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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 16-07 [W-G 9th & O, LLC - Consolidated PUD
and Related Map Amendment at Square 399.]

6:37 p.m. to 7:54 p.m.
Monday, October 24, 2016

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

1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 MICHAEL TURNBULL, Commissioner

5

6 Office of Zoning:

7 SHARON SCHELLIN, Secretary

8

9 Office of Planning:

10 JENNIFER STEINGASSER

11 JOEL LAWSON

12

13 Department of Transportation:

14 EVELYN ISRAEL

15

16

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

2 CHAIRPERSON HOOD: We're ready to get
3 started. Good evening, ladies and gentlemen. This
4 is the public hearing of the Zoning Commission for
5 the District of Columbia. Today's date, excuse me,
6 is October 24th, 2016.

7 My name is Anthony Hood. We're located here
8 in the Jerrily R. Kress Memorial Hearing room.
9 Joining me are Vice Chair Miller and Commissioner
10 Turnbull. We're also joined by the Office of Zoning
11 staff, Ms. Sharon Schellin, as well as the Office of
12 Planning staff, Ms. Steingasser, Mr. Lawson, and Ms.
13 Israel.

14 [Discussion off the record.]

15 CHAIRPERSON HOOD: Okay. Ms. Israel with
16 DDOT. I'm sorry. I had the name right, but wrong
17 agency.

18 Okay. This proceeding is being recorded by a
19 court reporter and it's also webcast live.
20 Accordingly, we must ask you to refrain from any
21 disruptive noises or actions in the hearing room.
22 Notice of today's hearing was published in the D.C.
23 Register and copies of that announcement are
24 available to my left on the wall near the door.

25 The hearing will be conducted in accordance

1 with provisions of 11 -- I'm sorry. Provisions of
2 Subtitle Z, Subchapter 4 as follows. Preliminary
3 matters, applicant's case, report of the Office of
4 Planning, report of other government agencies, report
5 of the ANC, organizations and persons in support,
6 organizations and persons in opposition, rebuttal and
7 closing by the applicant.

8 The following time constraints will be
9 maintained in this meeting. The applicant has up to
10 60 minutes. I see that we have 30 on the clock for
11 this evening. Organizations, five minutes.
12 Individuals, three minutes.

13 All persons appearing -- wishing to testify
14 before the Commission in this evening's hearing are
15 asked to register at the kiosk to my left and fill
16 out two witness cards. Need any assistance, Ms.
17 Schellin to my left, is able to assist you.

18 When presenting information to the Commission
19 please turn on and speak into the microphone first
20 stating your name and home address. When you have
21 finished speaking, please turn your microphone off
22 since your microphone is no longer picking up sound
23 or background noise.

24 The staff will be available throughout the
25 hearing to discuss procedural questions. Please turn

1 off all electronic devices at this time so not to
2 disrupt these proceedings. Would all individuals
3 wishing to testify please rise to take the oath?

4 Ms. Schellin, would you please administer the
5 oath.

6 [Oath administered to the participants.]

7 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we
8 have any preliminary matters?

9 MS. SCHELLIN: We have -- both of the
10 proffered experts have been previously accepted by
11 the Commission, so no preliminary matters from --
12 actually, we do. The transportation report was
13 submitted less than 30 days prior to the hearing, and
14 the applicant has requested a waiver from that
15 provision. So we'd ask the Commission to consider
16 that waiver request.

17 CHAIRPERSON HOOD: Colleagues, that's our
18 Exhibit 32. Any objections?

19 Okay. No objections. We will accept it.
20 Anything else, Ms. Schellin?

21 MS. SCHELLIN: No, sir.

22 CHAIRPERSON HOOD: Before we get started,
23 this kind of reminds me of a case that I just heard,
24 what I thought I was going to hear last week and kind
25 of a similar recommendation. I'm not sure. I'm just

1 curious. Let me go to the Office of Planning like I
2 did last week.

3 I see your recommendation. Have you had a
4 chance to review other materials or do you think -- I
5 think it's a little different in this case, but I
6 just want to hear from the Office of Planning as far
7 as your analysis.

8 MS. STEINGASSER: Yes, sir. We do -- we
9 still have some issue with whether -- we can't
10 conclude that the benefits and amenities are
11 commensurate with the flexibility requested. We have
12 some concerns about what was provided to the
13 Commission in the supplemental, and that has to do
14 with the critical issue of how those benefits are
15 assessed, and how the flexibility is assessed.

16 Historically, this Commission has always
17 considered the matter of right zoning as the starting
18 point, and the benefits are then balanced against the
19 flexibility requested from that standing point.

20 What has been provided to the Commission
21 tonight makes the argument that it should be based on
22 the zoning that could be achieved under the Comp
23 Plan. That's a very critical difference. And it is
24 very contrary to the way this Commission and OP have
25 always looked at what constitutes flexibility.

1 Additionally, within Chapter 24, the zoning
2 regs that deal with PUDs, there's several statements
3 about being based on the matter of right achievable
4 under the existing zoning. So no matter where the
5 Commission ends up this evening we ask that that
6 argument be rejected because it will undermine all
7 cases going forward, and it's contrary to how the
8 Commission has done its business.

9 We do still feel that some of the benefits
10 and amenities are a little light, but we'll discuss
11 that I guess, after the Commission hears the case.
12 We don't have any objection, overall, to the case
13 going forward and the hearing being opened. We do
14 see a big difference between the inability to make a
15 recommendation in this case and the issues we had
16 with the case on Thursday.

17 CHAIRPERSON HOOD: All right. I just wanted
18 to put that on the table. Commissioners, any issues
19 with moving forward? We have a similar
20 recommendation but I think we could probably hear --
21 this is not as far away, I believe, as what was last
22 week. Okay. Mr. Turnbull.

23 MR. TURNBULL: Yeah, I would agree, Mr.
24 Chair. I think this project is also not as complex.
25 It's one point building rather than five buildings.

1 So I think I'm okay with going ahead with it tonight.

2 CHAIRPERSON HOOD: Okay. All right. I just
3 wanted to put that out there. Anything else, Ms.
4 Schellin? Any other preliminary matters?

5 MS. SCHELLIN: No.

6 CHAIRPERSON HOOD: Okay. Mr. Freeman, we've
7 accepted your two previous experts, previously, so we
8 can go ahead and just get right in to it.

9 MR. FREEMAN: Good evening, Chairman Hood and
10 Members of the Commission. For the record, I'm Kyrus
11 Freeman, a partner with the law firm of Holland and
12 Knight here on behalf of the applicant. Here with me
13 to my left is Ms. Bloomfield of Holland and Knight.
14 To my immediate right is Mr. Castle, of Four Points
15 on behalf of the applicant, Mr. Esocoff, Gensler, the
16 design architect for the project, Naurata, also with
17 Gensler, and Erwin, our transportation consultant.

18 As you know, we're here seeking approval of a
19 PUD and map amendment to rezone a site from C-2-A to
20 C-2-B to develop a new mixed use building with 66
21 units and 6,900 square feet. We submitted a number
22 of exhibits in the record, which we think clearly
23 demonstrate that we meet the standards. So our
24 presentation tonight will just focus on the building
25 plans and the highlights, and we'll answer any

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1 additional questions that are not worked -- that are
2 not answered directly to our presentation.

3 As you know, ANC 6E has submitted a report in
4 support of the project. DDOT has submitted a report
5 in support, subject to conditions. We've agreed to
6 all their conditions with one tweak if you will. As
7 you heard Ms. Steingasser say, we're prepared for
8 discussion regarding amenities.

9 So, again, we think the evidence that we
10 present in the discussion tonight will help ensure
11 that we have a full record demonstrating that this is
12 a project which you should approve. With that, I'll
13 turn it over to Mr. Cassell for a quick minute intro.

14 MR. CASSELL: Thank you. My name is Steve
15 Cassell. I am a partner at Four Points. We are the
16 applicant and we'll be the developer of the 810 O
17 Street project. Four Points has developed and owns a
18 number of projects across the District of Columbia
19 and in recent years we've delivered a project and
20 partnership with the District of Columbia at 7th and
21 S Street Northwest, the Progression Place project,
22 which was 320,000 square feet of mixed uses,
23 including the national headquarters for the United
24 Negro College Fund and the Washington headquarters of
25 both Teach for America and the National Urban League.

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1 We actually reside in that building ourselves, so we
2 are located in Shaw as a small business and a CBE
3 small business.

4 You probably will recall that recently we had
5 submitted a PUD in Historic Anacostia in partnership
6 with the Curtis Family. Most recently we delivered
7 the transformation of the old police evidence
8 warehouse into the Shannon Place Office Building
9 which now houses the deputy mayor for east of the
10 river, the Taxi Cab Commission, the D.C. Lottery, and
11 some offices for DDOT.

12 We also hope to be breaking ground in early
13 2017 on a 71-unit affordable housing project as part
14 of that mixed use project on Martin Luther King
15 Avenue, 2255 to be exact. And in partnership with
16 the Warrenton Group we reached construction on 4000
17 Benning Road which also delivers the same number, 71
18 units of affordable housing to the District.

19 So we consider ourselves an important
20 stakeholder and partner with the District of Columbia
21 for building great transformative projects and
22 delivering affordable housing as part of a key part
23 of our strategy and commitment as a company. And as
24 for this site, this will be the second site in Shaw
25 that we will be developing within a short number of

1 years. We're very, very excited about 810 O Street
2 and the momentum that the lower half of Shaw has with
3 City Market, Black Denali, and a number of the great
4 retail and multifamily spaces that are coming on.

5 To conclude, we hired Phil Esocoff and his
6 team to design what would be a great building that
7 would blend into and complement the Historic
8 District. There's been a lot of modern buildings
9 built in recent years, up and down this corridor, and
10 we felt that there was a great opportunity to build
11 something beautiful, and I'll hand it off to Phil as
12 it relates to explaining how that was designed and --

13 CHAIRPERSON HOOD: Can we stop the clock?
14 Before we go to Mr. Esocoff, I just want to -- if I
15 remember the Shannon Place project, the Shannon
16 neighbors were a party.

17 MR. CASSELL: Excuse me. I'm sorry?

18 CHAIRPERSON HOOD: Shannon neighbors were a
19 party in that case, the building in Ward 8?

20 MR. CASSELL: You want to speak to that?

21 MR. FREEMAN: They were parties to the PUD,
22 not the office building. The office building --

23 CHAIRPERSON HOOD: So the one you spoke
24 about, I was just wondering, what was the
25 relationship? So the one you spoke about did not

1 come in front of this Commission?

2 MR. CASSELL: That's correct.

3 CHAIRPERSON HOOD: Okay. Okay.

4 MR. CASSELL: It was already completed at
5 that point.

6 CHAIRPERSON HOOD: Okay.

7 MR. CASSELL: So that was kind of the first
8 leadoff phase of a broader project, and then the PUD
9 deals with the massing and the total zoning for
10 the --

11 CHAIRPERSON HOOD: I was going to do my own
12 enforcement.

13 MR. CASSELL: -- 10 acres. Yeah.

14 CHAIRPERSON HOOD: I was going to do my own
15 enforcement and do a little check.

16 MR. CASSELL: Yeah.

17 CHAIRPERSON HOOD: Checks and balances. Mr.
18 Esocoff, I'm going to get a tie like that and I'm
19 going to wear it to church. And I'm going to respond
20 some more because I like it.

21 MR. ESOCOFF: I think so. It's --

22 CHAIRPERSON HOOD: All right. Excuse me for
23 interrupting. I just wanted to -- okay, Ms.
24 Schellin, thank you.

25 MR. ESOCOFF: Chairman Hood, Members of the

1 Commission, I'm glad to be here tonight. As you
2 know, I like talking about architecture,
3 preservation, and planning and urban design. I'll
4 move forward from Vitruvius (phonetic) so that we
5 don't have to be here for 2,000 years.

6 But those are all pertinent lessons.
7 Architecture is a building art and I'm a millennial
8 but I'm not from this millennium, and I like to look
9 back many millennia for my inspirations.

10 I'll go through this quickly, and then if you
11 have questions I can answer them but -- and the
12 design, I think you've seen pretty clear.

13 So the site is in Historic Logan Shaw area
14 just south of City Market at the corner of O Street
15 and 9th, on a site currently occupied the church you
16 see, you see here. Let's see. I can turn this whole
17 thing off. There we go. Does this show up?

18 Yeah, okay. Actually, I can even put my
19 little hand on it right there. And you can see the
20 buildings to the north, to the left, and to the
21 south, the convention center. And then to the east
22 larger buildings and historic landmarks like the
23 church at 8th and N Street. And then the lower rise
24 members of the architectural community there across
25 the street.

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1 And these are some of the buildings we looked
2 at that are just around the clear vicinity of the
3 site. The upper left corner is the building directly
4 opposite. Down O Street to the east and on the other
5 side of the street is the O Street market. We looked
6 at that building for inspiration as we did in the two
7 pictures to the lower left of the church at N and
8 8th, and the school that goes with it, and then the
9 small yellow brick bank in the lower right-hand
10 corner.

11 As you know, this wasn't a PUD. This is a
12 project we did in the same historic district trying
13 to pick up on the spirit of the historic district
14 without literally copying historic motifs. The upper
15 left is the Bruce Blanche Mansions, and across the
16 street is a BZA case and an HPRB case, the Whitman,
17 that we did several years ago.

18 And you can see we picked up in the
19 proportions of the townhouses and the exuberance of
20 the historic buildings. They're kind of operatic.

21 I'm going to attempt to blow that up so you
22 can see in the upper right-hand corner, the sort of
23 leaves of grass inspired bar relief precast. And
24 we're using devices like that on this project as
25 we've done on others.

1 Let's see if I can get back to the regular
2 mode. Okay. Thank you. Wrong millennium.

3 Here are some other projects we've done.
4 Upper left is a PUD called Senate Square. The
5 cornice of the building is inspired by the D.C. flag.
6 On the right in Penn Quarter is a building that was
7 known as the Jefferson Penn Quarter. Jefferson
8 designed Poplar Forest Estate, and so we used Poplar
9 leaves there.

10 And to the left, under construction right now
11 in Sheridan-Kalorama's Third District is the
12 residence for the People's Republic of China, for the
13 people who work at their embassy. And that has flora
14 and other kinds of motifs that are inspired but not
15 kitschy or directly related to China per se.

16 So we're pretty skilled at coming up with
17 these things. We think that really makes
18 architecture that's very specific and very authentic
19 in that it's clearly authored. It's not just
20 duplicative or abstracted only.

21 So here's a view down O Street looking east.
22 The Cambria Hotel on the left, our building on the
23 right. This is a little more descriptive. You can
24 see the projecting tower along O Street that marks
25 the main entrance of the residential, and then along

1 9th Street we have two curved volumes coming forward
2 that are really combinations of bay projections and
3 balconies and then one glass bay in the center.

4 And then we set back, actually, at 80 feet,
5 not 90, to create a little bit better transition to
6 the lower buildings nearby.

7 Here is the up close and in-person view of
8 it. I like to look at buildings in three different -
9 - at least in three different perspectives. One is
10 from the sidewalk where you can actually see a mortar
11 joint, and the character of the markings in a, say
12 stone, that has figuring in it. From across the
13 street like this where you see it in relationship to
14 the lower two or three floors. And then from this
15 instance as you saw before.

16 So, a building should really read in all
17 those ways because I don't think -- I think too often
18 buildings are designed from one perspective and they
19 don't turn out so well.

20 Here's the site, once again showing it's a
21 90-foot on the main roof terrace, and then the top of
22 the rooftop enclosure at another 19.25 feet above
23 that. That's really the top of the elevator overrun
24 penthouse.

25 This is worth blowing up. So what you're

1 seeing here is the work we did with streetscape,
2 Office of Planning, and HPO, to make sure that our --
3 the display windows you see along 9th Street provide
4 enough rhythm, scale, and detail to pick up on the
5 retail character of the neighborhood, and 19th
6 Century buildings in general. We have a strip of new
7 trees with low impact development planting details.
8 And then along the north -- oops, wrong way. Do that
9 again.

10 We have our own planting up against the
11 building with pavers that are stone, but in the same
12 kind of size pieces as the designated area for people
13 to walk through.

14 One of the noteworthy things, though I think,
15 is that we've pulled our building back 10 feet along
16 the alley so that we can put our transformer vaults
17 on private space. But we also widen the alley and by
18 doing that to make sure that trucks can come through
19 and maneuver a little bit more easily than the public
20 alley would allow at 10 feet.

21 So all the loading and trash and service
22 delivery and parking access for both the retail and
23 the residential are all off the -- this end of the
24 building.

25 So, on the second floor of note on the

1 drawing on the left, you'll notice we have a lid over
2 the service area so that when people look down from
3 our building or the proposed building across the
4 alley, they're not looking in to the loading dock,
5 and they're not hearing the loading dock because it's
6 being baffled by that terrace that we've created for
7 our second floor units above there.

8 So we have some deep planters there so we can
9 have some permanent landscaping and then individual
10 tenants can put -- or residents can put their own
11 particular planting within the deck space next to it.

12 On the right it's just our typical floorplan.
13 And coming up on the left you can see the terrace at
14 the 8th floor set back. And on the right you can see
15 the terrace that's on the roof. And then we have
16 four individual units within what is now per the
17 penthouse occupant -- habitable space in the
18 penthouse provisions.

19 The blue area on the north end, on the right-
20 hand drawing, that's a residence lounge, and I guess
21 I should really blow that up so we can see that a
22 little better. And so we're asking for a little bit
23 of relief here, we hadn't anticipated. At the set-
24 down hearing there was comments from the Office of
25 Planning about the width of our tower. I think it

1 was Chris Shaheen (phonetic) -- with the projections.
2 So when we narrowed that we inadvertently narrowed
3 the distance from our penthouse so that that one
4 small yellow area on the north is now -- breaks the
5 one to one setback. And we're asking for a little
6 bit of relief there so we can keep the simple outline
7 shape that we had.

8 The little area on the left, that actually is
9 within the setback allowance. But we were showing
10 what would happen if we had to pinch it on the north
11 and make it symmetrical. We'd like to have your
12 dispensation to make that straight, as was -- as is
13 depicted.

14 [Discussion off the record.]

15 MR. ESOCOFF: Okay. As is depicted in the
16 next slide. You can see that's the roof area on the
17 left, and on the right you can almost -- it's so
18 incidental, it's just the, that arrow that points to
19 that one little corner. So, we think that's sort of
20 something that you'd have to be quite a ways away to
21 even see. From one to one, you'd never see it from
22 the ground, so we'd like some flexibility on that.

23 Also given that in certain areas we're far
24 more than one-to-one back from the roof, you know, 21
25 feet in one case and well over one-to-one at upper

1 right-hand corner there. So that's one of the things
2 we'll be requesting.

3 Quickly, all the parking is below grade.
4 That area highlighted in yellow in the slide is where
5 our transformer vault is. And then north end of the
6 parking we're projecting 17 feet as is allowed on
7 streets this width with a sidewalk with all the
8 different requirements for six compact parking spaces
9 there on both levels. These are just the cross-
10 sections in case you want to ask questions about
11 them, but I think they make the same points I just
12 made.

13 Likewise this is a north-south section
14 showing the relationships and the setbacks.

15 This shows a building on the top on O Street
16 in the context of the building that will happen at
17 some point to the east of us across the alley. I'm
18 sure Shalom will do a better design than that.

19 And then on the right-hand side you can see
20 the existing structures on O Street to the west. And
21 then our building on the lower register along 9th
22 Street with the Cambria Hotel to the left, and then
23 the gas station to the right of our building along
24 with the smaller contributing buildings further south
25 in the church behind them.

1 We're fully finishing the south elevation
2 overlooking one adjoining building that will remain
3 between us and the gas station. It's unclear whether
4 somebody will build to the matter of right or ask for
5 a PUD, so we have some windows there that will be at
6 risk. We're fully finishing that, as we are the east
7 elevation facing across the alley for the benefit of
8 our neighbors.

9 And then these are the materials. We've
10 submitted material boards. They're up at your desk
11 there. Working our way down from the top, and I'll
12 blow this up in a second is gray metal panels. When
13 you looked at that picture of the O Street Market,
14 you'll notice that in gray and gray-green slate tile
15 roofs. So we're picking up on that coloration. It
16 blends into the sky pretty well.

17 And then we've got, use embossed precast
18 ornaments in the tower elevations. And then a main
19 body of the building is sort of a blended reddish
20 brick. And then these, you'll see in a moment, these
21 polychrome columns that are really on the 9th Street
22 elevation. And then laser cut metal rails. We've
23 reduced the amount of metal rails from what was
24 presented at the set down hearing.

25 What we're showing on the easel in front of

1 you, against the column, is a sample of the metal
2 rails based on a Gingko leaf pattern that we're using
3 on the Chinese Embassy residential project. We would
4 propose like the flexibility, not relief, but
5 flexibility to continue working on these, running
6 them past HPO to come up with our own particular
7 motifs for this project that would be idiosyncratic
8 to it.

9 And the base of the building has Agra
10 sandstone, brown. And then the very foot of the
11 building as it hits the sidewalk is a slate which
12 does better with snow and salt than limestone does.

13 So this blows up the base of the building.
14 You'll see that we've added more cast -- or precast
15 concrete railings or at our balconies on the corner
16 and up and down the building. And there you have the
17 top of the building.

18 We've used our double-story windows. You'll
19 notice again where we combined two windows to create
20 the impression of a shorter building. That's a good
21 way to give -- make people feel that the building is
22 in better scale because the proportion of that window
23 is more vertical, and more like the 19th Century
24 buildings in the area.

25 I could run through the same material pallet

1 top to bottom on this end. But here's the blow-up.
2 You can see the gray. The greenish stone right at
3 the very base. The Agra brown along in between the
4 display windows, and then in the center going up you
5 can see the polychrome pattern.

6 And in our submission we have some glazed
7 bricks that we were working with. But we'd also like
8 the flexibility to work with either actual terracotta
9 or cast stone with mosaic chips like the J.J. Early
10 Studios did in town. That's how you see that
11 material going back almost a century and Meridian
12 Park, and in other buildings around town, a very well
13 regarded member of the Kraft Community in Washington,
14 D.C. We quite admire their work and would like to
15 see what we could do as a reprise and extend that
16 tradition.

17 There are the materials. You know, this
18 brick has a complex surface to it. One of the things
19 I've noticed over the years and learning on the job
20 is that the spectrum of light in D.C. changes across
21 the day depending on whether and depending on the
22 time of year, and also whether or not sunlight is
23 hitting directly or not. So I'd like to take our
24 brick patterns out. And we take them out at
25 different times of the day, different lighting

1 conditions to see how they're actually going to read
2 in sunlight, not in the fluorescent light of our
3 offices.

4 Next. You can see the other materials there.
5 Self-explanatory.

6 And I explained the streetscape with you.
7 The landscape was being done by Sandy Clinton, and
8 she's worked on a good many of our residential
9 landscape rooftops. She's quite a master of coming
10 up with the right soil mixes for the kind of planting
11 you do on the top of the building, but also along the
12 perimeter at the street. I had to amend the soil so
13 the trees will flourish, but also how to do the
14 rooftop plantings so they don't just survive but grow
15 and get very lush over time, as is evidenced by the
16 project she's done for us. Onyx is one of them.
17 Several others.

18 And then at the actual roof of the building,
19 within that screen wall, you see in white those
20 rectangles in the center. Sort of here. Those are
21 just units that sit on the roof and they're screened
22 by the gray metal screen wall, but there's a lot of
23 open space in there and we would plant that to meet
24 our green area ratio. And you know, defeat urban
25 heat island as well.

1 And that concludes the presentation. If you
2 have any questions. Going to save it for the end of
3 the presentation or move on to --

4 MR. ANDRES: Good evening, Chairman Hood and
5 Members of the Commission. Erwin Andres with Gorove
6 Slade Associates. I'd like to move quickly through
7 my portion of the presentation.

8 The site, as previously identified is located
9 in the southeast corner of 9th and O. There is a
10 north/south existing alley that runs from O Street to
11 N Street that's approximately 10 feet wide. With
12 respect to the site itself, it's well located within
13 various transit corridors. There is the -- excuse
14 me, the Mount Vernon Square Metro Rail Station which
15 is approximately two blocks away to the southeast,
16 and the Shaw Metro Station which is approximately six
17 blocks to the northeast of the site.

18 There's multiple bus routes as well as
19 Capital Bikeshare stations which are shown in red
20 throughout the station.

21 As I mentioned, the site is well served by
22 transit, has a walk score of 95, considering that
23 it's a walker's paradise given the retail offerings
24 in the area, which includes the grocery store across
25 the street, as well as many other services for

1 residences in the area.

2 We've committed to implementing a
3 comprehensive TDM plan, which I'll go through later.
4 And we are providing adequate on-site parking and
5 loading provisions. As part of the PUD we are
6 looking for flexibility for loading. Currently,
7 what's required, we're required to provide one 55-
8 foot space, one 30-foot space, and one 20-foot space.
9 In lieu of that we are not providing a 55-foot space
10 but we are providing one 30-foot space and two 20-
11 foot spaces.

12 With respect to the plan itself, as this site
13 is trying to take advantage of all of the pedestrian
14 amenities, and the transit amenities in the area,
15 Phil actually just went through the streetscape, both
16 on O Street and 9th Street. With respect to the
17 public alley that runs north/south, we've set the
18 building back 10 feet.

19 What that allows us to do is that allows us
20 to provide enough width for two-way circulation in a
21 northern portion of the alley because two-way
22 circulation is important to allow for vehicles coming
23 to and from the loading area and the garage access,
24 and allows for that movement to be able to be
25 accommodated both in a northbound/southbound

1 direction.

2 With respect to the loading area that's
3 highlighted with my pointer, as I mentioned, we have
4 one 30-foot bay and two 20-foot bays. The intent is
5 to allow for these trucks to position themselves in
6 those bays and then pull out and then pull forward
7 and head south within the alley to access N Street.

8 The transportation demand management plan
9 that we have identified is a -- it took some
10 coordination with DDOT. We have identified an
11 initial plan and then we've supplemented that plan.
12 The important elements of this and the significant
13 elements include funding the installation of the
14 Capital Bikeshare, we're providing incoming residents
15 Capital Bikeshare memberships. We're providing
16 several bicycle amenities which include repair
17 station and cleaning facility, and cargo bike. And
18 then we've identified TDM leaders and we're providing
19 TDM materials.

20 This is in keeping with DDOT's October 14th
21 review letter where they've identified that these are
22 the elements that we should implement. And in
23 addition to that they've identified three other
24 elements which we've -- which we are showing on the
25 slide.

1 The first is a transit screen, which we are
2 agreeing to implement. The next is short-term
3 bicycle spaces, which we are agreeing to implement,
4 and then the last is unbundling leases and charging
5 market rate within a quarter mile of the site.

6 As part of the tweak that Kyrus had mentioned
7 regarding this condition, we would agree to this if
8 the building was a rental building. So given that,
9 I'm available for questions and that's it. Thank
10 you.

11 MR. FREEMAN: That concludes our direct and
12 we're happy to answer any questions.

13 CHAIRPERSON HOOD: Okay. Thank you all very
14 much for your succinct presentation. Let's see if we
15 have any comments or questions. Vice Chair Miller,
16 you get to go first. Ms. Cohen is no longer here and
17 Commissioner May is not here, so you can go first.

18 MR. MILLER: Right. That might be a first,
19 but maybe not last. Thank you, Mr. Chairman.

20 So, thank you very much for your
21 presentation. I think it's an extremely attractive
22 building with the design and the materials and the
23 colors. I think it will be a real addition to the
24 neighborhood and the city, and I like the -- what are
25 we calling that? The metal -- is it iron? It's

1 metal. It's metal.

2 UNIDENTIFIED SPEAKER: [Speaking off mic.]

3 MR. MILLER: I like the metallic screen
4 balconies and the other balconies on the project. So
5 I might have a couple comments and questions, and I
6 mean, I appreciate that you are providing a larger
7 than required 50 percent AMI unit because of the
8 penthouse habitable space. So I appreciate that it's
9 larger than what would have been required there, the
10 eight percent. It's substantially larger than that.

11 But I would agree with Office of Planning's
12 report that the -- doing the -- doing only what's
13 minimally required for the rest of the housing in
14 terms of the Inclusionary Zoning, the 8 percent at 80
15 percent AMI should be reconsidered and there should
16 be a deeper level of affordability required.
17 Particularly in response to the OP report that there
18 is a substantial increase in density and height over
19 the existing matter of right zoning. I think it was
20 a doubling of the density and an almost 80 percent
21 increase in the height.

22 I realize that the C-2 -- what we -- I forgot
23 what, M-U-4, whatever, is. Or C-2-B. what used to
24 be C-2-B is --

25 MS. STEINGASSER: In this particular case it

1 is being evaluated against the 1958 regs, so you can
2 say C-2-B.

3 MR. MILLER: So I can say C-2-B. I agree
4 with the applicant and with OP that the C-2-B is more
5 in line with the Comp Plan Land Use Map designation.
6 But I agree, I do agree with OP that we have
7 evaluated the benefits and amenities against the
8 existing matter of right zoning. And so I really
9 think -- and because as you all know, we've taken
10 final action but it won't take affect yet, for deeper
11 levels of affordable housing that will take effect,
12 you know, sometime next year. I think you really
13 should consider having a deeper level of
14 affordability.

15 Some of the -- some of those other units at
16 50 percent AMI instead of 80 percent AMI. I don't
17 know if you wanted to -- well, you don't need to
18 comment on that. You can comment on that later if
19 you want to.

20 I would ask since a question that I'm sure
21 that if our former colleague Commissioner Marcy Cohen
22 was here, she would have asked -- I'm sure she, as
23 we, appreciate that you are designing this and
24 building this to a LEED Gold equivalency, but not
25 necessarily seeking registration or certification.

1 And as she would argue, that would be
2 something that you could market and that is -- that
3 would be something that's marketable and something
4 that would bring value to the building. Can you say
5 why you wouldn't be seeking registration or
6 certification? Is it the cost that's involved there,
7 or what is the burden that exists there that
8 shouldn't be there?

9 MR. CASSELL: Well, I wouldn't necessarily
10 say there is a burden. It's our objective to exceed
11 the number of points necessary to achieve LEED Gold
12 and by doing so it would be worth the expense and the
13 effort to go ahead and go through the certification
14 process.

15 So that was mostly just to, you know,
16 maintain flexibility as we encounter unknown design
17 challenges or what have you throughout the process.
18 But we absolutely acknowledge the value of a
19 certification. We built Progression Place to LEED
20 Silver, and that is something we did hang our hat on
21 during the marketing process, so fully understand
22 that that does have a value.

23 MR. MILLER: Well, thank you very much for
24 that commitment. And I think that -- and I
25 appreciate the more specificity that you did provide

1 with the other public benefits to all the community
2 organizations and the agreement to make those
3 commitments standardized in terms of the way we've
4 memorialized those in commission orders with prior to
5 C of O, seeing the evidence that it's been produced
6 or will be produced.

7 So I really think that it's a great project
8 and I think if the deeper level of affordability or
9 greater amount of affordability is provided I think
10 you'll get to the support that you need for -- I
11 won't speak for the Office of Planning, but at least
12 for myself, for the project, which I think is a very
13 valuable project.

14 CHAIRPERSON HOOD: Thank you, Vice Chair.
15 Commissioner Turnbull?

16 MR. TURNBULL: Oh, thank you. Thank you, Mr.
17 Chair. I want to thank you for your presentation
18 tonight. I think it's an exciting project. I think
19 the architecture has a lot of merit to raise elements
20 to it. There's a few questions I have on it but I
21 think overall it's going to fit very well in with the
22 neighborhood.

23 I would agree -- well, I think you're
24 committing to LEED certified Gold. I think that's, I
25 don't know, a significant element here tonight. So I

1 appreciate that.

2 But I would also agree with the Vice Chair on
3 the affordable housing, and I would agree with OP,
4 comment in their report. You know, that we were
5 looking at. And again, based upon matter of right
6 development, that this is an 80 percent increase in
7 height over matter of right, and it's 100 percent
8 increase in density over matter of right.

9 So I think the deeper levels of affordability
10 are really something we'd like to see you achieve. I
11 think there's -- you're getting a significant amount
12 of difference in this site than you could ordinarily
13 get. So I think we'd like to see a commitment to the
14 affordability being a little bit better than what you
15 presented so far.

16 And saying that, we would also like to see,
17 on the floor plans, where the affordable units are
18 going to be. But we haven't seen that so I think we
19 would like to see a floor plan that showed where the
20 affordable units are.

21 MR. FREEMAN: Commissioner Turnbull, those
22 are on plans.

23 MR. TURNBULL: They are?

24 MR. FREEMAN: Yes.

25 MR. TURNBULL: Where? What plans?

1 MR. FREEMAN: The plans we filed 20 days
2 prior to our hearing, dated October 4th, Exhibit 24
3 of your record.

4 MR. TURNBULL: What drawing number?

5 MR. FREEMAN: Sheet A02 identifies the units.
6 And then when you go through the floorplan starting
7 on the A11, there's a key for IZ unit on the actual
8 units.

9 MR. TURNBULL: Oh, okay. I guess I'm used to
10 seeing a color coded. So I didn't really read all
11 the little writing. Usually the -- usually the units
12 are color coded and stick out more so I didn't really
13 read, per se, which one --

14 MR. FREEMAN: And there's a color for them on
15 A02. The units on the table with the green color,
16 those are the IZ, the actual unit numbers.

17 MR. TURNBULL: Yeah, I'm talking about the
18 floorplan. It would have been nice to see color
19 coded on the floorplan. All right. Thank you.

20 I would like to see a view. I guess what's
21 curious, and if you'd go to -- I guess it's A15 in
22 your section.

23 MR. FREEMAN: Commissioner Turnbull, could
24 you repeat the question? I'm sorry.

25 MR. TURNBULL: I'd like to see, if you could

1 pull up section -- well, it's confusing. I think
2 it's A15, Drawing A15. You're showing a 15-foot rear
3 yard up at the second floor, going to the property
4 line.

5 MR. FREEMAN: Uh-huh.

6 MR. TURNBULL: But you're showing a 15-foot
7 rear yard going to the center of the alley. You're
8 counting five yards of the alley as your rear yard?

9 MR. FREEMAN: That's what the C-2-B allows
10 when you're at a alley --

11 MR. TURNBULL: Does it? Is that correct?

12 MR. FREEMAN: -- the first 20 feet.

13 MR. TURNBULL: Even with our revised ones?
14 Oh, I missed that. All right. Nice to be
15 reinforced. Thank you.

16 If you could go, then, to A16? I don't think
17 the mechanical penthouse up there meets the setback,
18 the one-to-one setback.

19 MR. ESOCOFF: Well, we've read this several
20 times. The one-to-one setback starts at the edge of
21 the roof, not the top of the habitable space below
22 it. So where are you saying -- what you're saying
23 is, above where we have common room --

24 MR. TURNBULL: I believe, if I draw a 45 line
25 from there, I go up, this part here needs to be set

1 back.

2 UNIDENTIFIED SPEAKER: Yeah, that's what it
3 is.

4 MR. ESOCOFF: It is.

5 MR. TURNBULL: I don't think it's set back
6 one-to-one.

7 MR. FREEMAN: So I think the best place to
8 look at that is probably Sheet A13.

9 MR. ESOCOFF: [Speaking off mic.]

10 CHAIRPERSON HOOD: That's okay. You need to
11 be on the mic.

12 MR. ESOCOFF: Oh, sorry.

13 CHAIRPERSON HOOD: If you stay on the mic you
14 probably still can -- can you reach all the way over
15 there? I'm just messing with you, man.

16 MR. ESOCOFF: Maybe you can blow that up and
17 toggle over. Page up. Here we go. Oh, look at
18 that.

19 I mean, the edge of the roof slab is right
20 here. So you can see a 45 degree angle. This is
21 actually more than 45 degrees. Forty-five would be
22 about there.

23 MR. TURNBULL: You know what? I --

24 MR. ESOCOFF: This is --

25 MR. TURNBULL: I don't buy it. I'm going to

1 need a larger proof of scheme from you to show me
2 that.

3 MR. ESOCOFF: Okay.

4 MR. TURNBULL: I need a proof of scheme with
5 the angles shown.

6 MR. ESOCOFF: Okay.

7 MR. TURNBULL: And what I'd like to see is a
8 couple more of those on several other facets of the
9 building.

10 MR. ESOCOFF: Uh-huh.

11 MR. TURNBULL: And I'd like to see some
12 sections of the party walls, the roof, elevate the
13 width of the walls at the parapet. So if you could
14 provide some sections at key points up on the roof
15 and show a proof of scheme that you're meeting the
16 setbacks on all those areas, I think --

17 MR. ESOCOFF: Right. So, I mean, just to --
18 we'll do that. But since this is only about 19 feet
19 high, the setback is 24-foot-nine from the edge of
20 the roof. So, we'll draw that but I'm certain that
21 will be a 45 degree angle going --

22 MR. TURNBULL: All right. Just --

23 MR. ESOCOFF: You're going at a much
24 shallower angle, I think.

25 MR. TURNBULL: All right. Well, if you could

1 just, as I say, give us a proof of scheme showing
2 that, I would appreciate it.

3 MR. ESOCOFF: I'll submit that. Thank you.

4 MR. TURNBULL: The other thing I would like
5 to see is some lighting plans of the roof, how the
6 lighting is being done so that it's -- I'm assuming
7 it's all going to be downlighting, low lighting on
8 the roof.

9 MR. ESOCOFF: Right. Normally we'd like to
10 put footlights so that --

11 MR. TURNBULL: Right.

12 MR. ESOCOFF: -- you can see the stars
13 behind.

14 MR. TURNBULL: Yeah. And if you could -- if
15 I could -- if we could get that I would appreciate
16 that, and I'd like to see some more -- a bigger --
17 more information on this trellis area. Either blow
18 up plans or sections as to what's really -- how
19 that's really working.

20 MR. ESOCOFF: Uh-huh.

21 MR. TURNBULL: And I think what would also be
22 worthwhile is a perspective or a view down the alley
23 showing the overhang that you've got with the loading
24 areas underneath. I wouldn't mind seeing a view down
25 that. What you're going to see in that alley, and

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1 either you can either block out whatever the Beronus
2 (phonetic) building is going to be, but just a view
3 of your building looking down the alley as to what
4 the -- what someone would see as you're looking at
5 the base of your building.

6 MR. ESOCOFF: Right. Let me make sure I
7 understand. I'll do it, just toggle stuff.

8 Right. So we've got the planter blown up
9 here. And so we'll show you that. We don't know
10 what the building on the right-hand side will be.

11 MR. TURNBULL: Right. But I just want to
12 know if I'm standing in that alley, what's my view
13 down the alley and what am I actually seeing in
14 perspective as I'm looking down the alley with these
15 ins and out over here.

16 MR. ESOCOFF: Uh-huh. Okay.

17 MR. TURNBULL: One of the questions that
18 Commissioner May had at set down was that you've met
19 all the public space projections.

20 MR. ESOCOFF: Uh-huh.

21 MR. TURNBULL: Is that correct? You've done
22 that?

23 MR. ESOCOFF: Yes. We worked with Christian
24 Heen (phonetic) to --

25 MR. TURNBULL: Did you? Okay. Good.

1 MR. ESOCOFF: -- modify those to meet the
2 letter of the law.

3 MR. TURNBULL: Okay. And the retail, what
4 kind of retail are we looking at?

5 MR. CASSELL: We have 6,500 approximately,
6 net rentable square feet, which would lend itself to
7 either one, two, or three individual retail bays.
8 Based on our market research we think it's most
9 likely that there will probably be two retailers that
10 will share the space.

11 We are -- there's certain uses that we'll be
12 challenging, such as a commercial gym, just because
13 we don't have enough space that we find unlikely.
14 It's more likely that we would have consumer goods,
15 you know, soft retail, or restaurant uses.

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

17 MR. CASSELL: And/or arts, which there's been
18 a number of galleries and different art uses open up
19 along 9th Street, and that would certainly be in the
20 mix that we would consider as well.

21 MR. TURNBULL: Okay. I had a question about
22 on the mechanical part of the penthouse. You're
23 showing a very green area but --

24 MR. ESOCOFF: A very last piece.

25 MR. TURNBULL: Yeah.

1 MR. ESOCOFF: Right.

2 MR. TURNBULL: But I guess if you go back to
3 A16, do you really think you're going to -- with
4 these high walls here, you really going to have
5 something growing in there?

6 MR. ESOCOFF: Yeah, I think so, actually.
7 Those walls aren't very high for the amount of space.
8 You know, it gets light from the south. And we have
9 a project we completed in Arlington about a year or
10 so ago, and there are sedum roofs all around all the
11 equipment. You can walk on it because you don't go
12 up there very much. So it looks kind of nice
13 actually. This is a little deeper planting.

14 MR. TURNBULL: Okay. So, I guess you had
15 asked for some flexibility on some material with
16 the --

17 MR. ESOCOFF: Flexibility to continue our
18 design.

19 MR. TURNBULL: Yeah, I would hope though, by
20 final approval of this that you will have a
21 determination that you could submit to us as a final
22 selection.

23 MR. ESOCOFF: Yeah, the material is just the
24 design motifs, not the --

25 MR. TURNBULL: So all I wanted to be able to

1 -- that the plans will show what the material is. If
2 you change the color, that's fine. But I'd like to
3 know that it's brick rather --

4 MR. ESOCOFF: Oh, okay.

5 MR. TURNBULL: -- than steel or aluminum
6 or --

7 MR. ESOCOFF: Okay.

8 MR. TURNBULL: I think we just need to know
9 that as a final selection elevation wise --

10 MR. ESOCOFF: Right.

11 MR. TURNBULL: -- what those materials are.

12 MR. ESOCOFF: Right. That pertains just to
13 the cylinders we put at the balcony dividers.

14 MR. TURNBULL: Okay.

15 MR. ESOCOFF: And that will -- yeah, it's
16 just these guys here. So, we'll come up with a firm
17 proposal.

18 MR. TURNBULL: Okay. Okay. And with the
19 Department of -- the only issue then, the only thing
20 you're not agreeing to is an option is whether or not
21 it's a rental property or a condo. That was the only
22 one issue that you're not --

23 MR. ESOCOFF: Yes, that's correct.

24 MR. TURNBULL: That's the only one. Okay.
25 Okay. Mr. Chair, those are my questions.

1 CHAIRPERSON HOOD: All right. Thank you. I
2 don't have very many questions that are still
3 consistent with what I see in the set down about
4 liking the roof. But there's something I may have
5 missed, Mr. Esocoff. Help me understand what you're
6 trying to achieve on that, to the left on the
7 trellis. What's up under there? What are we trying
8 to achieve there? Because to me, and I've learned
9 this from my architectural colleagues. It looks --
10 I've learned, that's dangerous.

11 MR. ESOCOFF: Yeah.

12 CHAIRPERSON HOOD: It looks to me like
13 something is unfinished here, but what are we trying
14 to achieve there?

15 MR. ESOCOFF: We're trying to achieve a
16 rooftop pavilion. A little bit like a belvedere.
17 There was a project, is it the Ligation on 16th
18 Street? There used to be ways to connect towers that
19 would be like a heavy wood pergola. Not a trellis
20 per se, that you could walk under and grow vines. If
21 you're ever at the big bird house at the national --
22 at the zoo, there is a concrete, I don't know,
23 purlins that cover you as you walk through there, and
24 vines can grow on it. So it's not a solid top.

25 CHAIRPERSON HOOD: Okay. So we're going to

1 have vines and everything growing on that.

2 MR. CASSELL: Oh, and sir, I would also add
3 to that that from a usability perspective we envision
4 a nice sitting area under here for the residences --
5 residents, that would be partially shaded because of
6 the wood element above. These roofs can be very,
7 very hot for quite a few months during the summer and
8 it provides a nice sitting area that also kind of
9 provides a little more texture to the outdoor space
10 that would be available to the people who live in the
11 building.

12 CHAIRPERSON HOOD: And the metal screen is to
13 keep me from going over. So how high is the metal
14 screen?

15 MR. ESOCOFF: Three foot, six. There is a --

16 CHAIRPERSON HOOD: Three foot, six.

17 MR. ESOCOFF: -- there's a fence. I mean, in
18 this elevation what the, let me just say, this is
19 like a rail height here. So if you were standing
20 there you would see from somebody's belt up.

21 CHAIRPERSON HOOD: Okay.

22 MR. ESOCOFF: And then this is overhead.

23 CHAIRPERSON HOOD: Okay.

24 MR. ESOCOFF: And if you know the project we
25 did at 400 Massachusetts Avenue, it has like a quote

1 from Shakespeare and a steel beam that connects
2 verticals. And then it has this wooden trellis. And
3 some of it is heavily grown up with vines now.

4 CHAIRPERSON HOOD: Okay. All right. So if
5 I'm about six feet -- the average person -- well, if
6 I'm about six feet it will come to my belt.

7 MR. ESOCOFF: Yeah.

8 CHAIRPERSON HOOD: Okay. All right.

9 MR. ESOCOFF: No, it's the code required
10 minimum.

11 CHAIRPERSON HOOD: Okay. Mr. Andres,
12 let's -- thank you. Let's talk about the alley. You
13 talked about being able to go back and forth in the
14 alley. What situation do we have now? Is that a
15 similar situation? What's going on with the alleys
16 in that area now as far as the church. I know it may
17 be a different configuration. What's going on?

18 MS. ERWIN: So the alley currently is 10 feet
19 wide. So it essentially can fit just one car width.
20 Because of the fact that we're setting the building
21 back 10 feet, at least in this portion of the alley,
22 when you get to the curb cut, it's essentially too --
23 it's essentially wide enough for two cars. And
24 that's why we set the building back, in order to
25 allow for that two-way circulation.

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1 CHAIRPERSON HOOD: So, and we're going to
2 make sure nobody is double-parked or --

3 MS. ERWIN: Yes, absolutely.

4 CHAIRPERSON HOOD: All right.

5 MS. ERWIN: This is a critical element of our
6 loading and our garage access. So, absolutely.

7 CHAIRPERSON HOOD: All right. I still like
8 the rooftop so I'm not going to say a whole lot on
9 that. Let's see what else I have here. And I think
10 we'll hear more about the amenities. I do like -- I
11 did see one that was negotiated, I'm not sure, with
12 the Little League. I think that's very important.

13 Little Leagues, in this city, I happen to be
14 involved with one of the Little Leagues. The Little
15 Leagues in this city, or we go play other teams you
16 can tell that we are financially strained. So I
17 think that was a good piece. I'm not sure who
18 negotiated, or how it happened, but I think that was
19 a good piece of negotiation there.

20 And then the rest of them we probably need to
21 tighten up and figure out how they're going to be
22 administered. And I'm sure we'll hear some more on
23 those benefits. But that's one. Please do not touch
24 that one. And I'm sure that those young fellows and
25 young ladies can use that. Okay?

1 MR. FREEMAN: We won't take any credit.
2 Commissioner Padro helped us identify the amounts and
3 the recipients. He's not here tonight but that
4 was -- we worked hard with them in order to try to
5 get their support and identify uses and need funding.

6 MR. CASSELL: The other thing I would mention
7 is, we did have a similar situation at Progression
8 Place in which we've worked with the Community
9 Foundation of the National Capital Region in
10 partnership with Shaw Main Streets, One D.C., Myla
11 Moss (phonetic), and representing the ANC, the
12 LeDroit Park Civic Association, and former Councilman
13 Frank Smith from the African/American Civil War
14 Association to administer the grants. And we're very
15 pleased with the fact that those dollars have been
16 delivered to those organizations and they've been
17 able to benefit from the project once it was built.

18 CHAIRPERSON HOOD: Okay. All right. I don't
19 have any other questions. Any other questions up
20 here?

21 Okay. Is anyone representing the ANC? Do
22 you have any cross? I know they have a letter of
23 support. I'll read that later. Okay. Let's go to
24 the Office of Planning and DDOT. Ms. Steingasser and
25 Ms. Israel.

1 MS. STEINGASSER: Yes, sir. I too will be
2 very short. I just want to add a little bit more
3 about our review of the affordable housing and point
4 out -- and we did discuss it in our report, I think
5 on page -- I just lost it. On page 5 and 6, where we
6 compare the C-2-A, the matter of right zoning, and
7 the depth of affordability at 50 percent and the
8 square footage. By moving to this higher density
9 zone, the C-2-B under this PUD, it reduces that
10 substantially, and that's part of the evaluation.
11 That's called for in the PUD when the Commission
12 considers that and when OP makes that recommendation.

13 So between that and just the overall
14 importance of affordability and Inclusionary Zoning
15 to this Commission, to OP, and this administration,
16 we really feel that it's through the PUDs that we can
17 really push and make a substantial commitment. And
18 we just don't, we don't see that quite yet through
19 this PUD.

20 I also want to note that in the information
21 provided supplemental by the applicant, it talks
22 about corrected figures being submitted to the Office
23 of Planning. We would ask that those figures be
24 submitted into the public record. When they are
25 submitted only to the Office of Planning, and for us

1 to submit them into the record it makes them our
2 responsibility as opposed to the applicant. So we
3 would ask that that be done also.

4 And I think finally I think we just agree
5 with the Commission that this is a beautiful
6 building. It really is a beautiful building and we
7 commend the architecture and the quality of the
8 materials and we hope to see it go forward.

9 CHAIRPERSON HOOD: Thank you, Ms.
10 Steingasser. Let's hear from DDOT and Ms. Israel.

11 MS. ISRAEL: Good evening, Chairman and
12 Commissioners. DDOT would like to thank the
13 applicant for making the necessary changes, as far as
14 mitigations to the impacts of their project.
15 However, I would like to note a couple of issues that
16 were brought up through a letter that was submitted
17 on the record. I believe it was submitted last
18 Thursday, October 20th. Though it may have been
19 Friday that it was submitted.

20 In that letter that was submitted about
21 various amenities, they noted, and TDM mitigations
22 they noted an \$80,000 contribution for a bikeshare
23 membership and first year of operation expenses. I
24 would like that language, the \$80,000 stricken from
25 any language moving forward for the simple reason

1 that currently to install and operate the first year
2 of Capital Bikeshare operating expenses, it currently
3 costs \$86,000. But by the time that this building is
4 actually built, that cost may rise so we don't --
5 DDOT does not want to ultimately then not have the
6 full year's operating expenses or installation fees
7 associated with that.

8 Also, to note as part of that record as well,
9 they noted that as far as the unbundling of parking
10 cost, it would only be for -- I'm sorry, rental
11 units, and that as part of -- for condos, it says
12 that some of the units will have parking spaces
13 associated with it and bundled together with the cost
14 of the units, and those that are not would be the IZ
15 units. DDOT finds that if it's going to be
16 unbundled, it needs to be unbundled for all units.
17 Not just simply IZ units, as well as simply as a
18 means to ultimately mitigate the impacts; the fact
19 that there is a -- their mode split was ultimately
20 considered quite low considering the number of
21 parking spaces that are associated with the site.

22 CHAIRPERSON HOOD: Okay. Colleagues, do we
23 have any questions for either Office of Planning or
24 DDOT? Mr. Turnbull?

25 MR. TURNBULL: Yeah, I just had one for Ms.

1 Steingasser. Oh, I see what you're saying. I mean,
2 I was looking at Exhibit 29A with the applicant's
3 response to comments. And what you're saying is that
4 the applicant only -- on page 3, they only provided
5 clarifications to you and there's nothing in the
6 file.

7 MS. STEINGASSER: They need to be submitted
8 to the record.

9 MR. TURNBULL: For the record.

10 MS. STEINGASSER: There is some inconsistency
11 between -- especially with the affordable housing
12 proffer and how it's talked about in the prehearing
13 statement and how it's talked about in this document.
14 Those also need to be --

15 MR. TURNBULL: Right.

16 MS. STEINGASSER: -- clarified.

17 MR. TURNBULL: I got you. All right. Thank
18 you.

19 CHAIRPERSON HOOD: Ms. Israel. I would agree
20 with the IZ units, the unbundling them and making
21 applicable, applicable to all. I would agree with
22 that, so hopefully we can take care of that.

23 The other thing is the \$86,000, you said -- I
24 mean, \$80,000. You said you want it stricken from
25 the record.

1 MS. ISRAEL: Just the dollar amount
2 associated --

3 CHAIRPERSON HOOD: Oh, just the dollar
4 amount. Oh, okay.

5 MS. ISRAEL: Just associated with it.

6 CHAIRPERSON HOOD: Oh, okay.

7 MS. ISRAEL: In other words the language
8 moving forward should read, "Funding Capital
9 Bikeshare station and the first year's operating
10 expenses --"

11 CHAIRPERSON HOOD: I got you.

12 MS. ISRAEL: -- which they have agreed to.
13 They've just capped the dollar amount.

14 CHAIRPERSON HOOD: Okay. So we need to
15 remove the dollar amount because by the time this
16 goes on it may be -- it may be \$60,000. You never
17 know. But anyway.

18 MS. ISRAEL: Our contracts do change and they
19 sometimes go up, they sometimes go down.

20 CHAIRPERSON HOOD: Right. I just, I thought
21 we were just saying do away with the -- do away. I
22 said, unh-uh. Okay. All right.

23 Any other questions? Mr. Turnbull.

24 MR. TURNBULL: Well, just to clarify with Ms.
25 Israel on the Bikeshare aspect. So the order should

1 say something to the effect that, whatever the
2 current going rate is for bikeshare at the time.

3 MS. ISRAEL: Yes, that is correct. Current
4 cost of --

5 MR. TURNBULL: Current cost.

6 MS. ISRAEL: Cost of installation and first
7 year's operating expenses.

8 MR. TURNBULL: Okay. All right.

9 MS. ISRAEL: So the language I had in my
10 report, for example, read, "Fund the installation and
11 first year's operation expenses of a new Capital
12 Bikeshare station located within the boundaries of
13 ANC 6E."

14 MR. TURNBULL: Oh, okay. Good. All right.
15 Thank you.

16 CHAIRPERSON HOOD: Okay. Any other
17 questions? Does the applicant have any cross?

18 MR. FREEMAN: No, Mr. Chairman.

19 CHAIRPERSON HOOD: Okay. And again, there's
20 no on here from the ANC. Let's see. All right. Did
21 we have any other government reports that I may have
22 missed? Let me find the ANC letter again.

23 I do know that they had a few -- in their
24 letter they expounded upon why they supported this
25 project. Oh, here it is. Exhibit 28. And it

1 basically says that they encourage the Commission to
2 vote in the affirmative. For the reasons listed
3 above, ANC, Advisory Neighborhood Commission 6E
4 recommends that the District of Columbia Zoning
5 Commission accord ANC 6E's recommendation the great
6 weight provided in the ANC statute and approve the
7 application.

8 And they have a number of items. I'll just
9 read the first one because it's the shortest. The
10 property in question is located in Single Member
11 District 6E-03 and they just state some facts as they
12 reviewed the project. And this is signed by the Vice
13 Chair, Mr. Alex Pardo.

14 Okay. Any other government reports that I
15 may have missed?

16 Okay. Do we have any persons, organizations
17 or persons who would like to testify in support of
18 this project?

19 Do we have any organizations or persons who
20 would like to testify in opposition to this project?

21 Okay. Mr. Freeman, I don't know how much
22 rebuttal you need because I think everything that was
23 even asked for was very simple and I believe that we
24 can handle it. I'm just looking --

25 MR. FREEMAN: So, we don't have much

1 rebuttal. I did want to point out that our goal is
2 to try to get proposed action. I'm going to ask for
3 it tonight and we'll see where it goes.

4 But I do want to point out just in terms of
5 the amenity issue, we've committed to register for
6 LEED Gold, so that's an additional cost that we've
7 committed to tonight. We've agreed to increase the
8 contribution to the Capital Bikeshare, so that's gone
9 from 80 to whatever the cost is as of the time of
10 issuance of the C of O.

11 And with respect to IZ, I think we can -- and
12 we'll confirm it, but I think we can add another --
13 take a 50 -- a 80 percent unit to a 50 percent unit,
14 so we would have, now have four at 82 at 50. So
15 that's a substantial increase over what was proposed
16 at this time.

17 So I think with those three changes and
18 proffers, without getting into the argument of what
19 the base should be, I think with those three changes
20 and proffers we've come up significantly and I would
21 argue clearly meet the standard for the ballots of
22 the additional flexibility, and the relief gained.

23 The other information that you asked for,
24 we're happy to turn that around pretty quickly. But,
25 again, we think this is a pretty straightforward

1 case. We've been happy to work with OP and DDOT, and
2 I think we've addressed all of the comments we've
3 heard tonight.

4 CHAIRPERSON HOOD: Okay. All right. I want
5 to thank everyone for their participation tonight.
6 Colleagues, you've heard the request. Is there
7 anything really outstanding that we might need to
8 wait on, or we ready to take a final? I mean, not
9 final. Proposed.

10 Vice Chair Miller?

11 MR. MILLER: Thank you, Mr. Chair. Well, I
12 appreciate the increased commitments on the LEED Gold
13 certification and the full cost of Capital Bikeshare
14 installation and one year's operation, and the
15 additional unit at 50 percent AMI.

16 I think we've -- I would like to have seen
17 and further, a further -- an additional number of
18 units at the 50 percent AMI. I think the case that
19 OP made was that if it were C-2-A, and OP can correct
20 me if I'm wrong, it would have been half, half of the
21 eight percent set-aside would have been at 50 percent
22 and half would have been at the 80 percent. And
23 we've seen that in a number of recent cases when the
24 Commission has felt strongly that the affordable
25 housing and OP has also felt strongly that the

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1 affordable housing needed to be strengthened.

2 MS. STEINGASSER: It would have been half at
3 10 percent.

4 MR. MILLER: This --

5 MS. STEINGASSER: The C-2-A has a 10 percent
6 requirement and half of that would have been --

7 MR. MILLER: So it's even higher set aside.

8 MS. STEINGASSER: It's a higher set aside.

9 MR. MILLER: That would be half. So, Mr.
10 Chairman, I could move forward but before I saw final
11 I would like to see a strengthening and -- a further
12 strengthening of the affordable housing commitment
13 because I think it's appropriate in this case.

14 CHAIRPERSON HOOD: Okay. I do know we have a
15 benefits and amenities issue that we're looking at
16 and I'm just wondering if we needed to hold off and
17 let that -- let Office of Planning, and the applicant
18 work some of those things out. But, I don't know.
19 Let me hear from you, Mr. Turnbull.

20 MR. TURNBULL: Well, I like the project in
21 the architectural circle. You know, the aspect. I
22 mean, there was a few things that I've asked for that
23 I want to see just to clarify some issues, the
24 rooftop, the view, and some other items on that.

25 But the affordable housing is an issue. I

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1 think OP has raised a very significant point. So I
2 guess I think maybe your thought about it a little
3 bit more input between input and the applicant might
4 be providential and maybe we'll see some movement
5 here to get to where OP thinks it really needs to be.

6 And Commissioner May is not here also, and
7 I'm not sure if that is -- it's not a prime stopper
8 for me, but it's just kind of a questionable thing
9 right now.

10 CHAIRPERSON HOOD: Okay. I was getting ready
11 to say something bad about Commissioner May but he
12 probably is going to watch this hearing so I better
13 not do it.

14 MR. TURNBULL: He will. He will.

15 CHAIRPERSON HOOD: He's going to watch it?
16 Oh, well I better not say that. I'm not going to say
17 anything about you.

18 Okay. Okay, so with that -- you know, one
19 thing about me, it's always that striking that
20 balance and trying to figure out whether we should do
21 it or not because I know it adds time to the
22 schedule. But one thing about this Commission, I
23 know that we will not -- at least I know in the past,
24 not make final. So, I don't know. I don't know. I
25 guess if you all want to we can just wait and let

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1 them resolve some of those issues, and then we'll
2 take it back up at a proposed at a later date. Is
3 that what I'm hearing? Is that the concurrence that
4 I'm hearing?

5 MR. TURNBULL: Unless the applicant wants to
6 make an offer tonight.

7 MR. FREEMAN: Well, I want to point out a
8 couple things. Commissioner Miller mentioned the new
9 IZ regulations. The new IZ regulations would only
10 require them to be at 80 percent because this is a
11 condo project. It's not a rental project. So, under
12 new IZ your condo ownership units are at 80 percent.
13 There would be no 50 or 60 requirement under the new
14 IZ regulations for this project.

15 Secondly, I do think what we're providing is
16 a substantial increase in that only 386 square feet
17 is required at 50 percent for this project, and we've
18 just increased that to 2298. So, that's an increase
19 of five times the requirement. So, that's 1912 more
20 than is required. So, I can get all of those numbers
21 in the record, but we are providing more than is
22 required; substantially more than is required under
23 the current and under the potential new IZ
24 requirements.

25 So, I think with the increase in the 100,000,

1 essentially increase, in the capital -- in the
2 certification costs with the increase in the Capital
3 Bikeshare, which it could go down, it likely will go
4 up, and this five times requirement of the 50 percent
5 requirement. I think that is a substantial increase
6 compared to the relief we're getting in here.

7 MR. TURNBULL: Mr. Chair, I'm not ready to
8 vote.

9 CHAIRPERSON HOOD: Okay. All right. I was
10 just getting ready to ask. I could go either way,
11 but that's fine. I think we're better off, I want to
12 be accommodating but I think we're better off with
13 just waiting, let them iron everything out and we'll
14 move forward. Okay?

15 All right. So, Ms. Schellin, do we have any
16 dates and things that we're looking for?

17 MS. SCHELLIN: Yes. I have a short list.
18 Did you want to go over the list, Mr. Freeman, or did
19 you make notes?

20 MR. FREEMAN: We could go over it. I have
21 notes.

22 MS. SCHELLIN: It's up to you. I don't want
23 to waste time going over it if you have it.

24 MR. FREEMAN: Sections and -- both sections,
25 angles showing the roof setback.

1 MS. SCHELLIN: I don't want to hear your
2 list. I just want to know if you want me to go over
3 the list. Okay. Good.

4 So, how much time do you need to provide
5 that?

6 MR. FREEMAN: We could file that information
7 in approximately a week.

8 MS. SCHELLIN: Okay. So that would be the
9 31st by 3:00 p.m.?

10 MR. FREEMAN: October 31st.

11 MS. SCHELLIN: October 31st. This will allow
12 you to get on the November meeting agenda.

13 MR. ESOCOFF: Can I ask a question, just a
14 clarification, Mr. Turnbull's question about the
15 materials on those columns. You're not asking for
16 the actual design motifs, just are they cast stone,
17 are they brick?

18 MR. TURNBULL: Right.

19 MR. ESOCOFF: Okay.

20 MR. TURNBULL: Yeah, I think --

21 MR. ESOCOFF: Okay.

22 MR. TURNBULL: Yeah, I think we just need for
23 the record, by the time we get to final, we need to
24 know what the materials are on the building.

25 MR. ESOCOFF: The materials. Not necessarily

1 the motifs of the --

2 MR. TURNBULL: Yeah, on.

3 MR. ESOCOFF: Okay. Thank you.

4 MR. TURNBULL: I don't think we're really --

5 MR. ESOCOFF: That's very helpful.

6 MS. SCHELLIN: Okay. So, the submissions
7 that were asked for by 3:00 p.m. on 10/31/16, and
8 then by 3:00 p.m. 11/7/16, any responses from OP,
9 DDOT, and the ANC, and draft findings of fact,
10 conclusions of law also due on the 31st, 3:00 p.m.
11 And then we can put this on the November 14th meeting
12 agenda.

13 MR. FREEMAN: Thank you.

14 MS. SCHELLIN: And that's it.

15 CHAIRPERSON HOOD: Okay. Do we have anything
16 else, Ms. Schellin?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: Okay. So, with that I
19 want to thank everyone for their participation in
20 this hearing tonight. This hearing is adjourned.

21 [Hearing adjourned at 7:54 p.m.]

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