

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission

Public Hearing

Case No. 15-31 [777 17th Street, LLC. - Consolidated  
Planned Unit Development and Related Map Amendment at  
Square 4507, Lots 936, 941, and 942.]

6:32 p.m. to 8:14 p.m.

Thursday, September 29, 2016

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

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 2028981108 • Baltimore: 4107523376  
Toll Free: 8884453376

Board Members:

ANTHONY HOOD, Chairman

ROBERT MILLER, Vice Chair

PETER MAY, Commissioner

MICHAEL TURNBULL, Commissioner

Office of Zoning:

SHARON SCHELLIN, Secretary

Office of Planning:

ANN FOTHERGILL

JOEL LAWSON

DDOT:

ANNA CHAMBERLIN

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

CHAIRPERSON HOOD: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission for the District of Columbia. Today's date is Thursday, September the 29th, 2016. We're located in the Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner May, and Commissioner Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, as well as the Office of Planning, our staff, Ms. Fothergill.

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

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

The hearing will be conducted in accordance with provisions of 11 -- I'm sorry, of Subtitle Z, Chapter 4 as follows: preliminary matters, applicant's case, report of the Office of Planning, report of other government agencies, report of the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

ANC, organizations and persons in support, organizations and persons in opposition, rebuttal and closing by the applicant.

The following time constraints will be maintained in this meeting. The applicant has up to 60 minutes. We're going to start with 20. We have reviewed the record. We know those who are proponents and opponents and we've also looked at the case. Organizations five minutes, individuals three minutes. The Commission intends to adhere to the time limits as strictly as possible in order to hear the case in a reasonable period of time.

All persons wishing to testify before the Commission in this evening's hearing are asked to register at the witness kiosk to my left, and fill out two witness cards. If you need assistance with the kiosk to my left, you can see Ms. Schellin.

When presenting information to the Commission please turn on and speak into the microphone, first stating your name and home address. When you are finished speaking please turn your microphone off so that your microphone is no longer picking up sound or background noise.

The decision of the Commission in this case must be based exclusively on the public record. To

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 2028981108 • Baltimore: 4107523376  
Toll Free: 8884453376

avoid any appearance to the contrary the Commission requests that persons present not engage the members of the Commission in conversation during any recess or at any time.

The staff will be available throughout the hearing to discuss procedural questions. Please turn off all electronic devices at this time so not to disrupt these proceedings. Would all individuals wishing to testify please rise to take the oath?

Ms. Schellin, would you please administer the oath?

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

[Oath administered to the participants.]

MS. SCHELLIN: Thank you.

CHAIRPERSON HOOD: Okay. Before we do that let me just, how many people do we have here who are proponents of this case who are going to be testifying in support?

Okay. How many people do we have who's going to testify in opposition in this case?

Okay. All right. Ms. Schellin, do we have any prelim --

MS. SCHELLIN: Did you stand and take the oath?

[No audible response.]

CHAIRPERSON HOOD: Anybody who is going to come and speak to us needs to stand and take the oath so you can be under oath.

MS. SCHELLIN: Please raise your right hand.

[Oath administered to the participants.]

MS. SCHELLIN: Thank you.

CHAIRPERSON HOOD: Ms. Schellin, do you have any -- do we have any preliminary matters?

MS. SCHELLIN: The only preliminary matters I see are the proffered experts.

CHAIRPERSON HOOD: I believe both of them have --

MS. SCHELLIN: Both of them have previously been accepted. If you want to accept them for this case also.

CHAIRPERSON HOOD: We usually don't change our minds, so this stays.

MS. SCHELLIN: Right.

CHAIRPERSON HOOD: Yeah. Well, but I shouldn't probably say that, but we don't usually change our minds on that, no.

MS. SCHELLIN: Okay.

CHAIRPERSON HOOD: Anything else?

MS. SCHELLIN: No, sir.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

CHAIRPERSON HOOD: Okay. You all may begin, Ms. Roddy.

MS. RODDY: Thank you. For the record, my name is Christine Roddy. I'm with Goulston and Storrs and I'm here on behalf of Capital City Real Estate, the applicant in this application. And we're here this evening for approval of a consolidated PUD and PUD related map amendment for a 26,000 square foot parcel of land at the intersection of 17th Street and Benning Road in Northeast Washington.

The property is located in a zone formerly known as the C-3-A Zone District, and is currently used as a used car sales lot. The proposed redevelopment furthers many District objectives and that converts an underutilized site into a development that provides housing, including affordable housing where housing currently doesn't exist. And it will include neighborhood serving retail. Again, where neighborhood serving retail does not currently exist.

The project also improves pedestrian circulation, easing access to public transportation for the community and improves the walkability of the Benning Road Corridor.

The proposed development consists of 180

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 2028981108 • Baltimore: 4107523376  
Toll Free: 8884453376

residential units and 14,000 square feet of retail for a total FAR of 6.0. The building presents a maximum height of 90 feet at the corner of 17th Street and Benning Road, and steps down to 50 feet as it transitions to the residential uses to the east. The project is consistent with the Comprehensive Plan. It promotes transit oriented development as it is located adjacent to the street car line. It provides compatible residential in-fill of an underutilized site, and it improves the street scape along Benning Road.

This site has a medium density commercial and residential designation under the future land use map, which is consistent with a proposed rezoning to the C-2-B Zone District. The property immediately to its west known as the Hechinger Mall, and the property immediate to the north share the same zoning designation and both of those properties are currently being marketed as development opportunities.

The medium designation is consistent with the M-U-5 and M-U-7 Zone districts, both of which allow maximum height of 90 feet through the PUD process.

Though this project is currently the only project on Benning Road that is proposing a height of

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376



90 feet, it is only a matter of time until the sites immediately adjacent to that property will be at the same height.

Nevertheless, this project does step down to the residential uses to the east and it will go to lower heights at the 50 feet. This proposal is also consistent with the Benning Road redevelopment framework plan. The Benning Road plan was prepared by the Office of Planning and approved by the District Council in 2008. The objective of the plan was to encourage new development along the Benning Road corridor that incorporates new residential uses and improved retail options within existing neighborhoods.

The plan notes that this property, along with five nearby neighboring properties in addition to the Hechinger Mall, are appropriate for redevelopment. Collectively the plan viewed the five redevelopment sites as right for in-fill residential and neighborhood serving retail. More specifically this plan saw this site as a prime opportunity for retail uses given its proximity to the Hechinger Mall, and incorporating new residential uses.

This site is the first site of the sites along Benning Road to move forward with the

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 2028981108 • Baltimore: 4107523376  
Toll Free: 8884453376

redevelopment. Again, leading the way to effectuating a vision of development that was put into motion by the Office of Planning eight years ago.

We are happy to be here this evening with positive reports from the Office of Zoning, Office of Planning, as well as the District Department of Transportation, and we are pleased to have the support of our neighbors. As you saw in the record there are letters of support from the two immediately abutting neighbors on H Street, as well as H Street/Main Street, and a letter of support from our single-member district representative.

We will have two witnesses this evening. We have Jerry Zayets, who is a representative of the applicant, as well as Sean Stadler, who was the project architect. We have Mark Jinay (phonetic) who was the landscape architect, and Nicole White, the transportation engineer who will both be available for questions. And with that, I will turn to Jerry.

MR. ZAYETS: Good evening, ladies and gentlemen. For the record, my name is Jerry Zayets and I represent Capital City Real Estate and 1701 H.

Since 2006 Capital City primarily focused on for sale condominium homes in the District, and

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 2028981108 • Baltimore: 4107523376  
Toll Free: 8884453376

tonight we're presenting our first large apartment scale project in the District.

As far as my background I was involved in apartments since 2004 with Jubilee Housing, and that's how I got in. As far as the vision for this site, when we first looked at it we saw tremendous amount of opportunity. We believe that this particular part of the property in this site is currently underwhelming as far as entryway into the H Street corridor. So what we envision is more of a gateway project and we hope that 1701 will spark additional investments in the area that will extend the vibrancy and the success of the H Street corridor east to our site.

So we hired WDG to design the site on this vacant piece of property that creates an interesting -- an interest of pedestrians as well as activating the streetscape.

As far as the context and the future development, one of the most compelling reasons why we pursued this property was this framework published in 2008. The plan identified on the map shows some of the sites that are -- if you can go back to the other slide? The ones that are for prime redevelopment.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

We have the Atlas, the Flats at Atlas that was previously developed in 2006. They're proceeding with their phase 2 immediately east of that. The children's center immediately north of us is currently under contract by JBG, and then we have a larger site west of us that is under contract by Valor Development.

CHAIRPERSON HOOD: We're going to dim the lights, and if you can use your marker there on the computer and show us what you're talking about --

MR. ZAYETS: Sure.

CHAIRPERSON HOOD: -- as you're talking.

MR. ZAYETS: Is there a marker? Perfect.

So immediately west of us, as everybody is familiar with, is the Hechinger Mall site. In 2006 the Flats at Atlas were built by Clark. They have currently sold out to Kettler and Kettler is in the process of applying for permits to redevelop their phase 2. Immediately north of us is the Children's Center that is currently contract by JBG. And then this particular site is currently owned and in the process of being redeveloped by Valor Development. And then obviously our site up here.

So it was this framework that really identified the sites and the opportunities that you

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

see here, and we decided to pursue it.

As far as neighborhood amenities that we're offering with this project, we filed for LEED Gold certification. Along 17th Street, when we acquired this site we did a survey of the public scape and the sidewalks along 17th and Benning Road. What we really were sort of disappointed by was the width of the public sidewalks themselves. They were actually too narrow for an eight-foot sidewalk, along with the needed five-foot tree boxes. So what we're going to do is we're going to contribute four feet of our property into the public space. This can be further seen on the landscape drawings.

So we are contributing four feet of property along the entire 17th Street side, and Benning Street side. The idea here is just to enhance the pedestrian experience and to produce a conforming public street scape.

Along the H Street side there's currently about 100 feet of incomplete sidewalks that are not built so we will be building that. We will also be building 90 feet of alley directly behind our site which will give access to the three residents that currently are alley -- they're landlocked. So that would be 1701, 1709, and 1711. All three properties

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

are currently landlocked.

In addition, we're dedicating a community room on a lower floor that will be serving for neighborhood purposes, ANCs, as well as affordable housing.

On the community outreach portion we've met with our SMD, single-member district, five times. We've met with our ANC two times. We've met with the ANC 6A, which is just on the south side of us. They're our neighboring ANC on three occasions. Two times with their planning division. And we obtained letters of support from them.

As far as immediate neighbors, I've personally spoke to the folks immediately east of us. They're actually present here, behind us. And then the immediate neighbors along H Street.

We were able to obtain two letters of support both on -- immediately next to us and the second one in from us. The second one in from us on H Street also plans to redevelop their property and build up. We have also spoke with the children's center up here and they actually have never presented any opposition or any objections to our site as well. So we've done a fairly extensive neighbor outreach, spoken with lots of folks, and here we are today.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

I'd like to turn the mic to Sean Stadler. That's with WDG Architecture that will talk a little bit more on the design of the project. Thank you.

MR. STADLER: Good evening, Members of the Zoning Commission. And again, my name is Sean Stadler. I am a partner at WDG Architecture and a principal in charge for this particular project.

Just to reinforce the orientation of our project, our project is located along 17th Street. To the south of us is Benning Road, and to the north is H Street. We've provided site photography all around the neighborhood.

On the first image you'll see, looking north from our site towards the -- from H Street, towards the residential buildings and the park, which is just directly in front of the children's center, to the middle image is looking south on H Street. On the right-hand side is our site, and to the left of that is some additional housing.

And noting that most of the housing in this area is probably from the early 20th Century it lacks any real ornate features and is fairly standard workforce housing.

The lower image is along 17th Street looking directly at our site.

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 2028981108 • Baltimore: 4107523376  
Toll Free: 8884453376

Oops, wrong way. The next series of images are at the top looking at Benning Road north. And you can see our site on the left. The Hechinger Building is just to the left of 17th Street, and then 18th Street is on the right. Again, it's a multi-family complex, three-story walk-ups, fairly insignificant architectural features, mainly brick with concrete stairs that walk up.

To the south of our site along Benning is a, probably a 1970s multi-family complex. And then the lower image is along 18th Street looking to the two alley entrances to where we can see our site.

The next series of images is just looking up and down 17th Street, as well as Benning Road. And then these are a little bit larger image of the multi-family buildings. Again, just to kind of give you a sense that when you see the renderings those are kind of computer animated and may appear different than the actual buildings are today.

And this is the Hechinger site.

So looking at our site specifically, at the corner of Benning and 17th Street, on the eastern edge of our site we are accessing our service alley and it's a covered alley. The building goes on top of that and then moving along west is predominantly

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376



retail space designed to be flexible so that we can attract a number of different tenants depending on who is interested in being at this particular spot.

As we go up 17th Street the site steps gradually up so that we end up with cellar space at this level. And then we've provided our bike storage that's accessible from our residential elevator core.

The alley just to the north of us is where we access our residential parking, and it's a ramp that goes down. And then this is the plan for the H Street elevation. So we have our residential lobby entrance, the community space that Jerry spoke about that's accessed directly off of 17th Street. And then you can see as we -- as this piece of the building starts to be above Benning Road we have typical residential units at this level. And then they continue up the rest of the levels.

On this plan is the roof plan. The shaded elements are penthouse structures. The one on the east side is a lower roof penthouse structure. The penthouse on the north is the taller penthouse structure. All these penthouses meet the setback requirements and per your comments at the set down hearing we have removed our request for relief for the railing at the southern piece of our building for

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

the pool deck. And so we do now adhere to all the setback standards of the roof structures.

This is a massing diagram that shows our building in context with what the Comprehensive Plan shows as mostly by-right. So these are 50 foot buildings by right, and then a couple of buildings that we do anticipate seeking a PUD for 90-foot. So we've tried to mass the building in a way that was simple with two main rectangular boxes, allocating most of the height along 17th Street that will be adjacent to the, you know, potential future redevelopment of the Hechinger Building, and then stepping down along Benning Road to meet a lower height that's currently there, as well as be similar in future.

And as we go up 17th Street we step down again when we get to H Street.

This is just a section illustrating the same information, the top section. Excuse me. These are along H Street. And this is our best depiction. We did not survey all those existing buildings, but the gray shaded buildings are the existing and the dash line represents what potentially is by right future development, and on the western side of 17th Street, future 90-foot height and you can see how the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

building along 17th Street, the tower feature, and then it steps back towards H Street.

The lower image is along Benning Road, and so we have 17th Street, the Hechinger Building on the left, our tower, that is 90 feet. And then we step down in height towards the adjacent structures.

Looking at, more specifically at the building massing and the architecture, we try to be sensitive to the neighborhood and provide a contemporary piece of architecture, one that is somewhat transitional in nature so that it's not overly contemporary, but it fits in with the fabric of the neighborhood.

This is a view from the corner of Benning Road that you're looking at, and 17th Street. You can see how there's very simple massing. Essentially two main forms. The massing is broken down into a two-story rhythm to bring scale to the overall façade. There are two primary materials, a fiber cement which is the more reddish, and a iron spot blended brick.

The rain screen, the fiber cement panel is a rain screen and we've modified these materials to pick up on your comments from the set down about trying to be a little bit more warmer feeling. And so we've revised these materials to have a more

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

natural tone for the fiber cement board. And then I think behind you, you have an actual physical sample of the blended masonry brick, which is comprised of two iron spot brick units. One, a more maroon tone that matches the fiber cement color or is in harmony with that. And then a grayer iron spot brick that relates to the metallic metal that we use as a secondary façade material.

This iron spot brick is intended to be reflective. It's on the eastern and southern façade where the light will hit it, and it will sparkle and create a lot of depth.

This is a view from H Street. So as you see, the existing buildings and how we're stepping up in height until we get to 17th Street, the metal panels are a metallic looking metal. It's a lighter color and it's used as a buffer between existing and our masonry tower.

I keep hitting the wrong button. Sorry.

And this view is looking west along Benning Road. Again, using the light colored reflective metal panels as a buffer between the existing and adjacent building, the accentuating multi-story read that floats over the retail basis is a way to relate to the existing scale and the proportions of the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

adjacent buildings so that we tried to kind of relate this proportion to the existing scale, and so that in the future we have a dotted line that is close to the 50-foot line that could potentially be built, but a scaling element that brings it to what we currently have.

And then this is looking east on Benning Road again, kind of trying to superimpose what potentially could be at the Hechinger Building and how that relates to the tower element that's along 17th Street, and then stepping down as we go up Benning.

And then you all had requested some additional renderings and information about what the building's presence is, from the alley. And so this is a view looking into the alley and showing the impact of the building in the context of the alley. And that concludes my testimony.

MS. RODDY: And that concludes our presentation and we're happy to answer any questions you may have.

CHAIRPERSON HOOD: Okay. Thank you all very much for your presentation. Let's see if we have any comments or questions. Commissioner May?

MR. MAY: Sure. Okay. So, the -- you showed us a massing diagram of the neighborhood. It was

just there. There you go.

So, the building heights that you're showing there, that's based on the Comprehensive Plan recommendations, or is it based on actual current zoning?

MR. STADLER: It's based on the Comprehensive Plan.

MS. RODDY: It's a mix of the two. We have the PUD at the 90-foot site.

MR. MAY: Right.

MS. RODDY: The 90-foot heights. And then the R-5-B, which is their current zoning. Or R-A-2.

MR. MAY: So I'm mostly concerned of the buildings to the east, and those are all heights based on the current zone is what you're saying?

MS. RODDY: Correct.

MR. MAY: Okay. Okay. So you did say that all the setbacks had been met. There is a -- there are diagrams that were no L-11 in your set that you had submitted. I don't know if that's -- whether you have that here, but it's a bunch of small scale, or smaller section drawings. And there are a couple of questions I had about those.

One is that you have a rail that's connected to the parapet. Is that on the lower section of

parapet and therefore the rail is at the total building height?

MR. ZAYETS: I'm sorry. Did you say L-11?

MR. MAY: I thought it was L-11, yeah.

MR. ZAYETS: It's on the landscape sheets?

MR. STADLER: Was it a landscape sheet?

MR. MAY: Yeah.

MR. ZAYETS: If it's L, then --

MR. MAY: I mean, that's where it was clearest. Yeah, it's like there are five or six little sections there.

MR. STADLER: I'm sorry. Do you know which section --

MR. MAY: Hold on, I'll pull it out.

MR. STADLER: I believe Section A is the section along Benning Road which we were previously requesting flexibility, although I could be wrong. So it's --

MR. MAY: So Section A.

MR. STADLER: Uh-huh.

MR. MAY: What I see all the way at the left side is a low parapet, maybe two, two and a half feet tall, and then there is a rail that's attached to that.

MR. STADLER: Yeah. I think that is just an

interpretation of the landscape and not what's on the architectural details. I think they were incorrect there.

MR. MAY: Okay. So can you point me to a diagram that -- or a section that shows it correctly?

I went to these ones because I could actually understand it better. I think, let me -- which is crazy because I'm an architect. I should be able to read the architecturals.

MR. STADLER: So, I think it's better to look at the plan.

[Pause.]

MR. MAY: So we don't need to spend a whole lot of time --

MR. STADLER: Yeah.

MR. MAY: -- searching for it. Let me just point out on A10, why don't you pull up A10?

MR. STADLER: Sure. We know your particular affinity for the setback, so if for some reason we are showing the rail that's not meeting it, we will correct that.

MR. MAY: Okay. But just go to A10 for a second.

MR. STADLER: Wait where is -- do I have 10?

MR. MAY: Or look at it in your paper set.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376



MR. STADLER: Yeah. I don't think I have it in here.

MR. MAY: Okay. The A10 elevations.

MR. STADLER: Yes.

MR. MAY: Okay. So I'm looking at the west elevation, right? And what I'm seeing here is that the brick portion of the building has a higher parapet.

MR. STADLER: That's correct.

MR. MAY: And then the fiber -- pardon me, Mr. Chairman.

CHAIRPERSON HOOD: Sorry about that.

MR. MAY: It's okay. The lower section of parapet on the fiber cement panel portion of the building, either there is a rail missing there or the parapet should be as tall as the parapet on the other section. So that's what I'm trying to figure out.

And I'm not sure how it all measures out in terms of the building height overall, and I forget the rules on how much parapet you may or may not be allowed above the building height.

MR. STADLER: So the old code was two foot, six, I believe. Or, I'm sorry, 30 inches.

MR. MAY: Thirty inches.

MR. STADLER: Yeah.

MR. MAY: Yeah. And I can't tell you what it is currently but you need more than 30 inches, obviously. You need to have 42.

MR. STADLER: Forty-two. Yes.

MR. MAY: So then you'd have another foot of a metal rail or something like that. So --

MR. STADLER: Which is -- yeah. So, it will be installed on the back side of the wall.

MR. MAY: Right.

MR. STADLER: So that it would be --

MR. MAY: It would have to be set back so that it's at least one to one.

MR. STADLER: Correct.

MR. MAY: So, that has to be shown somewhere.

MR. STADLER: Okay.

MR. MAY: That's all I'm saying.

MR. STADLER: Sure.

MR. MAY: Because I mean, I went to the landscape section because that's the first place I really see it. And when you look at it there it doesn't look like it's set back one to one.

MR. STADLER: Sure.

MR. MAY: All right? Okay. So the next thing on that same L-11, you're showing a shrub, a hedge if you will, right at the face of the building

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

on Section A. Right?

MR. STADLER: This is A11?

MR. MAY: Yeah, it's on A11. And okay, so I know this is the landscape architects having their way, I guess. There is a practical question there which is that if you're going to have a finely trimmed hedge right at the edge of the building I think that might actually be a safety issue, trying to maintain it.

But the second thing about it is that I have a -- if it in fact is a solid looking hedge that's right at the edge of the building, you're kind of thumbing your nose at the height restriction. Right? So I don't mind, you know, I like green stuff on the roof. It just, it should be set back or it should be intermittent or something like that. It shouldn't be presenting itself as a solid green line. And again, not to mention the fact that it will be very hard to maintain.

So I assume you're their landscape architect.

MR. JINAY: Yeah. For the record, I'm Mark Jinay (phonetic) from LSJ Landscape Architecture (phonetic), Tyson's Corner. Yes, I am a landscape architect, and yes that was more for illustrative purposes and we would certainly recognize that it

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

would be hard to maintain and/or select something that would behave that way.

MR. MAY: Right.

MR. JINAY: But the intent is to show that it would be a -- had some height at that point. Certainly the intent is not to push the point of the setback.

MR. MAY: Right. So, I mean, you know, as I said, it should be set back or it could be more intermittent. It should be drawn correctly. I mean, showing it like this, as a hedge, I mean, you know, I had two thoughts. One is that, how is it going to appear on the façade. Then the second thing is, I feel bad for the guy who is going to be leaning over the hedge trying to trim it, you know, at the edge like that. That would be a nightmare.

MR. JINAY: Yeah, we can -- we'll adjust that.

MR. MAY: Yeah. All right. So really minor points.

I appreciate the change in the color of the building overall, but in the process of tweaking the colors you made that penthouse structures lighter in color, which I would not recommend. I always strongly recommend that penthouses actually be darker

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

in color because believe it or not, they tend to recede more when they're darker. Even when they're up against a bright sky. And if you don't believe me, you know, walk around and look around and I've convinced other people of this so I think it's worth looking at.

MR. STADLER: I don't -- I think the previous iteration we had a darker penthouse so --

MR. MAY: You did.

MR. STADLER: But we don't have any problem with adjusting that.

MR. MAY: Yeah. Okay. So, I mean, look at that and you can tweak that.

The materials board, all I have is the brick. Do you have the rest somewhere else? So you can pass that up.

So, you have testimony in support, or rather -- yeah, I guess, submissions in support from a couple of abutting neighbors. What about all the rest of the neighbors? There are a lot of people who live fairly close by. Were they coming to the meetings? Did you knock on doors? I mean, what kind of outreach was there, or are they going to be shocked when, you know, all of a sudden there's going to be a 90-foot building next door?

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

MR. ZAYETS: Thank you for the comment. So Christine Roddy has just done the typical stuff with the flyering. And then as far as the outreach, we've actually have had five SMD meetings. I personally knocked on doors. I personally have, with the plans. That's how I was able to get the support from the folks at immediately to the north of us at 1707 and 1709.

MR. MAY: So when you knocked on the doors, I mean, you had conversations with a lot of those residents or just the two that you got the letters from?

MR. ZAYETS: No, we've had with some, but the 1707 was more responsive than 1709 were and the other -- 1711 was actually hard to come by.

MR. MAY: Right.

MR. ZAYETS: So we didn't get a whole lot of interest.

We also spoke to the folks on Benning Road. They're actually here today as well. We've met with them three times.

MR. MAY: Okay.

MR. ZAYETS: So --

MR. MAY: All the people on that block, or all the people immediately abutting?

MR. ZAYETS: It's a single-owner on Benning Road.

MR. MAY: All, that whole building?

MR. ZAYETS: Yes.

MR. MAY: Okay.

MR. ZAYETS: So we've had tremendous community outreach. As far as the ANC meetings, the SMD meetings, I would say the attendance was erratic. Sometimes six or seven people. And then we had a few that were maybe eight, 10, 12 people. So folks all over town, I would say.

MR. MAY: Okay. So why didn't the full ANC actually take a vote?

MS. RODDY: To be honest, I'm not entirely sure. Our SMD had had several meetings and she had made a motion in support of the project but the remainder of the INC felt that they didn't want to take the vote so I can't answer on their behalf.

MR. MAY: So didn't want to take the vote because they were -- had other, more important things to talk about. Or they just weren't comfortable talking about supporting the project or --

MS. RODDY: No, I truly don't know because they didn't offer any comments on the project. So --

CHAIRPERSON HOOD: So, let me interrupt. You

went to ANC 5D.

MS. RODDY: Yes.

CHAIRPERSON HOOD: Which the property is located. And I see 6A, and I want 6A -- hopefully somebody is here. Is there anyone here from 6A? We need to correct that letter because 6A has my ANC as one of the beneficiaries to use the community room. 5C is in my area. So we need to make sure the record is correct.

So let me just, Commissioner May, let me just talk about 5D for a moment. So you went to 5D and you gave a presentation, right?

MS. RODDY: Correct.

CHAIRPERSON HOOD: And did you ask them for a letter of support?

MS. RODDY: We did and our SMD made a motion in support.

CHAIRPERSON HOOD: And they didn't get a second.

MS. RODDY: Correct.

CHAIRPERSON HOOD: Okay.

MS. RODDY: And then we asked for comments just to help us for when we would return and they had no comments to offer. So it was our perception that it wasn't our project necessarily, that there may

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376



have been other conversations. But again, I don't know why there was no vote.

CHAIRPERSON HOOD: So you all are being very nice. I'm going to cut to the chase. 5D has been having some problems. You all obviously saw that when you were there, right? Am I correct?

MR. ZAYETS: If I may?

CHAIRPERSON HOOD: Let's cut to the chase.

MR. ZAYETS: If I may, Christine?

CHAIRPERSON HOOD: I know what's going on.

MR. ZAYETS: Yes. Yes.

CHAIRPERSON HOOD: Okay. All right.

MR. ZAYETS: It was honestly, I think there's something behind the scenes going on and it was unfortunate because we've made multiple efforts to reach out and actually have a direct conversation.

I mean, we didn't go out there seven times for nothing. We went out there because we want community input. And unfortunately I think there's some stuff going on in the background that we were using some sort of a ploy. I mean, that's the way I felt about it.

CHAIRPERSON HOOD: So let me ask you this, 5D, 5D's chairperson, have you had contact with him?

MR. ZAYETS: That's a --

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

MS. RODDY: We --

CHAIRPERSON HOOD: Or her, maybe. I don't know who it is now, but --

MS. RODDY: It's Foster, I believe is his name.

CHAIRPERSON HOOD: Adam? Is it Adam?

MS. RODDY: I believe so. Yes, I believe that's his name.

CHAIRPERSON HOOD: Okay.

MS. RODDY: And we had spoken to him after one of the planning and zoning committee meetings for 6A. But most of our contact, really all of our contact was through our single-member district representative. We did send the chairperson every filing that we had, so he received everything that we filed along the way.

CHAIRPERSON HOOD: Did you all ask the chairperson for a letter of support? My rationale is, and I'll tell the SMD person, because 5D, far as we're concerned, doesn't get great weight. And that's the problem. We have specific requirements to give great weight.

So we need to try to see if we can get 5D's great weight. That's where I am with that.

Okay. I'll finish when it comes my turn.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

I'll turn it back over to --

MR. MAY: Okay. I'll try to wrap up quickly.

So, the IZ plan, or the plan shows the IZ units, says it's for illustration only, and of course you, you know, you've asked for flexibility in varying the location and all that sort of thing. You know, generally speaking what we will get is a very specific plan of the units, and so I think we would be more comfortable typically having a specific plan. If there does need to be variability then we need to explain what the limits are on that variability because we don't want to wind up with the variation of where those are located to wind up with all of the IZ units being placed in the, you know, the least desirable places within the building. Like, you know, on top of the loading dock or something like that.

MR. ZAYETS: So on the screen, and in your set, we've highlighted on the screen, but in the submission on Sheet A06, and A07, the locations are labeled on the plan of where those units are located.

MR. MAY: Okay. Is that different from the set that I have, because the set that I have says it's for illustrative purposes only, and is subject to change.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

MS. RODDY: We have that language on there just because we are asking for 10 percent flexibility in the number of units. So as we refine the plans that's going to shift if some of the unit size changes. So we obviously will be compliant with Section 2605.3, I believe it is, where it has to be distributed throughout the building appropriately and not clustered in a single area.

MR. MAY: Well, I mean, you've got a little bit of clustering going on there. So I'm not sure that that's really hitting the mark either, if it's the purple units there. So.

MS. RODDY: We can take a look at that and we can refine that and submit something.

MR. MAY: All right. Okay. You had a view of the project into the alley and I assume that was from the -- yeah, is that from 18th or 19th? I don't know what --

MR. STADLER: Yeah, so this is 18th Street.

MR. MAY: 18th. So, and that's helpful, but actually one of the things I'm interested in seeing is a view from within the alley because this is going to be a project that's quite visible from the back yards of houses and things like that through there. And I'm particularly concerned about, you know,

what's that loading area going to look like, and the access to the garage.

Again, you know, there are a lot of people's houses who back up to this. And so I'm interested in seeing that. We don't really see that. I don't have a good sense of what that space is like. So that would be a useful thing to see.

Second thing is that with regard to that alley is that all of the access to the parking garage is through the alley, right? Not through -- it doesn't connect to the loading dock?

MR. STADLER: That's correct. So the residential access is through the alley.

MR. MAY: Right.

MR. STADLER: And one of the issues with trying to illustrate what's going on in the alley is that there is no road back in that alley by our particular site. So.

MR. MAY: Well, how far -- I mean, how close can you get?

MR. ZAYETS: About 100 --

MR. MAY: What is it? I mean, is it --

MR. ZAYETS: About 120 feet. Ninety feet of it is not built.

MR. MAY: Okay.

MR. ZAYETS: If that makes sense.

MR. MAY: And that's what's marked on your plan, right? I mean, that's the point from which it would be useful to see. I mean, you're going to be simulating that road anyway, right? So, I mean, you know, do what you can. If you can do it, great. If you can't, you know, maybe even just seeing a photo from back there would be helpful.

So, I'm a little concerned about 45 cars making their way through that alley to access the parking garage. So I'm going to ask DDOT more about that because I mean, I know generally speaking we like to have access to parking garages off of alleys, but it's sort of an unusual circumstance for that alley to be one that's basically low-rise residential. And then you have a large apartment building at the end with all the access on it. So I'll ask them about that as well.

I'm sure that you know, you've done this solution in large part because that's what DDOT really wants you to do.

And last thing is, can you show me where the bike storage actually is? For some reason I couldn't find it on the plans. Maybe I'm just blind. Oh, okay. So, it is on a lower level.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

MR. STADLER: It's connected to direct access to our service elevators.

MR. MAY: Okay. But is it -- can you get there from the alley or something? Do you have to go into the lobby and then go down the elevator to get to it?

MR. STADLER: Yeah, we can go into the alley. Oops, sorry. Yeah, sorry. So, there's a -- you know, there's a path in from --

MR. MAY: Uh-huh.

MR. STADLER: -- Benning, into here. And then we can get into the loading and straight into it. Or, you know, if you wanted to you could go down the alley.

MR. MAY: Go down the alley and then get in through that same door.

MR. STADLER: Exactly.

MR. MAY: The same set of doors?

MR. STADLER: Yeah.

MR. MAY: Okay.

MR. ZAYETS: It's a little bit hard to see, but there is pedestrian circulation from Benning Road.

MR. MAY: Yeah, I mean, I see there's a pathway there.

MR. ZAYETS: Through the so-called curb cut.  
And then --

MR. MAY: Right.

MR. ZAYETS: -- to the left and you walk  
around, so --

MR. MAY: I mean, are you going to have the  
roll-up door? It's beside the roll-up door.

MR. ZAYETS: The idea we envisioned was  
actually the roll-up door would be for service only  
but there would be a door for vehicles and  
pedestrians. I'm sorry, for bicycles and  
pedestrians, separate from the roll-up door.

MR. MAY: okay. So, but that door isn't  
shown on those plans.

MR. STADLER: No, I don't believe it is.

MR. MAY: Okay. So show us what that is and  
what it will be like. I mean, navigating doors with  
bicycles is not a great thing. It's not impossible,  
but it shouldn't be too circuitous if you can avoid  
making it that way.

And the last thing is, I saw a reference to  
signage in the submission. And I'm not sure exactly  
-- I've forgotten now what the reference was but  
signage has become a bigger and bigger issue of late.

So, do you have actually drawings that show



anything about where you're expecting the retail signage to be, or the building signage to be?

MR. STADLER: Yes. Let me just -- so, we expect there's a canopy at the corner.

MR. MAY: Right.

MR. STADLER: And that will have -- and again, this is -- what we intend to do is kind of set the parameters of where the signs can occur and the type of signs. But depending on the retailer sometimes, you know, Starbucks has their own sign. So we'll define where they can put their signs and the height that they can put it. So we envision one being on a canopy and one underneath the overhang of the building where the retail sets back.

MR. MAY: Okay. So, do you have those signage rules or whatever, in your submission at this point?

MS. RODDY: We do not, but we can add that.

MR. MAY: Okay. That would be helpful. And, you know, the extent to which you can actually diagram those things, just do a, you know, a segment of the façade showing this is the signage zone and then you know, whatever your rules are going to be in terms of the height of the signs and how they can be lit. You know, obviously we're not going to be big

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

fans of bright, you know, changing LED signs.

MR. STADLER: We aren't either.

MR. ZAYETS: I wouldn't approve that.

MR. MAY: Oh, excellent. Thank you. All right. That's it. Sorry it took so long.

CHAIRPERSON HOOD: That's nothing different. Excuse us for being rude while you were asking your thousand -- I mean, your few questions.

Any other comments or questions?

Commissioner Turnbull?

MR. TURNBULL: Thank you, Mr. Chair. I'll try to keep it to 950.

Well, thank you for your presentation tonight. And I guess I want to describe this as significant architecture because you've described the residences next to them, this building, as insignificant structures. Is that correct?

MR. STADLER: Sorry if they -- I don't think I intended it to be insignificant, I was just saying that --

MR. TURNBULL: You said insignificant structures.

MR. STADLER: The facades are not ornate.

MR. TURNBULL: Okay. So, are you apologizing to the residents then, and telling them they don't

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

live in insignificant structures?

MR. STADLER: Yes.

MR. TURNBULL: Good. Thank you. I think that was a very bad statement that you said. I don't think it's appropriate for a hearing in front of everyone to say things like that. But anyways. Getting on.

What I am concerned about is when I see the massing diagrams at R-5-B, showing the massing that you can go up to all this height. I think that's, yes, by zoning you can. But this is also, according to the generalized policy map, a neighborhood conservation area. So we're not up for urban renewal. We're not tearing down structures that are there right now. There is a possibility that we'd like to keep or renovate, or remodel, these units. I mean, that's a choice.

So when I see massing diagrams that show what this could be for an explanation for you, how you put your heights of your structures, it's a little disconcerting. It's sort of not fair to the neighborhood. I don't think it's fair to the homeowners to show something that, oh by the way, you may not be here in a few years. So I just want to hear your comments on that.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

MS. RODDY: No, I appreciate that. And I think one of the reasons why we did that is we had heard from the neighbors. If you look at the letters from 1709 and 1711, they both indicate that they were contemplating additions, vertical additions to their property. So it is something that has been thought of. Not necessarily by all the neighbors.

MR. TURNBULL: Right.

MS. RODDY: But certainly by some of those neighbors.

MR. TURNBULL: But I think if we're going to talk about sensitivity, and I heard that word again, sensitive to the neighborhood, I think we have to be careful on how we describe the architecture that you're providing related to that sensitivity. So, I think it's a double-edge sword. I understand what you're talking -- what we can accomplish with the zoning and what can be done. But I think there is a certain character of this low scale and the simplified brick structures, but very pleasant.

That needs to be accepted and understood from the standpoint of the context of that neighborhood. I would agree, I think at set down, just going back to one of the statements that Commissioner May said, I had asked for a view from the alley. And I was not

expecting that thing from the end of the alley looking up. I think Commissioner May has said it, we need something closer to the property that shows the full scope of what you're doing, and the add on to the alley so that we can get a view of the parking. That whole back of the structure as you would see it from that point of the alley. I think that's going to tell us a little bit more about the back, the rear of the building, really looks like.

So I think either a couple of views, or if you can shift it looking -- but a, sort of an eye level view looking toward that and looking toward your structure, the new building, I think that would tell us a lot as to what we're going to see back there.

And I would get -- you know, it sort of -- we talk about alley access and right now it's low-rise. But as you show that these higher types, it sort of leads you to the fact well, the density is going to increase too. So the alley gets to even be more difficult to use if the density were to increase going down this tiny alley.

I would agree with -- I think the chairman will probably get on to it. I think you need to somehow go back to the ANC and try to get a hearing

before them to get an overall vote. I think it may be difficult but I think it's something you've really got to strive to do. And I would agree with Commissioner May on the signage diagram.

I guess I'm still a little bit -- and again, if we go up to the roof, I'm still a little troubled. And I think Commissioner May is right that it's difficult -- sometimes the landscape drawings read better than the architectural drawings as to what's going on, as far as handrails and railings and parapets.

I really think we need to have better sections and some kind of views of what that really looks like up there. And I would then, at the same time all you're doing to take care of the landscaping issues with the shrubs being at the correct height.

The other thing which I see up there, a television set, a TV wall. I see a feature wall. I'm not sure what the feature wall really is.

MR. STADLER: I can answer that question. Sometimes we've done things like sculptural forms or a green living wall or a piece of art. The idea in really most of these spaces on rooftops is to create a, you know, diverse range of amenities in different kind of places for people to gather. And not

everybody wants to sit in front of the TV though. Those tend to be very, very popular. But we also try and create some other kind of moods and spaces.

So rather than, we know we're going to have a vertical wall there, at the base of the pool because the pool will be elevated a little bit, we wanted to do something interesting along that space.

MR. TURNBULL: Okay. Well, I think, you know, one of the things that I'm always concerned about is that when I start putting TVs on top of buildings I'm always worried about the impact on the adjacent structures, the streets, and if people are going to see these things. And it's going to take away from people driving or whatever.

So, I'd like to see maybe a rendering of what's going on up at that roof where this TV is, the feature wall, just to get a better idea of what kind of an amenity space this is. I'm not opposed to having amenity space. I just want to understand fully the impacts of what it's going to have on the neighborhood. So if we could do that. And I'm also concerned about the lighting. I'd like to know if it's -- I'm assuming since you're going for LEED Gold it's going to be all down lighting, it's going to be low level lighting. But I'd like some kind of a

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

description of what that lighting is really going to be like so that we have, again -- and if you can depict that in a rendering that would be fine too. But something that's going to show us what the quality of life will be up on that roof.

And what would be the hours of occupancy for the roof? How is this going to go until 10:00? Until Midnight? Until 2:00?

MR. ZAYETS: So, historically with our projects we usually limit within the operating documents of the property. So we usually limit it until 9:00, 10:00. It is not our intention to put a bar or restaurant up there. This is for residential purposes.

MR. TURNBULL: Okay. Okay. I guess the other thing I wanted -- I appreciate the fact that you've gotten away from the 80 percent AMI and you've got half at 50 and half at 80. But I think even the Office of Planning was encouraging you to take another look at that proffer and see if that could be somewhat strengthened for us. I think that would be, say, significant.

But overall, the only other part of this thing that I'm really a little bit concerned about is that the end walls, as they meet these row houses,



have this metal panel system. And I guess I'm still open if -- still trying to see if that really is really blending in with the neighborhood. Or how -- it's sort of like you've made a statement like -- you've called it a buffer. And that's what I'm seeing. It's like a buffer.

And I'm just concerned that it may -- I don't know whether it's just the fact that it's all gray or just -- I'm still concerned about how that really blends in with the rest of the structures that are there. I'm just, I'm not totally convinced that that's maybe the most appropriate way to tie in to do those row houses.

MR. ZAYETS: If I may, Commissioner? I had -- I brought this up to the -- this particular view and specifically, so the immediate neighbor to our east. That would be 1707. And I mentioned that we chose a metal that's lighter in color sort of to not to put as much mass or sort of that look and feel. And he was actually appreciative of that. That was the immediate neighbor next to us.

So, just strictly speaking from my conversation with the neighbor, thought.

MR. TURNBULL: Uh-huh. Okay. I'm still -- I have to think about it a little bit more. I'm just

still mulling that over whether I totally appreciate that. Going back, I think I would agree with Commissioner May on the penthouse color and I think as you will provide us with a revised affordable units plan. I think, Mr. Chair, I think I am finished for now.

CHAIRPERSON HOOD: Okay. Thank you. Vice Chair?

MR. MILLER: Thank you, Mr. Chairman. Thank you for your presentation this evening. I generally agree with all of the comments of the colleagues who have spoken so far, and with the comments of the Office of Planning as well. I appreciate that you are proffering a LEED Gold project. I think that's a good thing, and I particularly -- I particularly agree with the comments that have been made by both OP and my fellow commissioners about the affordable housing not being clustered the way it's illustrated in the plans, the floor plans that we saw. You said you were going to adjust that, or look at that.

And I agree with the comments that -- of OP and Commissioner Turnbull, that the affordable housing proffer should be a positive development, even though, you know, we appreciate that half are at the 50 percent AMI, which isn't required, correct?

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 2028981108 • Baltimore: 4107523376  
Toll Free: 8884453376

Oh, it's only 80 percent that's --

MS. RODDY: That's correct.

MR. MILLER: -- under the current IZ regulations. Although, that's going to be changing soon, I think. But I agree with the comment that either the total amount of affordable housing should be greater, or a greater number at the lower level. Mainly because you are pushing kind of the envelope of the height. Even though you have the step-downs to the lower heights of the existing residential buildings that are adjacent to this site, at the six to 10 story range you're pushing the envelope of heights, not only in the neighborhood, but above at the high end. Or at least at the high end if not above what was called for in the Benning Road redevelopment plan which talked about four to eight stories. Maybe the plan was only referring to matter of right, as opposed to PUD where you do get the additional flexibility.

But because you're at that high and I think the affordable housing proffer could be strengthened even more than you already have strengthened it. I would agree with Commissioner Turnbull that my reaction to the -- I like the -- let me say something positive first.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

I like the brick masonry facades, the terracotta color, and the gray iron spot coloring that's behind us. I think that's very attractive. I think it -- I would agree with Commissioner Turnbull, I personally think it would be a more attractive project if those metallic composite metals were, just were changed to be brick. I think it just would blend in more, it would look more -- those particular structures don't look as residential as the rest of the brick building.

Does the parts of the structures with the gray metallic facades, do they have balconies? Or they don't have -- or do they have some --

MR. STADLER: No, they're currently not showing balconies.

MR. TURNBULL: Right. So that's also contributing to the contrast between the rest of the project, which looks residential and fits in with the brick neighborhood that surrounds it. So it just looks a little more commercial to me than the -- how many units are in the -- of the 180, how many are in the parts of the structure, parts of the building that have the gray and metallic. It must be a -- it's not half because they're shorter -- that's the shorter part of the building. But it --

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

MR. STADLER: There's four units on that back side per floor.

MR. MILLER: Okay. Okay. So, yeah, I appreciate that the neighbor, the neighbor you talked to thought there might be less of an imposition on it, but I see the -- I see the imposition just because that reflective metal, I think, is going to -- it just stands out so much.

You're going to have neighborhood serving retail and 13,000 square feet of retail. Is that --

MR. ZAYETS: Twelve to 14,000 along Benning Road only, because of the way the streets orients. It will face Benning Road. That's where the street car is. That's where you want the retail. That's the most logical place for it.

MR. MILLER: And do you have a particular vision of the types of retail that would be the types of neighborhood serving retail that would be there?

MR. ZAYETS: One of our -- and this is not -- one of our employees sitting behind us has a daughter. She wants a frozen yogurt place. She's seven. In all honesty, I think those are the kind of places that we want in our buildings because we're not going to attract any large tenant here. We're a little bit too far outside of H Street to attract the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

big players, so it's literally going to be some small 3,000 foot plates so the local businesses, they attract leasing better, frankly. So it won't be anything massive in my mind. I don't think we'll be able to attract a large tenant just strictly from a market viability point of view.

MR. MILLER: There was just one other comment I meant to mention on the A06 floorplan that showed, that showed the clustering of the Inclusionary Zoning units, which you said you're going to look at.

But one of those units, I just wonder if it has -- is there sufficient light in that corner? They're all internal to the interior as opposed to looking out on to Benning or 17th, or H. So that's another part of the lack of -- that's not a part of the clustering issue. But the one that's in the corner, I'm wondering, is there sufficient light? They also, also are right adjacent to the loading, so that's another problem with the way that they're clustered.

But, so I think you need to look at that issue. But the one that's in the corner on that particular diagram which shows, I believe --

MR. STADLER: Yeah. That unit is an efficiency unit, so it would be a fairly opened plan

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

and the light is -- we typically, on an inside corner, we end up with a similar unit of that nature, where your kitchen and your bathrooms are tucked deeper, you know, back in. And then the living space is more towards the daylight.

MR. MILLER: Okay. All right.

MR. ZAYETS: If I may also just say, so -- and many developers look at IZ as a throw-away. There's actually, I think, 15 of them here. They're part of our underwriting. Like, we intend to lease them, and things that are bad don't lease or don't sell. We were one of the first developers to actually sell IZ in the city, so we've actually learned that IZs that are actually better laid out, they actually rent, so it doesn't become a negative on your balance books.

As far as the distribution, they are distributed on the -- not architecturally, but they are laid out all the way through floor number 6, I think, but we'll revise it and update it as well.

MR. MILLER: Okay. And I appreciate your explanation and your work on IZ in the past. Thank you very much. Thank you, Mr. Chairman.

CHAIRPERSON HOOD: I'm sorry. What's your last name again?

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 2028981108 • Baltimore: 4107523376  
Toll Free: 8884453376

MR. ZAYETS: Zayets. We've actually met on a similar matter with Ms. Jackson and neighbors and community involvement.

CHAIRPERSON HOOD: Yeah, and I was trying to remember if that was you or not because my first question is about that. How is that going, because when you mentioned landlocked, I said, why does this guy always have cases that are landlocked? But how is that going in Ward One?

MR. ZAYETS: Our order is still not issued.

CHAIRPERSON HOOD: Oh, well, you put it back on us. Okay.

MR. ZAYETS: Well, no, no, no. So we've continued to engage with Mr. Jackson. The immediate neighbor, immediately actually got a resident parking pass restricted to handicapped, so he actually got what they wanted. But him and Mr. Jackson and I are on a first name basis. We talk fairly regularly.

I have no problem with community involvement, I mean, on that particular matter I've met with the residents myself at least seven times. We've met with the ANC. We've met with the council member's office. We have no objection. I personally have no objection going back to the ANC. I just don't want internal politics --

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376



CHAIRPERSON HOOD: You're talking about this case here?

MR. ZAYETS: This case.

CHAIRPERSON HOOD: Well, let's get there. Hold on. Let me finish with Ward 1 first.

MR. ZAYETS: Go ahead.

CHAIRPERSON HOOD: Then we'll come -- and I know that's not why we're here tonight, because I like to do some checks and balances.

MR. ZAYETS: Absolutely.

CHAIRPERSON HOOD: I know the commitment that was made and I know the Chief of Staff of Council Member Nadeau (phonetic) intervened.

MR. ZAYETS: Yes.

CHAIRPERSON HOOD: And I was glad to see that happen. So, you're just waiting on the order from us, and then you'll be proceeding, right? But you all got everything all taken care of, everybody is holding hands, everybody is happy.

MR. ZAYETS: Mr. Jackson and I are very courteous and friendly with each other.

CHAIRPERSON HOOD: Okay. Good. Well, continue to make that happen because --

MR. ZAYETS: Absolutely.

CHAIRPERSON HOOD: -- the next time I see you

I'm going to ask you about it. I want to know how it's going.

MR. ZAYETS: Absolutely.

CHAIRPERSON HOOD: This is my own checks and balance. I don't listen to DCRA. I do my own checks and balances.

MR. ZAYETS: Commissioner, like I said, I told you I'd be coming back here six months, and here I am.

CHAIRPERSON HOOD: And I think I told you, we'll see you again, right? And here you are.

Okay. Well, let's get to this case. Let's talk about the ANC a little bit. And I do know some of the difficulties. And I'm not going to sit here and make that a hard fast rule. I just will try to see 5D to get -- I think it would be good for 5D because we do it all over the city for 5D's ANC to get -- and if you could stress, Ms. Roddy and others, the importance of them having great weight in this case, whatever their position is, which I believe is probably the same as the single-member district's position.

So, I don't know. I don't know if you asked for it how many times, you know, I knew you been out there a number of times. But I would like to see

them get great weight. I'm not going to make that a hard fast rule, but I'm just asking. Okay? Because one thing I do know, I know some of the difficulties that are going on. Okay. So that's why I said, let's cut to the chase, let's save time.

MR. ZAYETS: I appreciate that.

CHAIRPERSON HOOD: Okay.

MR. ZAYETS: Thank you for pointing that out.

CHAIRPERSON HOOD: All right. Let's talk about the height. Now the single-member district, apparently I guess she has single -- I guess Kathy Henderson has single-member district meetings I believe. Right.

MS. RODDY: Yes, she's had several.

CHAIRPERSON HOOD: I'm sure. Yeah. They seem to have an issue with the height. Has that been resolved?

MS. RODDY: The height has not been an issue at our single-member district meetings. She has mentioned that she has an issue with the height, but that has not been --

CHAIRPERSON HOOD: Oh, she has an issue with the height?

MS. RODDY: Yes.

CHAIRPERSON HOOD: Okay. But it was in her

letter.

MS. RODDY: Correct.

CHAIRPERSON HOOD: And her letter reflected her single-member district meeting, right?

MS. RODDY: Her letter reflected the single-member district, but when we were there, there really were no comments. There was favorable response to this project. The comments really focused on landscaping and more of the street scape improvements.

CHAIRPERSON HOOD: Let me look at this letter again.

So she, individually had an issue with the height, but that was not a show stopper for her, I believe. I don't think so.

MS. RODDY: No. As her letter indicates, she's supportive of this project.

CHAIRPERSON HOOD: One thing about it, she's going to watch this hearing and if it's not correct she will make sure that we know about it in writing. But I'm going to take your word for it, Ms. Roddy. I actually got something else out of her letter. But anyway.

Let's go back to the view. I think it was A19, the alley view. I think that this is -- did you

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

have something you wanted to add?

MR. ZAYETS: No. No. I was talking about the alley.

CHAIRPERSON HOOD: Oh, yeah. Let's go back. Okay. Is that A19?

Yeah, I think Commissioner May alluded to this, but I want to see how it looks without the greenery. You know, we can always put that in. I know it's always done down here, to put the greenery in and make sure they do it that time of year so we can't really see. I want to see how it looks when the leaves aren't on the trees.

MR. STADLER: I mean, we didn't put those in. Those -- that's an actual photo, so.

CHAIRPERSON HOOD: Right. But let's -- I'm sure you can give me a better view with it not being hitting like that, because I know it's not going to be hitting from that.

And I do, I think, Commissioner May, you mentioned about this alley here, how that's going to work. I would just want to echo and follow up on that. We need to figure out how that's going to work. I'm not sure exactly what your question was because I probably was talking, but I want to see exactly how that's going to work. I think that's

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

what you asked me.

MR. MAY: Yeah, I just, you know, an alley that services primarily low-rise residential houses with a few, you know, maybe a few garages or rear parking space or something like that, to add into an apartment building that -- I mean, granted, it's only 45 spaces, which is small for a building this size, I think. Still, it's probably going to double or triple the number of vehicles that regularly traverse the alley. So I'm just a little concerned about what that is going to be. I mean --

CHAIRPERSON HOOD: Right.

MR. MAY: -- the alley does look fairly broad, so maybe, because you can see, you've got a car parked there and you can still get past. So maybe it's not a real issue. I don't know.

CHAIRPERSON HOOD: All right. Well, we'll ask them to -- let's look at some more of that.

The other thing, is this -- let me see the truck maneuvering.

MR. ZAYETS: If I may just identify one point? There's actually two entrance points into this alley. It's actually in the shape of a fork. That is one diagram to get in, but there's actually two ways and then it converges. So it's a little a-

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

typical. You can see the second entrance. It's just not marked on the south.

MR. MAY: Does it converge in both places further to the --

MR. ZAYETS: I'm just going to walk up to the podium.

MR. MAY: Well, you can't talk, then.

CHAIRPERSON HOOD: No, just use your pointer and show us what's going on.

MR. MAY: I mean, I saw the one point where they converge. But what about further to the west?

MR. ZAYETS: All this demarcation is private property. This is not an alley.

MR. MAY: Okay, got it.

MR. ZAYETS: So it actually comes up here and then turns, and then turns. So it literally is a fork.

CHAIRPERSON HOOD: Okay. Let's go to the maneuvering diagram.

MR. STADLER: So I don't think we have it on our screen. It's in the set. Correct?

CHAIRPERSON HOOD: You don't have it in your screen, it's in the set. Okay.

[Discussion off the record.]

CHAIRPERSON HOOD: So you all didn't think

that I was going to have Ms. White come up and ask her about the maneuvering diagram? So, I got to try to figure out all those different going back and forths for myself.

MR. STADLER: So, it's on Sheet C01, 2, and 3.

CHAIRPERSON HOOD: I know where it is. I wanted to see it up there because I want somebody to show me how it's going to work. So you all didn't think we were going to ask any transportation questions?

MS. RODDY: We did believe that you were going to ask transportation questions. I'm sorry that we don't have that on one of our sheets, but we're happy --

CHAIRPERSON HOOD: So you all want me to continue the hearing and come back for another set?

MS. RODDY: No, not at all. We will do our best to speak to the turning diagrams that are in the record.

MR. STADLER: I don't know that these are the exact sheets that are in your set, but these are similar.

CHAIRPERSON HOOD: There was one that had multiple turns, if you have that. It had multiple



back and forth and turns, and that was my question. I wanted to know how is all that going to work, how many turns do I need to make?

MS. WHITE: Through the alley?

CHAIRPERSON HOOD: Yes.

MS. WHITE: So that may have been a diagram that we did through earlier discussions with DDOT. And while we came up with the site access system that we developed with the loading access from Benning and the garage access from the alley. So we were showing that it would be difficult for the 30-foot truck to make the turn in the alley. So you may have an earlier version of that diagram through the alley.

CHAIRPERSON HOOD: Okay. So do we have an update? Is that the updated one, or where can I find that?

MR. STADLER: Oh, I'm sorry.

MS. WHITE: We no longer have the trucks going through the alley. It would just be using the loading dock on Benning Road. So we didn't -- all the maneuvering diagrams now are showing the truck from the Benning Road loading dock.

MS. RODDY: And our most recent submission it's C02, and it's dated April 25th.

CHAIRPERSON HOOD: Hold on a second. Okay.

I may have been looking at an older diagram, because it had multiple turns on it and I was wondering how that was going to happen. This is actually in your --

MS. WHITE: Yeah, C01 and C02 just shows the truck going in without any difficulty in the loading dock.

MR. ZAYETS: Commissioner, we did explore trucks going into the alley, but we actually concluded that it would be not a viable alternative, so all loading, deliveries, nonresidential vehicles are happening through Benning Road, curb cut, the alleys used for residential vehicles only.

CHAIRPERSON HOOD: Okay. Well, let's put up C01. You have that, so -- so the other ones, we don't need to worry about that because we've changed the way we're going to get in and out, ingress and egress.

MS. RODDY: Commissioner Hood, I apologize. We don't have the truck turning diagrams with us, but we can speak to it. We have it.

CHAIRPERSON HOOD: That C01?

MR. STADLER: Yeah. I can bring up some diagrams that were previous. They're not the exact sheets that are in your set. I believe it's the same

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

diagram, it's just presented differently.

CHAIRPERSON HOOD: Okay. I'll tell you what, Ms. White, that's all right. That's all right.

MS. SCHELLIN: They can pull it from ISIS.

CHAIRPERSON HOOD: Don't bring it up. Don't bring it up. Don't bring it up. Ms. White, can you walk me through -- do you have C01 in front of you? On Benning Road, the truck is turning, making a right, correct. The first diagram, furthest to the left.

MS. WHITE: Yes.

CHAIRPERSON HOOD: Can you walk me through that?

MS. WHITE: Sure. The truck makes a right, pulls forward, and then backs into the loading space.

CHAIRPERSON HOOD: Okay. So that's for this, pulling forward.

MS. WHITE: So it's just showing it pulling forward and then making that reverse maneuver back into the space. And then the second diagram --

CHAIRPERSON HOOD: Let me ask you this, can I get that in one turn?

MS. WHITE: That is one turn. It's going forward and then backing into the space.

CHAIRPERSON HOOD: Okay. And then when it

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

pulls out --

MS. WHITE: And then the second diagram shows the same thing, pulling forward in and backing into the second space because we wanted to show that maneuvering into both loading spaces.

CHAIRPERSON HOOD: And if one space is already full -- whichever one already has a truck it doesn't matter because it will still be able to do the same thing.

MS. WHITE: Yeah. If you take a look at the first one to the left you can see there is an outline of where the truck would be. And then we show the swept path, and the swept path does not encroach upon that gray loading/parking area if you will.

CHAIRPERSON HOOD: Okay. And when they enter into -- well, you can't make a left. Is there --

MS. WHITE: Can't make a left.

CHAIRPERSON HOOD: -- there a median strip --

MS. WHITE: There is, yes.

CHAIRPERSON HOOD: -- on Benning Road?

MS. WHITE: Yes, there is. So it's right in, right out.

CHAIRPERSON HOOD: All right. Right in, right out. Right in --

MS. WHITE: Right in --

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

CHAIRPERSON HOOD: Yeah, right in and right out.

MS. WHITE: -- and right out. Yes.

CHAIRPERSON HOOD: I'm catching up with you. Okay, now let's look at C -- what is this, the next one, C02?

MS. WHITE: So, the same thing. We're showing -- these are both diagrams showing the truck pulling out and this is just one U-turn out of the space and we show the turning diagram from both spaces again.

CHAIRPERSON HOOD: Okay. All right. Well, thank you very much.

MS. WHITE: You're welcome.

CHAIRPERSON HOOD: Ms. Roddy, you better thank her because she saved the day, because we would have had to come back. I'm serious.

MR. MAY: Could I ask a question about that one, though? I mean, it looks like that's cutting across, or extremely close to the pedestrian path and bicycle path. Am I reading that incorrectly?

MR. STADLER: I do apologize. These diagrams are earlier diagrams than the ones that are in your set.

MR. MAY: Okay.

MS. WHITE: Yeah, if you look at C1 and C2, then it -- there is no problem.

MR. MAY: Okay. Good. Thanks.

MR. TURNBULL: So, can you make a left turn going in?

MS. WHITE: You cannot. There is a median there.

MR. TURNBULL: There's just a -- so it's only a right turn.

MS. WHITE: So it's only a right turn.

MR. TURNBULL: And that's only -- and this access is only for trucks.

MS. WHITE: That's correct, for -- well, yeah, loading.

MR. TURNBULL: So no automobiles or anything can go in this way?

MR. ZAYETS: There's actually a small notation somewhere. If you look at the elevation drops, there's actually an elevation delta between the alley and the loading dock.

MR. TURNBULL: Okay.

MR. ZAYETS: Vehicles, simply, it will be impossible. They'll fall off a little ledge, so it's not possible.

CHAIRPERSON HOOD: All right. That's all I

have. I don't have much more after everybody else.

Any other follow-ups up here?

Okay. The ANC, is anyone --

MR. TURNBULL: Well, I would just like to thank you for contributing the four feet to the sidewalk on both streets. I think that's a good benefit.

MR. ZAYETS: As a District residential with kids, nothing irritates me more than narrow sidewalks.

MR. TURNBULL: Narrow sidewalks, yeah. No, I appreciate it.

CHAIRPERSON HOOD: Isn't there a garage, I mean a car shop or something in there?

MR. ZAYETS: It was once Lucky 7. Now it's, I don't know the name of the used auto body, but --

CHAIRPERSON HOOD: Yeah, you --

MR. ZAYETS: -- we have a tenant. He's on a month to month.

CHAIRPERSON HOOD: Okay. And I realize -- I always get nervous when we're on corners like that, but this Commission did -- I say this all the time. We did a good job at, what's that, New York and Florida? What was that, MX Realty? What was the name of it?

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

Well, anyway, I was so glad. I was nervous about that but I was so glad and I'm hoping we get this -- it's the same look that we get here because this Commission should applaud itself, even though I was on it at the time with them, but we should applaud itself for what we did on New York Avenue and Florida, right there at the corner. I was wondering how that was going to fit down in there and I think it fits just fine. And this kind of reminds me of that because it's right there, on the corner.

So, all right. No one here from 5D. I don't see Ms. Henderson or anyone else.

So let's go to the Office of Planning and DDOT. Oh, also, let me --

MS. SCHELLIN: 6A.

CHAIRPERSON HOOD: Let me just say this, we've been joined by Mr. Lawson, a long time ago, as well as District Department of Transportation, Ms. Chamberlin.

It's 5D.

MS. SCHELLIN: I know, but 6A is across the street and with the new regulations they're considered an affected ANC and they also get to -- they're not a party.

CHAIRPERSON HOOD: Is there anybody here from



6A?

Okay. But we do need to correct 6A's letter, because they got 5C. My ANC would love to come all the way over there and use that. They'll probably beat me up for correcting that. But anyway, Ms. Fothergill.

MS. FOTHERGILL: Good evening. For the record, I'm Anne Fothergill from the Office of Planning and we rest on the record in support of the application and are happy to take any questions.

CHAIRPERSON HOOD: Ms. Fothergill, you all right with me. Okay. Let's see if we have any questions of either Office of Planning. Any?

Okay. Let's go to Ms. Chamberlin.

MS. CHAMBERLIN: Good evening. I'm Anna Chamberlin with DDOT. I was also going to stand on the record in support of the project, but I will address some of the alley questions that have been brought up. I'm glad that the applicant clarified. That was something I was going to point out, that their circulation plan didn't actually show that there's two entry and exit points to the alley, so it is a C shape on 18th Street.

DDOT, as has already been alluded here earlier, we did want to see all of the access from

the alley. We worked very hard with the applicant. We put them through the ringer to prove to us that the loading was going to be hard from the alley. As you know, with the street car and Benning, we -- access management is very important to us and we would prefer to not have seen a curb cut on Benning Road so we went through all the different versions in regards to loading from the alley and deemed acceptable to have this right in/right out from Benning.

And regarding the alley width, yes, it is 15 feet wide. It is possible and within our standards for two-way traffic. The average vehicle is about six and a half feet wide. Thus, the minimum parking lane standard here in the District is seven feet wide. So 15 feet is sufficient for two-way traffic. And again, there are two entry and access points so it's not all concentrated on the one entrance as is shown on their site circulation plan, and it actually can be dispersed. If vehicle access was going to happen all on Benning it would actually have some neighborhood circulation impacts because that would be all concentrated. So folks would have to go through the neighborhood streets to get in to the site. And if they were going eastbound they would

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

also have to go, go around and so there would be a higher concentration of vehicles at certain intersections.

And as has already been mentioned here tonight, 45 parking spaces, we do consider that a small amount of parking and do not expect to be a heavy increase in the alley. Yes, there will be an increase in traffic to the alley, but we believe that the alley can accommodate that. Thank you.

CHAIRPERSON HOOD: Thank you, Ms. Chamberlin. Any questions for DDOT? Mr. --

MR. TURNBULL: No, I don't have any questions for Ms. Chamberlin. I just had -- the applicant has agreed to all the measures by the Department of Transportation?

MS. CHAMBERLIN: Yes.

MR. TURNBULL: Okay. Getting back to that alley, the structure in the middle of the alley and the private property just below, is that part of that same structure, belong to that structure?

MR. ZAYETS: It is. It's under one ownership according to tax records.

MR. TURNBULL: And what is that structure?

MR. ZAYETS: I think it's just a storage warehouse of some sort.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

MR. TURNBULL: But it's not -- is it occupied or --

MR. ZAYETS: I'm not sure about that. I mean, it looked like it was a storage warehouse. I don't think it's used for housing.

MR. TURNBULL: Okay. All right. Thank you.

CHAIRPERSON HOOD: Any other questions of either -- well, of DDOT?

All right. We want to thank you both, Ms. Fothergill, and Ms. Chamberlin. Let's see. We have reports of the ANC, and thank you, Ms. Schellin. Again, we too, even though we wrote them we still have to learn our new regs and what's adjacent in what we did because it was quite a bit of work.

Anyone here from ANC 5D? Anyone here from ANC 6A? 6A, let me pull up their letter. 6A basically supports the project. But one of the things when I looked at it said, 5C. And I kept -- I keep harping on it but I just think the record needs to be corrected because sometimes things get mixed up in the community and it causes some problems. So we don't want to have ANCs having a problem. So, we know it's meant for ANC 6A and 5D, I believe. Unless you open it up for the -- any ANC?

MS. RODDY: No, you were correct. It was

meant to reference 5D, and we can have that fixed.

CHAIRPERSON HOOD: Yeah. Okay. Great. And I think 6A is a letter of support. They appreciate the room and all the benefits. And their letter goes on to, as a support. I don't see the -- is there a letter with -- okay, I see it. I see it now. It's in the first paragraph. Would have bit me.

Okay. And also 5D, we're going to see if we can get the great weight. If possible. But I do know some of the things that may be going on over there. All right.

So, let's go to the organizations and persons in support. I have a list here. I'm going to call everyone up at the same time. Well, I only have two. So I'm going to ask for Bruce Atkins and I don't see Kathy Henderson to come up. Anyone else who is here in support, if you can come forward.

I'm going to get there. I'm going to get there. I'm going to get there. Are you Bruce Atkins?

PARTICIPANT: [Speaking off mic.]

CHAIRPERSON HOOD: Well, come on up. Okay, you're an opponent. Okay. Come on up. It's only two people. I mean, it's not like it's a room full. So anybody who wants to testify, just come on up

whether you're in support or opposition. Whether I call your name or not, just come on up. And just tell us whether you're in support or opposition when you -- before you begin speaking and after you identify yourself.

Turn your mic on and you identify yourself and --

MR. ATKINS: Okay. I'm Bruce Atkins. I'm the owner of 1711 H Street, and I had -- I was concerned about some issues in opposition. One of them was the alley, alleyway.

I went out there and measured it and it was 15 feet wide. But two cars going separate ways cannot get through there, and so that was one of my concerns. The second concern was the setback on H Street. The new building looks like it's built way past the existing setback. So, it just creates a dominate figure on that area and it's really hard for a person who is coming out, out of my building to look towards 17th Street and you really can't see any existing buildings beyond that.

The final concern I had was the windows that were built by the new structure. I think it's like on the third level they got some windows that they installed. But I don't know if this is a fact, but

once they are installed, if a person wanted to build up it might restrict them from building up because of those windows that they installed.

So, basically, they were the three concerns I had. And that's why I am here. Thank you. That's it.

CHAIRPERSON HOOD: Hold your seat, Mr. Atkins. We do have your submission and it looks like you put some time into it because it's got drawings and everything in it. So we appreciate it. Hold your seat, though. We may have some questions.

Okay, young lady, you want to go next? Turn your mic on and identify yourself.

MS. COLE: Hi. My name is Sharon Cole and I live at 1720 Benning Road Northeast, one of the insignificant, inornate structures that are existing.

I just want to read to you very quickly and I have like one or two questions. The residents of the 1,700 block of Northeast are requesting that this property not be rezoned to accommodate the proposed high rise and commercial property. We strongly recommend that the property remain as it is. This is a community and our homes. Some of us have been here for 15 years or more. We've raised children here. Some of our seniors are disabled. It is convenient

for them to get to the CVS, the grocery store, the laundromat. Where will we go? There is no housing available for low-income residents.

We therefore are asking that you do not rezone this property so that we could keep our homes. We would also like to be a part of the new Washington, D.C. Is Washington, D.C. only for the rich?

I have a couple of questions regarding this large amount of traffic in that particular area. The street cars have created a traffic nightmare. The bus traffic is very heavy. It's very difficult, especially for a senior citizen, a wheelchair person, or someone to get around if there is going to be additional traffic. There's very limited parking. You have nowhere to park there. And everybody is not going to park inside that building.

And my concern is also that 90-foot height. That is a lot.

And just basically my concern is that we've been there all these years and it is a community. Do you know, every year we give a community barbeque picnic for the children for back to school, to get the children ready for back to school? We do a lot of things and take care of each other. And that's

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376



just my concern. I mean, we just really literally have nowhere to go.

And everything has become a high-rise apartment that is so unaffordable to the people that have worked here and lived here, it's just unbelievable. We can't -- we have nowhere to live, and we would like it to remain as it is. That's all I have. Thank you.

I also have signed letters with comments from the neighbors. I have not seen any ANC meetings regarding this issue at all. I've been here 15 years. I work. I work six days a week. I could get a letter in the mailbox. I haven't seen anything. We haven't attended any meetings because we haven't seen any invitation to a meeting.

If you'd like to keep these, you're welcome to them. But they are signed by the people that live there.

CHAIRPERSON HOOD: Thank you. Could you pass those to Ms. Schellin?

MS. COLE: Sure.

CHAIRPERSON HOOD: I'd like to see those.

Mr. Atkins, while she's doing that, you heard the presentation and the questions of my colleagues. Did any of that -- for your submission. Any of that

answer any of your questions?

MR. ATKINS: Oh, yeah. I mean --

CHAIRPERSON HOOD: Turn your mic on.

MR. ATKINS: Oh, yeah. I mean, they answered a lot, a lot, a lot of my questions and it may be -- I'm going to be honest with you, it may make sure a little better. But again, they saying that two cars can get through that small alley. To me, that's an impossible feat because just a few days ago I was coming through the alley and the car coming towards me had to back up all the way so I can pass. So, really, that is my major concern is that alley, alleyway.

To me, personally, they should -- the residential cars should come in from the Benning, the Benning Road side, closer to the building. Not way almost a whole block away from the building.

CHAIRPERSON HOOD: Have you had a chance to meet with the applicant?

MR. ATKINS: No. No, no, I haven't.

CHAIRPERSON HOOD: All right.

MR. ATKINS: You know, I'm busy too, so --

CHAIRPERSON HOOD: I understand. I understand. I will tell you, his track record with me is, he's batting 100 because there was another

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

gentleman in another part of the ward and I asked him to meet. They met and what he testified to me tonight -- now, hopefully I don't see the guy later on and he tell me something different. I'm sure he wouldn't tell me that. But they have resolved a lot of issues and I really think -- I know that the alley is a situation, but I really think that conversation always helps. And I know it may not do with the height, but one of the things is, you all are the ones who are going to endure whatever happens over there. If we approve or don't approve. Whatever the issue is.

So what I always like to see is the neighbors. And I'm not sure if you've had a chance. And what's your name again? I'm sorry.

MS. COLE: Sharon Cole.

CHAIRPERSON HOOD: Ms. Cole, I'm not sure if you've had a chance to have a conversation with the applicant.

MS. COLE: No. They did mention that they had reached out to neighbors. Never seen them. Not once.

CHAIRPERSON HOOD: Well, they see you tonight. So what's going to happen, I'm going to ask that you all have a conversation. Not that you're

going to -- they're going to change or some of your concerns can be addressed and he can see how he can maybe mitigate some of them, because I can tell you, he's batting 100 with me. He did it already in Ward 1 and I believe he can probably -- might not get everything, but we can try to see how we can co-exist. Okay? And now, I'm not saying that this is a foregone thing, that this is going to be the proof because we still have some outstanding issues up here. But I think, though, if you all get in now and have some conversations and maybe you can -- the gap, you can bring it closer together.

I've seen it done. I've been here a long time and it can happen. Okay. All right? Let's see. Let me open it up though. Let me see if you have any questions or comments.

MR. TURNBULL: I just had a question for Ms. Cole.

You live on Benning Road, but how far down from the development?

MS. COLE: Well, there's a car lot on the corner. I live right next door to the car lot.

MR. TURNBULL: Oh, so you're going to be right next door to the --

MS. COLE: Well, I think we're going to be

not there.

MR. TURNBULL: Oh, you're not going to be --  
oh.

MS. COLE: I think they're going to demolish  
our building.

MR. TURNBULL: Oh, I see. I see.

CHAIRPERSON HOOD: There's no imminent domain  
in this -- at least I -- okay. There is no imminent  
domain in this.

MS. COLE: What does that mean to me? I  
don't understand.

CHAIRPERSON HOOD: It means acquiring a  
property, the taking of property. No.

MS. COLE: Well, they would sell the property  
to them if I'm not mistaken. Would that be the case?

CHAIRPERSON HOOD: Are you buying the  
property? Okay. No.

MS. COLE: Yeah.

CHAIRPERSON HOOD: No, see, that's why --

MS. COLE: The landlord is here.

CHAIRPERSON HOOD: That's why I'm saying --  
well.

MR. MAY: I think the applicant --

MS. COLE: It would sell.

MR. MAY: The applicant can talk to that

question.

CHAIRPERSON HOOD: Yeah, I think that you all -- again, it goes to the conversation so you can get all the information and get it correctly.

MS. COLE: Okay.

CHAIRPERSON HOOD: So after this is over, we may have some follow ups. We're probably going to follow up with that and they can testify on the record. But I think it would be better if you all have a conversation. And I'll be looking forward to seeing what the results are after that, before we move forward. Okay?

MS. COLE: Oh, I don't --

CHAIRPERSON HOOD: I want to make sure you get all the information and get it correct. And then we can operate on it.

MS. COLE: I do have a quick question. Will you be taking a vote tonight on this issue, tonight?

CHAIRPERSON HOOD: You've been here the whole -- I think you've heard our conversations. We're looking for some stuff too.

MS. COLE: Okay. Okay.

CHAIRPERSON HOOD: And we usually don't vote until we get this stuff. Okay?

MS. COLE: Okay.

CHAIRPERSON HOOD: All right. So I just want you to know, we have some concerns also.

MS. COLE: Okay.

CHAIRPERSON HOOD: Because it's not a -- this is not a predictable thing up here. It's not a foregone conclusion that it's going to be approved because we've had enough of that in front of the city council that we just rubberstamp, and we actually don't. We don't rubberstamp anything.

MR. TURNBULL: And, Mr. Chair --

CHAIRPERSON HOOD: And I would say -- let me just say this, I would encourage you to get involved with your ANC. I'm not sure when they meet.

MS. COLE: I haven't --

CHAIRPERSON HOOD: When you have a chance.

MS. COLE: I haven't had a notice or don't know when they meet.

CHAIRPERSON HOOD: You probably won't get a notice. What will probably happen is they probably post it somewhere in the community. I'm sure that's what most ANCs do, or it's in the Register, or you can call Godley Simon (phonetic) and find out when 5D meet. You in 5D, right?

MS. COLE: Yes, I just found out that Kathy Henderson is our 5D representative, ANC

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

representative. But I haven't heard her, seen her, never even heard of her until like yesterday.

CHAIRPERSON HOOD: Kathy Henderson is well-known. But I would say, reach out to her. She actually does -- whether you agree with her or not --

MS. COLE: Actually did.

CHAIRPERSON HOOD: -- she does a good job.

MS. COLE: But no response. I did reach out to her.

CHAIRPERSON HOOD: Well, I've been knowing her for years. I'm not going to defend her.

MS. COLE: Okay.

CHAIRPERSON HOOD: But reach out to her and she should follow up.

MS. COLE: All right.

CHAIRPERSON HOOD: Okay. All right.

MR. TURNBULL: And, Mr. Chair, I just had -- I just wanted to thank Mr. Atkins for his submission. I appreciate your letter with the little drawings. Appreciate the little drawings or anybody that goes out to actually sketch and help us out. It's very appreciated.

Now it looks like you're going to be -- you're the third house down.

MR. ATKINS: Yeah. Yes, I'm the third, third

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376



one down. So.

MR. TURNBULL: Okay. Well, thank you again.

MR. ATKINS: Uh-huh.

CHAIRPERSON HOOD: Ms. Cole, did you go around and petition your neighbors and talk to your neighbors and --

MS. COLE: Yes, I did.

CHAIRPERSON HOOD: Okay. Good.

MS. COLE: Yes.

CHAIRPERSON HOOD: All right. And we'll make this part of the record.

So, where we're going to leave it is, you all going to have a conversation with the applicant and before we move forward or before we do any actions, final approval in this case, I want to know what the results are. And I'm going to put the burden and that onus on the applicant to let me know what the discussions were.

MS. COLE: Okay.

CHAIRPERSON HOOD: Okay? All right. All right. Any other questions up here?

Is there any cross-examination? Okay. Thank you all very much.

MS. COLE: Okay.

CHAIRPERSON HOOD: And, Ms. Roddy, I forgot.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

I was -- did you have any cross of Office of Planning or DDOT?

[No audible response.]

CHAIRPERSON HOOD: Okay. All right. Thank you all very much. We appreciate it.

Anyone else like to testify?

Okay. Ms. Roddy, you have any rebuttal or closing?

Ms. Schellin will give you --

MS. RODDY: Thank you. I would just like to clarify this evening that this project will not displace any residential uses. This is proposed strictly on the corner property and it will not displace any of the residential uses to the east of it. It will actually be introducing residential where it currently doesn't exist, and it will introduced affordable housing where it currently does not exist.

So that's one of the many reasons why we're very excited about this project. It's a project that -- it's one of the first really to be introduced along Benning Road in a very long time. So we're excited, we think that this is an important project for the community and we will certainly reach out to the neighbors and make sure that this information is

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

clarified.

CHAIRPERSON HOOD: Let me ask you, is anybody selling any property to go along with the project or anything of that nature? Is there any --

MR. ZAYETS: No. Absolutely, not. We control the parcel free and clear. We bought it about a year and a half ago. There's no intent to acquire any other neighbors or anyone else. This is, what you see is what it is. It's land and a used car lot, exclusively. Nothing more, nothing less.

CHAIRPERSON HOOD: All right. Thank you.  
Ms. Roddy.

MS. RODDY: So, with that I would say we understand that there are outstanding items and we have had a lot of questions from you that we need to address and a lot of questions from the neighbors that we will need to address and to discuss with them. And we understand that we will return to the ANC.

I just would like to reiterate, you know, we are very proud of the outreach that we have done. We are excited that the Office of Planning is supportive of this project, as well as the District Department of Transportation and as well as ANC 6A and our SMD representatives. So, we appreciate your time this

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 2028981108 • Baltimore: 4107523376  
Toll Free: 8884453376

evening. We'll provide the additional information to you.

CHAIRPERSON HOOD: Okay. Thank you. Any follow ups, Commissioner May?

MR. MAY: Yeah. At least one of the issues that Mr. Atkins raised is probably one that you could address right now, which has to do with the windows that are on the property line.

MS. RODDY: That's correct. And they would not preclude any neighboring resident from doing a vertical addition to their property. They're at-risk windows that we would be required to remove.

MR. MAY: Right.

MS. RODDY: And so it would not affect his development rights.

MR. MAY: So, okay. Anything that gets built up next to it, those windows would go away, in essence.

MR. ZAYETS: They were actually intentionally put there just from various feedback for more of a residential appeal.

MR. MAY: Absolutely. If you didn't have them there I would have asked for them, even they were going to be at risk. But not everybody understands what happens when you put a window on the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

property line and I wanted you to explain that for the sake of Mr. Atkins.

MR. TURNBULL: Mr. Chair, just getting back to Mr. Atkins, his other point, and maybe you can satisfy this. His concern about the setback issue along the street, on H Street, lining up with whatever the setback is for there. Do you?

MR. ZAYETS: If I may? Sean, can we actually pull up the drawing? Is the question of the projection or the --

MR. TURNBULL: Yeah, I think you had a feeling that the new building is going to project out farther than what the setback is for the residential.

MR. ZAYETS: So there is a property line boundary there. We are projecting based on DDOT permitted standards. I guess Sean, WDG can comment on that. We can actually pull it up and you'll be able to see it. There is a three-foot projection there.

MR. STADLER: At the ground floor we are at the property line and this dashed line represents the area of projection above.

MR. TURNBULL: That's at the second floor?

MR. STADLER: Yes.

MR. TURNBULL: Second or third, or what?

MR. STADLER: It's at the second floor.

MR. TURNBULL: So the first floor, you're basically, you're at the property line that matches up with all the other --

MR. ZAYETS: Correct, because that's the lobby and that's the walk-in, so that's face online. And then in the rendering you'll be able to see it a little bit better.

So there is a couple projected panels that go beyond that. That's the red illustration in that diagram.

MR. TURNBULL: And the gray building looks --

MR. ZAYETS: It's online.

MR. STADLER: It's on the property line.

MR. TURNBULL: It's on the property line.

Okay.

MR. ZAYETS: So we're not doing anything outside of the, you know, the typical bay projections, outside the norm.

MR. TURNBULL: Okay. Thank you.

MR. MAY: But I think the key point is that the rest of those houses on that block are all set back off the property line. They're not facing the line. I mean, not that it makes a difference. I'm just saying that I think that's what his issue is.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 2028981108 • Baltimore: 4107523376

Toll Free: 8884453376

CHAIRPERSON HOOD: Any other follow up questions or anything else?

Okay. Ms. Schellin, do we have any dates?

MS. SCHELLIN: Yes. How much time do you think it's going to take to get these?

MS. RODDY: Ms. Schellin, how soon before the November date would we have to submit our filing?

MS. SCHELLIN: Allowing time for the parties, the two ANC's to respond, we would need your submission by the 31st of October.

MS. RODDY: Of October. We can do that.

MS. SCHELLIN: And that would allow you enough time to go back to the ANC also.

So then if we could have your submissions by October 31st and you'll reach out to the ANC's and let them know that they can respond by November 7, and draft findings of facts and conclusions of law would need to be due by October 31st also.

Is OP or DDOT looking to respond? No?

CHAIRPERSON HOOD: We don't need nothing from them.

MS. SCHELLIN: Okay. And then we'll put this on for the November 14th meeting at 6:30 p.m.

CHAIRPERSON HOOD: I want to make a point, though. While I'm stressing the ANC, but don't go in

there feeling like you got to come out there. If you don't, then I'll deal with it. We'll deal with it accordingly.

MR. ZAYETS: Commissioner, I will personally reach out to the folks next door, and just like I have in the past, we'll have a conversation. I personally will make sure --

CHAIRPERSON HOOD: So far you're batting 100.

MR. ZAYETS: Well, thank you.

CHAIRPERSON HOOD: All right. Anything else?

MS. SCHELLIN: No, sir.

CHAIRPERSON HOOD: All right. So with that I want to thank everyone for their participation tonight and this hearing is adjourned.

[Hearing adjourned at 8:14 p.m.]