER: That's rooftop per building  
14 code, per zoning it's not above that maximum  
15 height limit so, it's just occupied. It's just  
16 FAR space.

17 MR. MAY: It's a floor? And not a  
18 penthouse?

19 MR. FREEMAN: It's a pop up --

20 MR. MAY: I mean it's a floor, or it's  
21 a penthouse.

22 MR. FREEMAN: It's a floor.

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1           MR. MAY:        Okay, I think I'll ask the  
2 Office of Planning to pine on whether that fact  
3 that -- on a certain level of penthouse is  
4 penthouse. So, even though it's not above the  
5 height of the zone, if it's considered penthouse,  
6 you could still get into trouble so effectively  
7 it's another floor.

8           MR. HOOVER:    I may have mistakenly  
9 referred to it as penthouse because I'm thinking  
10 building code and not zoning. In terms of zoning,  
11 it's a floor.

12          MR. MAY:        It's a floor?

13          MR. HOOVER:    It's a floor, correct.

14          MR. MAY:        It's a portion of a floor.

15 Okay, again I'll ask the Office of Planning to  
16 plan on that, because I forget the particulars of  
17 how we define it. Alright, thanks.

18          CHIRMAN HOOD:   Any other follow ups?  
19 Okay, let's go to the ANC, 5 D I believe. Do we  
20 have anybody here representing ANC 5D? Is it 5 C  
21 also? I know 5, that's my AC area. Is there  
22 anyone representing AC 5C? I don't see anyone.

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1 I'll have to get on them about that.

2 Mr. Avitabile, do you have any cross?  
3 Okay, let's go to the Office of Planning and the  
4 District Department of Transportation.

5 Mr. JESICK: Thank you, Mr. Chairman  
6 and members of the Commission. My name is Matt  
7 Jesick, the Office of Planning is very pleased  
8 with the progress that this application has made  
9 since the last time they came before the  
10 commission. I'll just highlight a few points from  
11 our report.

12 One improvement that we really appreciate is  
13 the significant revision to building B. Which is  
14 a vast improvement over the original design.  
15 Also, were pleased that all of the buildings  
16 would now be lead gold. The applicant has  
17 discussed the significant additional detail about  
18 the open spaces including the plaza. They also  
19 continued to work with DC Water, who has  
20 submitted a memo which we have attached to our  
21 report. DC Water is in support of the easement  
22 along the western side of the property.

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1           In terms of benefits and amenities, we strongly  
2 support the commitment of additional funds  
3 towards the Florida Avenue Park. That was an item  
4 that was identified in the small area plan. This  
5 would help complete that park, which would be a  
6 gateway to the entire Florida Avenue market.  
7 Especially this project, it will act as its front  
8 door. Also, we support the commitment towards 11  
9 percent of the floor area going to IZ.

10           We look forward to seeing the additional detail  
11 about the office penthouse IZ contribution. As  
12 well as the information that I don't know if the  
13 applicant spoke about it this evening, but they  
14 brought it up with OP, and that is flexibility in  
15 the location in some of the IZ units. Should  
16 building A2 be a condo building? They've asked --  
17 they talked to OP about flexibility in shifting  
18 some of that floor area around to other  
19 buildings.

20           Regarding the lower portion of building A1. OP  
21 did view those units as an additional story on  
22 the building, rather than a penthouse. We didn't

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1 feel that those would generate an IZ  
2 contribution. But, with the additional proffer  
3 commitments and design changes. OP is satisfied  
4 with the project, and can recommend approval.  
5 Thank you.

6 CHAIRMAN HOOD: Thank you. Mr. Rogers.

7 MR. ROGERS: Good evening, Mr. Chairman.  
8 Members of the Commission. For the record I am  
9 Jonathan Rogers with The District Department of  
10 Transportation. From a transportation  
11 perspective, the project includes many positive  
12 elements. Just to hit on some highlights are the  
13 new street network. The bike amenities both  
14 inside the building as well as the facilities on  
15 the streets within the site.

16 There's excellent pedestrian circulation, in  
17 particularly with connection to the park and  
18 Florida Avenue. In addition in a more aesthetics  
19 perspective, the street design includes a number  
20 of important details that will be included in the  
21 pending Union Market street scape guidelines.  
22 That will really help to unite the streets from a

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1 design perspective.

2 A couple of notes. One is the applicant has  
3 offered to install and to include an additional  
4 east bound left movement at the Florida Avenue  
5 and 4<sup>th</sup> street intersection. I just wanted to make  
6 a note about that. That should be subject to DDOT  
7 approval. How much to be studied further as part  
8 of the permeating process, or future stage 2. The  
9 reason for that is DDOT has in preliminary design  
10 for Florida Avenue Multimodal and Safety  
11 improvements. We just want to make sure that the  
12 left phase will not conflict with the larger  
13 Florida Avenue work.

14 Clarifying note about public versus private  
15 streets. I think everyone's saying the same thing  
16 but probably worth clarifying. Some of the  
17 terminology. What DDOT Considers to be a public  
18 street is a street that is constructed on right  
19 of way. Which is in DDOT's inventory. These  
20 streets wile would be constructed on publically  
21 owned land, they would be not within DDOT's  
22 portfolio, and therefore DDOT would not consider

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1     them public streets.

2           Therefore maintenance, enforcements, snow  
3     removal, that sort of thing would be the  
4     responsibility of the applicant. Just to conclude  
5     on one note of continued coordination. Because  
6     these streets are not built on right of way. The  
7     further design and final design will be done  
8     through the DCRZISF process, rather than the  
9     public space permitting process. We look forward  
10    to working out any final details on the street  
11    design, which we would consider to be minor.

12           More of things like stripping, rather than  
13    where's the curb line. So, we look forward to  
14    working with the applicant on the final designs.  
15    With that I'll pause and take any questions.

16           CHAIRMAN HOOD:     Okay, thank you both.  
17    Let's see if we have any questions for either OP  
18    or DDOT. Mr. May.

19           MR. MAY:           I have a question for them,  
20    but just a follow up to the applicant. So, the  
21    penthouse level residential space, just make sure  
22    that the drawings show that correctly. And

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1 indicate that it is a story, and not a penthouse.  
2 Go to the drawings and had to go back and check,  
3 but it's got to be clear.

4 CHAIRMAN HOOD: Anybody else? Okay, does  
5 the applicant have any questions of OP and DDOT?  
6 I don't see again 5D and 5C. 5C and 5D, I'm not  
7 seeing anyone. Mr. Avitabile, do you have any  
8 questions? Okay, let's go to any other government  
9 reports. I think Vice Chair's already mentioned  
10 DDOE, any other reports that I may have missed?

11 Okay, let's go to the ANC. Again, is there  
12 anyone here representing the ANC 5D? They do have  
13 a letter in the file. Did 5C submit anything?

14 MS. SCHELLIN: No.

15 CHAIRMAN HOOD: Okay, I will have to  
16 talk to them about that. What Exhibit is it right  
17 quick? Ah, 36, okay, there it is. And they voted,  
18 the commission voted 6, 0 to 0 to support this  
19 project. Then go on about some other things. I  
20 want to thank Chairman Roberts for AMC 5D for  
21 submitting their support. The do talk about  
22 furthering the project, including a number of

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1 significant public benefits. It talks about the  
2 IZ, the lead, Gold, and some other things I'm  
3 sure that the applicant has mentioned to them and  
4 they support this project with either a  
5 unanimous, or no one was there to vote against  
6 it.

7 It was probably unanimous, it looks like there  
8 were only six commissioners there. Anything else?  
9 Any other reports? Okay, let's go to any  
10 organizations or persons who are here to support  
11 that would like to come and testify. Any  
12 organizations or persons? I'm sorry, the party.  
13 You're right. I'm not use to you being a party.

14 MR. AVITABILE: Thank you. David  
15 Avitabile with Goulston & Storrs, here tonight on  
16 behalf of the Union Market Apartments LLC., and  
17 1250 4<sup>th</sup> Street, Edan LLC., who are the owners of  
18 the property to the east of the alley and the  
19 east of the project. It's a project that would  
20 use the zoning commission approved as a PUD. I  
21 guess it was just under 2 years ago.

22 It consisted of two parcels, the south parcel

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1 building and a north parcel building. The south  
2 parcel building got consolidated approval for  
3 mixed use residential building over retail. The  
4 north parcel got first stage approval for the  
5 same thing that the North parcel building would  
6 be coming before you, sometime later this year  
7 for a second stage approval.

8 One major aspect of that PUD was improvements  
9 to the alley in between our PUD and the PUD that  
10 is before you tonight. We have certain  
11 improvements that we've agreed to do. Were  
12 approved as part of that PUD. This project  
13 continues to improve upon those improvements with  
14 a slightly different alley section and  
15 configuration. We're supportive of those, as we  
16 are supportive of the rest of the project, just  
17 contingent on some conditions that we've worked  
18 out with the applicant that we would like to be  
19 the conditions of the PUD. That is all I have to  
20 say. I can submit the conditions that we've  
21 worked out together to you all for your  
22 consideration, as part of the decision. That's

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1 everything, thank you.

2 CHAIRMAN HOOD: Thank you. Just make sure  
3 we get that and the applicant agrees and you all  
4 are on the same page with that right?

5 MR. FREEMAN: Yes, we do.

6 CHAIRMAN HOOD: Comments?

7 MR. MAY: Can you explain generally  
8 what the conditions are?

9 MR. Avitabile: Yeah, sure. So,  
10 essentially, our PUD was approved with a certain  
11 alley section. Essentially, and we're only  
12 approving the first. It's a 48 foot wide alley.  
13 We would improve the first 35 feet of it a  
14 certain way. There alley configuration changes a  
15 portion of that. Essentially, it creates that  
16 bike lane. It goes about halfway on what we're  
17 supposed to do. Halfway on what they're supposed  
18 to do. So, what's going to happen? What we  
19 believe will happen is we'll construct our PUD  
20 and complete it, and we'll have built the alley  
21 improvements that we have agreed to do and you  
22 have approved. Then when you come in and complete

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1 their building, then construct improvements that  
2 they're proposing, kind of over and on top of  
3 ours. So you'll end up with -- at the end of the  
4 day, a new alley configuration that they have  
5 approved.

6 That they asked for a new hove improved. So, at  
7 the end of the day you get the alley that you  
8 want, but it doesn't hold us up in the process of  
9 getting our building approved.

10 MR. MAY: You don't want to have to  
11 worry about getting yours built to what they put  
12 in theirs --

13 MR. Avitabile: Right, right, or  
14 modifying. It's a minor issue, and part of a week  
15 or two is the address the coordination in the two  
16 buildings, making sure that our trucks could  
17 maneuver and wouldn't have conflicts with the  
18 bike lane and so on and so forth.

19 MR. MAY: Whatever you need to submit,  
20 the last thing we want to do is have you come in  
21 with a modification because you can't get your  
22 permits, or something.

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1           MR. Avitabile:     That was the intent.  
2     Thank you.

3           MR. MAY:         Right, Okay.

4           CHAIRMAN HOOD:   Any follow up questions  
5     or comments? Anything else up here? Mr.  
6     Avitabile, do you have any? Again, 5C and 5D are  
7     not represented. Okay, thank you very much.

8           MR. Avitabile:   Thank you very much.

9           CHAIRMAN HOOD:   Okay, let's go to  
10    organizations and persons who are here in  
11    opposition. Alright, Mr. Freeman, do you have any  
12    rebuttal? Any closing?

13          MR. FREEMAN:     No, sir. Closing, we  
14    thank the record is full and clearly indicates  
15    how we meet the standards of approval. I have a  
16    list here of 17 items that we will be able to  
17    turn around and submit fairly quickly. If the  
18    record will be left open, we would like the  
19    opportunity just to add some additional  
20    information about compliance with the comp plan  
21    and make sure there's no question about that. But  
22    with that, again, we think we meet all of the

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1 standards. It's been awhile since we were last  
2 here. It's been a few months. I think there is  
3 not any outstanding issues so, if the commission  
4 is so inclined, we would love proposed action  
5 tonight, and well get the remaining items in  
6 prior to final actions. So, thank you for your  
7 time and consideration of my application.

8 CHAIRMAN HOOD: Okay, thank you. Mr. Freeman,  
9 did you just say you all had 17 items that you  
10 needed to give us? Was it 17 or 7?

11 MR. FREEMAN: I said 17, but some are  
12 duplicative, so, we can get them in -- some of  
13 them are all on the same sheet. So, it's not a  
14 lot.

15 CHAIRMAN HOOD: Alright, thank you all  
16 very much. Thank you, Mr. Freeman. Colleague's,  
17 you've heard the request, how do you feel?

18 MR. MILLER: Mr. Chairman I think we  
19 can take proposed action tonight and get the  
20 submission that addresses all those issues and  
21 questions we raised before final.

22

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1                   CHAIRMAN HOOD:       Any other comments on  
2     that?

3                   MR. MAY:        I only have 13 things to talk  
4     about.

5                   CHAIRMAN HOOD:       That's where most of  
6     them came from.

7                   MR. MAY:        But I'm sure, yeah,  
8     almost all of them are mine.

9                   CHAIRMAN HOOD:       The other four probably  
10    came from.

11                  MR. MAY:        No, I was tracking yours too,  
12    so.

13                  CHAIRMAN HOOD:       I don't think I've  
14    asked many.

15                  MR. MAY:        That's okay. I rather get 17  
16    than 13.

17                  CHAIRMAN HOOD:       Okay, so, what are? Are  
18    we ready to move? Is everybody ready?       Okay,  
19    would someone like to make a motion?

20                  MR. MILLER:       Mr. Chairman, I would like  
21    to move that the Zoning Commission take proposed  
22    action on case number 15-27. Kettler 300 North

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1 Street, northeast consolidated the first stage  
2 planned unit development and map amendment and  
3 asked for a second.

4 MR. TURNBULL: Second.

5 CHAIRMAN HOOD: It has been moved and  
6 second, any further discussions? I will say that  
7 I do appreciate the word. We've come a long way  
8 from the previous hearing. Any other discussion?  
9 All those in favor, Aye.

10 PANEL MEMBERS: AYE.

11 CHAIRMAN HOOD: Any opposition? Hearing  
12 none Ms. Schellin, would you record the vote?

13 MS. SCHELLIN: Staff reports that 5 to  
14 0 to 0 to approve proposed actions, in zoning  
15 commission case number 15-27. Commissioner Miller  
16 is moving, Commissioner Turnbull seconding.  
17 Commissioners Hood, Shapiro, and May in support.

18 If we could set some dates for these items  
19 that are due. How much time do you guys need?

20 MR. FREEMAN: Two weeks.

21 MS. SCHELLIN: Two weeks? Okay, so,  
22 that puts you at 3 pm on January 26th. Then the

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1     ANC's and the parties can respond by February  
2     2nd. Then we need draft finding these facts and  
3     conclusions of law, also by February 2nd. And we  
4     will put this on for February 27th at 6:30 p.m.

5             CHAIRMAN HOOD:     Any other questions?

6             MR. FREEMAN:        Thank you.

7             MS. SCHELLIN:       That's it.

8             CHAIRMAN HOOD:     Any other questions?

9     Are we all on the same page? So, I want to thank  
10    everyone for their participation tonight. This  
11    hearing is adjourned.

12

13

14

15    Whereas, this hearing was concluded at 8:23 p.m.

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