

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

In Consideration of:

Case No. 16-26 Wisconsin Owner, LLC
Consolidated Planned Unit Development and
Related Map Amendment at Square

6:33 p.m. to 9:47 p.m.

Thursday, September 28, 2017

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

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A P P E A R A N C E S

Board Members:

ANTHONY HOOD, Chairman

ROBERT MILLER, Vice Chair

PETER MAY, Commissioner

MICHAEL TURNBULL, Commissioner

Office of Zoning:

SHARON SCHELLIN, Secretary

CHRISTOPHER COHEN, ESQ., Counsel

Office of Planning:

JENNIFER STEINGASSER

JOEL LAWSON

BRYAN GOLDEN

District Department of Transportation

ANNA CHAMBERLAIN

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

2

3 CHAIRMAN HOOD: Good evening, ladies and
4 gentleman. This is the public hearing of the
5 Zoning Commission of the District of Columbia.
6 Today's date is September 28, 2017. My name is
7 Anthony Hood. We're located in the Jerrily R.
8 Kress Memorial Hearing Room.

9 Joining me this evening are Vice-Chair
10 Miller, Commissioner May and Commissioner
11 Turnbull. We are also joined by the Office of
12 Zoning staff, Sharron Schellin, Office of the
13 Attorney General, Mr. Cohen and Mr. Lovick.

14 Office of Planning staff Ms. Steingasser
15 and Mr. Lawson, and the District Department of
16 Transportation, Ms. Chamberlin. This proceeding
17 is being recorded by a court reporter and it is
18 also webcast live. Accordingly, we must ask you
19 refrain from any disruptive noise or actions in
20 the hearing room, including displaying of signs or
21 objects. Notice of today's hearing was published
22 in the D.C. Register, and copies of that
23 announcements are available to my left on the wall
24 near the door.

25 The hearing will be conducted in

1 accordance with the provisions of 11 DCMR, Chapter
2 4 as follows:

3 Preliminary matters, after this case,
4 the report of the Office of Planning, Report of
5 all the government agencies, report of the ANC,
6 organizations and persons in support,
7 organizations and persons in opposition, rebuttal
8 and closing, thereafter.

9 The following the time constraints will
10 be maintained in this meeting:

11 The applicant has up to 60 minutes, but
12 Mr. Avitabile will speaking to you about that
13 after I finish this statement. Organizations,
14 five minutes; individuals, three minutes. The
15 Commission intends to adhere to the time limits as
16 strictly as possible in order to hear the case in
17 a reasonable period of time. The Commission
18 reserves the right to change the time for
19 presentations, if necessary. No time shall be
20 seated.

21 All persons wishing to testify before
22 the Commission in this evening's hearing are to
23 register at the witness kiosk to my left and fill
24 out the two witness cards. The cards are located
25 to my left on the table near the door. Upon

1 coming forward to speak to the Commission, please
2 give both cards to the reporter sitting to my
3 right before taking a seat at the table. When
4 presenting information to the Commission, please
5 turn on and speak into the microphone, first
6 stating your name and home address. When you are
7 finished speaking, please turn your microphone off
8 so that your microphone is no longer picking up
9 sound or background noise.

10 The decision of the Commission in this
11 case must be based exclusively on the public
12 record. To avoid any appearance to the contrary,
13 the Commission requests that persons present not
14 engage with the members of the Commission and
15 conversations during a recess or at any time. The
16 staff will be available throughout the hearing to
17 discuss procedural questions. Please turn off all
18 electronic devices at this time so not to disrupt
19 these proceedings.

20 Would all individuals wishing to testify
21 please rise and take the oath?

22 Ms. Schellin, would you please
23 administer the oath?

24 MS. SCHELLIN: Yes Please raise your
25 right hand. Do you solemnly swear or affirm the

1 testimony you are about to give in tonight's
2 proceedings will be the truth, the whole truth,
3 and nothing but the truth?

4 (Witnesses affirmed.)

5 MS. SCHELLIN: Thank you.

6 CHAIRMAN HOOD: Okay. At this time,
7 will consider any preliminary matters. Ms.
8 Schellin, do we have any preliminary matters?

9 Well, let me say this before we go
10 there, and I want to put this out there, Mr.
11 Avitabile, we have reviewed the record and I think
12 that it's clear, I think it's better advised,
13 unless my colleagues feel otherwise, that we have
14 questions that we would like to ask. I think the
15 record was complete and sufficient. We would
16 rather go right to our questions unless you just
17 want to give us a presentation. I think we can
18 deal with it from that point because we do,
19 believe it or not, we do read the record, okay.

20 MR. AVITABLE: We're happy to follow
21 that. Thank you.

22 CHAIRMAN HOOD: Okay. So we'll move in
23 that order. Ms. Schellin, do we have any
24 preliminary matters?

25 MS. SCHELLIN: Yes, we do. The first

1 thing is to remind the Commission that Bruce
2 Lowery, who was approved as a party has withdrawn
3 his party status request. And so Tenleytown
4 Neighbors Association also is an approved party
5 status in opposition. They will be represented this
6 evening by Judy Chesser, as Julie Six will not be
7 here.

8 And there are two other party status
9 applications to be considered this evening. They
10 are both in support. The first one is Revive Ward
11 3 at Exhibit 9 and Ward 3 Vision at Exhibit 12.
12 So those are the first preliminary matters.

13 CHAIRMAN HOOD: We are, preliminarily,
14 have already given party statuses TNA, correct?

15 MS. SCHELLIN: Correct.

16 CHAIRMAN HOOD: Okay. So we don't need
17 to revisit that. Okay. Colleagues, let's take
18 Revive Ward 3, which is Exhibit 9.

19 MS. SCHELLIN: I'm sorry. We need to
20 ask if their representative is here first.

21 CHAIRMAN HOOD: Oh, okay.

22 MS. SCHELLIN: Because if they're not
23 here then ---

24 CHAIRMAN HOOD: Is the representative of
25 Revive Ward 3 present?

1 MS. SCHELLIN: Brynn Nesdorf (ph).

2 CHAIRMAN HOOD: Is that person present?

3 MS. SCHELLIN: No.

4 CHAIRMAN HOOD: Okay. Our rules, I
5 believe they cannot -- we cannot give them party
6 status.

7 MS. SCHELLIN: That's correct.

8 CHAIRMAN HOOD: So what we'll do is, we
9 will hear their testimony as a regular person in
10 support.

11 MS. SCHELLIN: So Ward 3 Vision, I'm
12 sorry, I forgot to do that, they're represented by
13 John Wheeler.

14 CHAIRMAN HOOD: Is Mr. Wheeler here?

15 FEMALE SPEAKER: He is not here but --

16 CHAIRMAN HOOD: Can you come to the mic
17 and introduce yourself so we can make sure we have
18 it on the record.

19 MS. SCHELLIN: It did say, "or another
20 member."

21 MS. BASS: My name is Ellen Bass. I'm
22 also a member of the Ward 3 Vision Steering
23 Committee. Mr. Wheeler was unable to be here. My
24 understanding is Susan Kimmel is on her way here
25 and she was going to represent Ward 3 Vision. But

1 I'm here and --

2 MS. SCHELLIN: She did submit testimony
3 earlier and I think it indicated that she would be
4 here this evening.

5 CHAIRMAN HOOD: Sure. What exhibit is
6 that again?

7 MS. SCHELLIN: Exhibit 12.

8 CHAIRMAN HOOD: So the person that's
9 going to represent Ward 3 Vision is on the way and
10 they will be representing instead of Mr. Wheeler?

11 MS. BASS: That's correct.

12 CHAIRMAN HOOD: Okay. Thank you. All
13 right. What I'm going to do so not to delay, we
14 do have a representative here, and I understand
15 the young lady will be here. And I guess,
16 counsel, let me know whether I can do this or not.
17 I was going to go ahead and proceed, and we were
18 going to deal with this. Or should we wait until
19 they enter the room?

20 MR. COHEN: Commission should probably
21 handle this as a preliminary matter. If the
22 Commission finds that there was good cause, it's
23 probably okay to grant or deny the party status.

24 CHAIRMAN HOOD: Okay. All right. So
25 you've heard the comments of our counsel. I don't

1 have any objections of Ward 3 Vision being a
2 party. Any objections or any further discussion?

3 Okay. I move that we grant Ward 3
4 Vision the party in support status as requested
5 and ask for a second.

6 VICE-CHAIRMAN MILLER: Second.

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

9 (No response.)

10 CHAIRMAN HOOD: All in favor, aye.

11 (Chorus of ayes.)

12 CHAIRMAN HOOD: Any opposition?

13 (No response.)

14 CHAIRMAN HOOD: Not hearing any, Ms.
15 Schellin, would you record the vote?

16 MS. SCHELLIN: Yes. Staff records the
17 vote four to zero to one to grant party status in
18 support to Ward 3 Vision. Commissioner Hood
19 moving; Commissioner Miller seconding;
20 Commissioners Turnbull and May in support;
21 Commissioner Shapiro not present, not voting.

22 CHAIRMAN HOOD: Okay. And again, Revive
23 Ward 3 will be able to testify as a party -- I
24 mean, not a party, as an organization in support
25 at the appropriate time.

1 MS. SCHELLIN: Right.

2 CHAIRMAN HOOD: And let the record
3 reflect, they were not here when we considered and
4 our rules will not allow -- they should be here,
5 at least somebody in the organization.

6 Okay. Anything else, Ms. Schellin?

7 MS. SCHELLIN: Yes. The proffered
8 expert witnesses, even though they're not doing
9 the presentation, they will be answering
10 questions. I'm sure they still want them to be
11 proffered. Lawrence Caudle, who has previously
12 been accepted in architecture. Craig Atkins,
13 previously accepted in landscape architecture.
14 And Jamie Milanovich, who we see over and over,
15 has previously been accepted in traffic
16 engineering and design. And I think that is it.

17 CHAIRMAN HOOD: Okay. Commissioners,
18 all have been accepted. Any objections to
19 continue their expert party status?

20 Okay. No objections. So we will
21 consider their status. Anything else, Ms.
22 Schellin?

23 MS. SCHELLIN: That is all of the
24 preliminary matters that I have.

25 CHAIRMAN HOOD: Okay. Mr. Avitabile,

1 you've heard the record that we have looked at.
2 We're ready to ask our questions, unless there is
3 something that's burning. You can introduce
4 everyone at the table and then we'll ask our
5 questions.

6 MR. AVITABLE: We're ready to answer the
7 questions. Thank you.

8 CHAIRMAN HOOD: Okay.

9 MR. AVITABLE: I'm David Avitabile with
10 Goulston & Storrs, for the record. With me
11 tonight from Goulston is Jennifer Logan. We also
12 have to my left, Brook Katzen from the developer,
13 UIP, and to my right, Lawrence Caudle from Hickok
14 Cole, the design architect, Jami Milanovich from
15 Wells & Associate, our traffic consultant, and
16 then Craig Atkins, our landscape architect from
17 Wiles Mensch. And we're happy to answer
18 questions.

19 CHAIRMAN HOOD: Okay. All right.
20 Commissioners, who would like to get it started?
21 Commissioner May?

22 COMMISSIONER MAY: Okay. So I don't
23 have a lot of questions. And mostly -- well,
24 first of all, I appreciate the changes that have
25 been made since set down. I think the design has

1 been refined and looks better. I appreciate the
2 fact that you've worked with ANC to try to come to
3 -- or to gain their support. And I think that
4 what you've done to the building in terms of
5 altering the penthouse and stuff, I think is very
6 responsive to some of the concerns that we knew
7 would be there.

8 So, you know, I think generally
9 speaking, everything is in pretty good shape.
10 There are a few comments that were in the Office
11 of Planning report that I just was hoping you
12 might be able to respond to. One is that they
13 were looking for additional detail regarding the
14 changes to the penthouse structure height. I
15 don't know that that has actually been resolved
16 that was in the recent report. Have you done
17 anything in response to that report?

18 COMMISSIONER TURNBULL: We were prepared
19 to talk to the penthouse issues. So we can bring
20 up the roof plan and talk to that a little bit.

21 COMMISSIONER MAY: Okay.

22 COMMISSIONER TURNBULL: There we go.

23 MR. CAUDLE: Okay. I think that --
24 Commissioner May, are you talking in particular
25 about the heights of the elevator over-runs, or is

1 there anything in particular I can just walk you
2 through what's going on at the roof here?

3 COMMISSIONER MAY: So the covenant of it
4 was -- just walk through it. That would be fine.

5 MR. CAUDLE: Okay. Let's see if I can
6 get it. There we go. So what's happening on the
7 roof here, we have just a small outdoor roof
8 terrace that's common for the building as a whole.
9 I start there because to provide access to it, an
10 accessible path, we are bringing up just one of
11 the two elevators to the roof. So that's this
12 location right here. I think it pops as about 15
13 feet, and a small lobby to go out onto that area.

14 To the left of it is the overrun of the
15 adjacent elevator that is not coming all the way
16 up to the roof. So it has -- it's popping up
17 about five feet and then there's landscaping on
18 top of that.

19 MR. AVITABILE: And since that's a
20 separate height from the main elevator roof,
21 technically, the regulations require one uniform
22 15-foot structure to the canvas. So that's the
23 genesis of the penthouse true structure
24 flexibility. It's that very height.

25 COMMISSIONER MAY: The screen that you

1 have around the mechanical equipment, the taller
2 mechanical equipment, which is a little bit
3 further to the left there, that's at the same
4 five-foot height or is that a little bit taller?

5 MR. CAUDLE: It's six feet. It's six
6 feet high in order to make sure that we grab the
7 larger of the mechanical units, but most of them
8 are a little bit smaller than our BRS.

9 COMMISSIONER MAY: Right. So you have
10 15 feet, five feet, six feet. And then what about
11 the other planter that's sort of wrapped around
12 the 15-foot --

13 MR. CAUDLE: This one right here?

14 COMMISSIONER MAY: Well, the one that's
15 actually attached to the 15-foot ---

16 MR. CAUDLE: Oh, this one right here.
17 You're right. This does step down a little bit.
18 I think it just matches this lower railing height
19 as it comes around here, which is 42-inch, from
20 what I can see here.

21 COMMISSIONER MAY: Okay. It looks like
22 it's slightly taller. I guess four feet is part
23 of the structure, right?

24 MR. CAUDLE: Right. That's correct.

25 COMMISSIONER MAY: And then you don't

1 need any relief because it's a separate stair
2 tower on the other side, right?

3 MR. CAUDLE: That's correct.

4 COMMISSIONER MAY: Is a separate stair
5 tower actually needed given the -- or is that the
6 only stair tower?

7 MR. CAUDLE: It's the only stair tower.

8 COMMISSIONER MAY: So that's why you
9 have such a small tag.

10 MR. AVITABILE: That's right. And then
11 the other, and I will note, this plan is slightly
12 different from the plan that was in the plans in
13 the 20-day submission. We clarified to make sure
14 everything is set back one-to-one, but the
15 rendering that was in that package, the railing
16 for the solar panels looked like it was sitting
17 right at the edge of the roof. So we updated. It
18 was just an error in the way it was pulled
19 together. But we do comply with the setback part.

20 COMMISSIONER MAY: So really, you're
21 permitted two different heights. And how many do
22 you have?

23 MR. AVITABILE: We're permitted two, and
24 we have -- really, it's -- so you're permitted one
25 height for the mechanical penthouse and one height

1 for the screen walls. So we've got those two.

2 COMMISSIONER MAY: Right.

3 MR. AVITABILE: And we've a third height
4 for the --

5 COMMISSIONER MAY: Five foot.

6 MR. AVITABILE: -- lower five-foot
7 override. And I guess we have a fourth height for
8 the stair tower because the stair tower is 12
9 feet. And frankly, it's unclear to me that the
10 zoning regulations, when they allow you the
11 separate stair tower, does it have to be the same
12 height or not? I don't think it actually does.

13 COMMISSIONER MAY: Right.

14 MR. AVITABILE: But there are four
15 heights up there, three of which I think are
16 allowed; the fourth of which is the flexibility.

17 COMMISSIONER MAY: All right. And then
18 along the front edge of the building that the
19 screen is --

20 MR. CAUDLE: That's consistently at six
21 feet.

22 COMMISSIONER MAY: It is. And how far
23 is it set back from the front wall?

24 MR. CAUDLE: Quite a-ways, actually. We
25 have 1-1.

1 COMMISSIONER MAY: Yeah, I was seeing
2 that it was 1-1. That was one of the sections
3 that was in the drawings, right?

4 MR. AVITABILE: That's right.

5 COMMISSIONER MAY: So enough about that.
6 They also ask -- the Office of Planning was
7 interested in seeing more attention to the design
8 of the north wall, this side.

9 MR. AVITABILE: Let's see. We have that
10 as well.

11 MR. CAUDLE: Yeah. So this is as it was
12 submitted.

13 COMMISSIONER MAY: Right.

14 MR. CAUDLE: And we completely
15 understand the point that was being made here. So
16 we have just started to look into this. I think,
17 conceptually, what we would like to do is bring
18 some of the language here around to the right that
19 is the same patterning of the metal panel system
20 that's within the grid to the right side of the
21 building.

22 We also brought the masonry over a
23 little closer. I think it could be closer still.
24 So it feels like more of a stacked sort of
25 articulation rather than a vertical articulation.

1 COMMISSIONER MAY: Right.

2 MR. CAUDLE: The one thing we're trying
3 to stay away from, and I have to check on this
4 one, is that you know, when the future building
5 comes here, we'll have to be at least 10 feet
6 above for that glass. And that seems a little low
7 to me, but we'll try. I'm sure we can get some of
8 this glass in here. I think we have to double-
9 check that. When that building comes in at 50
10 feet, plus its penthouse that that can actually be
11 there, quite frankly.

12 COMMISSIONER MAY: Yeah, okay. It'll be
13 able to abut their penthouse right at the actual
14 building.

15 MR. CAUDLE: It will be able to abut the
16 penthouse against the --

17 COMMISSIONER MAY: Yeah. And you had a
18 rendering that showed the building as it might be
19 in the future. Is that in this presentation?

20 MR. CAUDLE: It's in the appendix.

21 MR. AVITABILE: It's in the appendix. I
22 can bring that up.

23 COMMISSIONER MAY: Maybe not.

24 MR. AVATIBLE: Maybe not. Where would
25 that be?

1 MS. MILANOVICH: In the appendix.

2 MR. CAUDLE: Can you click where it is.
3 Sorry, those are no better.

4 COMMISSIONER MAY: All right. I'm going
5 to look again at the one that you had in the
6 separate list submitted. And then the last
7 question I had has to do with the flexibility with
8 regard to the design of the retail space frontage.
9 OP had a concern that the flexibility request was
10 too broad. And that is something that we have
11 regularly brought up as an issue. Do you have a
12 response to that concern?

13 MR. AVITABILE: Sure. Let's bring up
14 the last item you looked for. There we go.

15 COMMISSIONER MAY: Oh. Okay.

16 MR. CAUDLE: So this is a 50-foot height
17 building, but what's not shown here is part that
18 will be 20 feet.

19 COMMISSIONER MAY: Not on a 50-foot
20 building. It would be like, 15?

21 MR. CAUDLE: It would be 15. I could be
22 15.

23 COMMISSIONER MAY: Yeah.

24 MR. AVITABILE: Twelve habitable, 15
25 mechanical.

1 COMMISSIONER MAY: Twelve habitable and
2 15 for --

3 MR. AVITABILE: Mechanical.

4 COMMISSIONER MAY: -- mechanical. Okay.
5 It's hard to tell exactly what that is. I mean,
6 if you're looking at further modifications to
7 that, I think we would just need to see that.

8 MR. AVITABILE: Right.

9 COMMISSIONER MAY: I'm sorry, the
10 flexibility on the retail frontage?

11 MR. AVITABILE: So we had put together a
12 storefront and a signage package that I think
13 generally laid out within this building, where the
14 storefront areas could be located. And there is
15 essentially two retail areas. There's the
16 northern section and then the southern section.
17 And I think this drawing, I think, shows it best.

18 What we're asking for flexibility for is
19 we're saying look, the only areas that are going
20 to change are the areas that are highlighted in
21 blue because that's where the storefronts are.
22 And essentially, what we're asking for is within
23 those areas, flexibility to add or move around the
24 doors to accommodate whatever the retail tenant
25 would need.

1 I think we're currently showing three
2 doors on the south side, the left side of the
3 image and two doors on the north side of the
4 image. And, you know, it may be that we want to
5 add another door or takeaway a door, depending on
6 how the space is ultimately demised. So that's
7 where we're looking for flexibility for. That's
8 the extent of it, is moving around the doors
9 within the blue spaces and adding or removing them
10 to reflect the tenants.

11 I think from a practical code
12 perspective, we'd be unlikely to have less than
13 two doors in each section because you'll want to
14 have one in and one out.

15 COMMISSIONER MAY: I don't -- I wouldn't
16 have a concern about the number of doors. I would
17 be more concerned about signage and awnings,
18 things that are projecting. And the language, at
19 least that is on the OP report, seems to imply
20 that you're looking for flexibility on number size
21 design location of signage, awnings, canopies and
22 similar features, in addition to the blue space.

23 MR. AVITABILE: Sure. So we go to the
24 next drawing. We did ask for flexibility, but
25 it's flexibility within the parameters that are

1 laid out in the storefront signage package.

2 COMMISSIONER MAY: Right.

3 MR. AVITABLE: And so if you look at
4 this, it gives you a very clear sense, I think, of
5 where signage will be, where it might be within
6 that area.

7 COMMISSIONER MAY: All right. And is
8 this different from what they reviewed from their
9 report?

10 MR. AVITABLE: No, but it's --

11 COMMISSIONER MAY: All right. So then
12 I'll have to ask them what their concerns are.
13 Okay. Thank you.

14 CHAIRMAN HOOD: Okay. Mr. Turnbull?

15 COMMISSIONER TURNBULL: Thank you, Mr.
16 Chair. Just continuing on with the package about
17 the storefront, I think you need to tighten up the
18 language a bit. I think that would be -- maybe
19 that's the overall gist of what we're looking at
20 is that the way it's stated right now, it seems
21 very broad. And I think, notwithstanding of what
22 you just said, I think that makes sense. But I
23 think if you could express that in a little bit
24 tighter language, I think it might be more
25 acceptable to OP and to the Commission.

1 MR. AVITABILE: Sure.

2 COMMISSIONER TURNBULL: The other thing
3 is that you had requested additional flexibility.
4 Some of this has appeared on a lot of different
5 things and I think it talks about final selection
6 of colors for exterior materials. The way you've
7 got it written is fine. We've had other
8 applicants that have made slight variations. I
9 think the way yours is, is okay.

10 The next one to make minor refinements
11 to exterior, we have another sentence that we
12 usually add onto that. And I think if you could
13 just talk with OAG, Mr. Cohen, I think there is
14 another sentence that we've added on, you know,
15 that we're adding to clarify that.

16 MR. AVITABILE: Sure.

17 COMMISSIONER TURNBULL: It's basically
18 saying that you're not really exchanging the
19 exterior configuration of the building. So I
20 think that's just a clarification that we want to
21 add.

22 I guess my only other comment is that
23 you've done this wonderful articulation on
24 Wisconsin. And it is very well articulated. I
25 have no qualms with the design. I guess my real

1 issue, and it's just something that troubles me, I
2 always see buildings in the four facades,
3 especially in a neighborhood where you can see the
4 back of the building. And it looks very bland.
5 There's just like, colors of brick. But it looks
6 -- I'm just concerned that at the back I see that
7 very whiteish gray -- that there's the darker gray
8 brick at the base. There's all this whiteish gray
9 brick around the whole building. You have kept
10 balconies, which I like and I'm sure the vice-
11 chair will talk about that. And then there's some
12 gray at the top two floors at the one wing going
13 parallel to Wisconsin.

14 I struggle with this, whether or not the
15 one story that the residents from behind are going
16 to look at this. I mean, the one building next to
17 it that you have threw in a little bit of orange
18 because they have more of this orangy-oak color on
19 the side.

20 I'm not saying to do any color, but I'm
21 just wondering -- and I don't know how my
22 colleagues feel -- I'm just concerned that it
23 becomes "the back of the building." We often see
24 in downtown where you've got an alley and it's the
25 back of the building and so we cut down on the

1 articulation of the building. And it's like,
2 well, we don't see it on Wisconsin Avenue; we put
3 all our bucks up on Wisconsin Avenue. Hey, we got
4 a building here. And I'm just concerned that it's
5 the people that look from the back side of the
6 building, see something a little bit less. So I
7 struggle with that.

8 MR. AVITABILE: Well, I can try to
9 address that. I think at one point we had much
10 more steps and things like that going on. We
11 might've had more contrasting materials. I think
12 the lower base had a different color. And in
13 terms of some request to sort of quiet down the
14 back of the building, we actually kind of reduced
15 -- in that case, we took the opposite step.

16 What I still think is a good thing about
17 the back of the building is that there is still a
18 good proportion of a glass-to-wall. It doesn't
19 feel like so much punchy as it does a framework-
20 like, which would be a little unusual for a back
21 of a building. We were also asked to remove
22 balconies that we had on the back portion --

23 COMMISSIONER TURNBULL: Yeah, I see
24 that.

25 MR. AVITABILE: -- which were privacy

1 concerns, which had further articulation.

2 COMMISSIONER TURNBULL: Why was that?

3 MR. AVITABILE: There were just concerns
4 about privacy issues and whatnot from the back of
5 the building.

6 COMMISSIONER TURNBULL: Oh, I see, from
7 the neighbors --

8 MR. AVITABILE: Yes.

9 COMMISSIONER TURNBULL: We still kept
10 them on the portion that was further back and
11 further off the alley. The one other good thing,
12 fortunately, is that we have these apartments on
13 the ground floor that allowed us to articulate the
14 back of the building, whereas, if it were
15 commercial or retail, we probably would not have
16 as much articulation.

17 So we were able to introduce more of
18 that on the lower levels.

19 MR. CAUDLE: And I'll just add to that
20 that I think if you go to the images that show the
21 building in context from different points in the
22 neighborhood, the advantage of the simplified
23 design is that the building kind of recedes into
24 the background as opposed to it standing out. So
25 it does help, I think, the building, blend in and

1 transition with the neighborhood. That's
2 something that the Office of Planning noted in
3 their report as well.

4 COMMISSIONER TURNBULL: Yeah, I
5 struggled with that, trying to find the right
6 balance between a minimalist issue and not trying
7 to keep -- give something back to the neighborhood
8 that it just doesn't look like a back of the
9 building was my major concern.

10 I see on the façade on some of the
11 windows, are those grills or vents?

12 MR. AVITABILE: On the Wisconsin Avenue
13 side?

14 COMMISSIONER TURNBULL: If I'm looking
15 at the façade that we were just looking at, which
16 was on -- what drawing is that? It's the back of
17 the -- yes.

18 MR. AVITABILE: This one.

19 COMMISSIONER TURNBULL: There is on the
20 brick work, it looks -- are those vents and
21 exhausts?

22 MR. AVITABILE: Oh, right there, ever so
23 small?

24 COMMISSIONER TURNBULL: Yeah.

25 MR. AVITABILE: Yes. Yes. Right there.

1 that. And the Affordable Housing is at 10
2 percent. So that's also a good gesture for the
3 community. So Mr. Chair, those are all my
4 questions for right now.

5 CHAIRMAN HOOD: Okay. Before I go to
6 the vice-chair, Commissioner May had one follow-up
7 question right quick.

8 COMMISSIONER MAY: I recall from the
9 original application and its repeated several
10 times, is the proffer of the work on the
11 Chesapeake Street house. And the last thing I saw
12 on the record, and maybe I missed something, but
13 there was a letter from a while ago, from the
14 former superintendent at Rock Creek Park. So I'm
15 wondering if you've had further contact with them.
16 Have you made progress?

17 MR. KATZEN: Yes. We've been meeting
18 with the National Park Service fairly regularly
19 over the past 18 months, maybe five or six times,
20 including with the new superintendent, Julie
21 Washburn.

22 COMMISSIONER MAY: Okay.

23 MR. KATZEN: We've spent time walking
24 around the Chesapeake House and inside the
25 Chesapeake House with representatives of the

1 National Park Service and we're committed to
2 renovating the building. And they're onboard with
3 it and excited about it.

4 COMMISSIONER MAY: Where are you with
5 the structures?

6 MR. KATZEN: We've executed two donation
7 agreements with the National Park Service. One to
8 clean out the building, which we've completed. It
9 was a mess in there when we first entered the
10 structure. And we executed a second donation
11 agreement with the National Park Service for us to
12 carry out a historic structures report, which they
13 requested is the first step toward planning the
14 renovation, and that's currently underway.

15 COMMISSIONER MAY: Great. Thank you. I
16 hate to say this, but sometimes when you're
17 working with the Park Service, there are so many
18 other things that are going on that we're not
19 necessarily that fast in responding or cooperating
20 and I know that there are deadlines that you have
21 to meet and that the delivery of your project is
22 contingent on completing the proffers, right.

23 So I hope you just keep it up and that
24 you don't encounter any difficulties. But if you
25 do encounter difficulties, you should, you know,

1 start making noise and you should be able to get
2 action. And it's not because we don't want to
3 work with you or with anybody else in the
4 community, it's just that there's a lot going on
5 and we're stretched really thin.

6 MR. KATZEN: Understood.

7 COMMISSIONER MAY: Okay. Thank you.

8 CHAIRMAN HOOD: Okay. Vice-chair?

9 VICE-CHAIRMAN MILLER: Thank you, Mr.
10 Chairman. Thank you for all the work that you've
11 done with the Advisory Neighborhood Commission and
12 obviously addressing the concerns of one of the
13 parties that was in opposition and all the
14 refinements that have been made to the design,
15 which I think is very attractive, the materials
16 are very attractive, the balconies.

17 Commissioner Turnbull reminded me to say
18 they were very attractive, even though you had to
19 reduce some of them in the back, but I understand
20 why you wanted to simplify that design and
21 compliment the neighborhood.

22 Increasing the Affordable Housing beyond
23 the inclusionary zoning requirement to 10 percent,
24 including a two-bedroom unit that will be at that
25 60 percent AMI level, on behalf of our

1 commissioner who is not here tonight, Commissioner
2 Shapiro, the 38 solar panels, I'm sure he would
3 appreciate on the roof.

4 The Chesapeake House renovation the
5 commissioner alluded to, how much is that -- what
6 is the value? You're renovating it? I mean, you
7 cleaned it out, you're renovating it? You're
8 going to then maintain it as well or --

9 MR. AVITABILE: No. I think we're just
10 renovating it to what they estimated the value as
11 about \$250,000.

12 VICE-CHAIRMAN MILLER: \$250,000.

13 MR. AVITABILE: But what we're committed
14 to is doing the thing. So doing the work.

15 VICE-CHAIRMAN MILLER: Right.

16 MR. AVITABILE: So if it costs more,
17 then it cost more, but we've committed to deliver
18 the warm-lit shell (ph), and so that's what we'll
19 do.

20 VICE-CHAIRMAN MILLER: And I'll ask the
21 ANC when they come forward about the kind of
22 community use that they're envisioning there. But
23 that is a great benefit. And the park that you're
24 committed to doing if the various public space
25 approvals at Brandywine and 42nd and River, that

1 segment of street doesn't really work currently --
2 or hasn't worked for a while, what is the value of
3 that? And would that be construction and
4 maintenance of that for the life of the project?

5 MR. AVITABILE: Yes. That one is
6 maintenance for the life of the project that DDOT
7 wanted us to agree to that because they don't want
8 to have to pick up our maintenance and we're happy
9 to do that.

10 I don't know that we have it.

11 VICE-CHAIRMAN MILLER: Do you know the
12 value on that one or estimate?

13 MR. KATZEN: We asked our landscape
14 architect, Craig Atkins from Wiles Mensch to put
15 together a preliminary concept sketch for that
16 park, just so we can get an idea of the scope and
17 the cost. Our general contractor priced out his
18 concept sketch about \$250,000.

19 VICE-CHAIRMAN MILLER: And just all the
20 adjustments you've made, I compliment you with the
21 ANC and that MOU or MOA that you entered into with
22 them on trying to get a full-service restaurant in
23 this area, which is needed, and restricting some
24 of the retail uses that they don't want to see
25 more of in that neighborhood. It's just, as

1 someone who has lived just a couple blocks off
2 Wisconsin Avenue further south for over 25 years,
3 it's refreshing to finally see this corridor
4 become revitalized as the rest of the city has
5 become revitalized. So I compliment you on the
6 work that you've done with the community, with
7 most of the community. We'll hear from others who
8 have concerns, I know, and we'll talk to them
9 about that. I guess it's good to see this
10 revitalization and a much more attractive corridor
11 that it deserves to be. So I thank you for all
12 the work you've done.

13 CHAIRMAN HOOD: I too want to add onto
14 what Commissioner Miller was talking about, the
15 changes that have been made since we sat this
16 down, as well as some of the discussions that were
17 going on with the some of the community. I know
18 there is still some more outstanding issues, some
19 more issues that are out there, which is typical.
20 I think any time you have community involvement in
21 any project -- and I've done enough around the
22 city -- it makes it for a better project. So I
23 appreciate you listening to the ANC and others
24 with the MOU that you have now, and then possibly
25 you may hit some more stuff that you might've

1 missed earlier for whatever may come out from
2 tonight's proceedings.

3 Let me go to the -- let's ask the Ward
4 panels. Help me understand, I guess the wood
5 panels, the ground wood framing around certain
6 areas. I was trying to figure out, what are you
7 trying to present to me?

8 What are you trying to do? Are you
9 trying to highlight or are you trying to make a
10 larger -- make it look like it's smaller?

11 What are you trying to convey to me?

12 MR. CAUDLE: Well, the interesting thing
13 about this façade is this introduction of this
14 grid on the building. There are moments where we
15 felt that it would be repetitious to continue that
16 grid, so we kind of combined them to create this
17 sort of second layer scale.

18 Now, once we did that, some of these
19 facades have angled pieces that are left over from
20 the existing building that we're repurposing. But
21 this material brings just an added accent that
22 brings a little bit of warmth to the building.
23 It's not actual wood itself. It's going to be
24 actually phenolic resin panels, I think is what we
25 said. But we think it's just that subtle touch of

1 an element that otherwise the material may be too
2 simple or too straight forward. So it really is
3 just mere accent, but it also does accentuate the
4 depth of the framework itself.

5 CHAIRMAN HOOD: Okay. When I was
6 looking at it, I was wondering why it wasn't more
7 uniform or some type of pattern, but I guess,
8 again, I'll reference my remarks with not having
9 any architectural degree or being an architect,
10 but I believe my colleagues will expound on it. I
11 wanted to bring out and find out exactly what you
12 were trying to convey in this model. I mean, not
13 that I'm against it, I just was trying to figure
14 what we were trying to achieve.

15 Ms. Milanovich, can we put up a
16 circulation pattern?

17 MS. MILANOVICH: Sure.

18 CHAIRMAN HOOD: Because I know that
19 there are two or three streets behind this
20 development that are off limits. And I think Mr.
21 Avitabile has coordinated and TDM the measurements
22 -- I mean the mitigation measures that there is a
23 person who will be there to help kind of monitor
24 and control some of that so there won't be an
25 influx in the neighborhood and traffic won't just

1 get out of control; is that correct?

2 MR. AVITABILE: Yeah. The loading
3 management plans --

4 CHAIRMAN HOOD: Right, right, right.

5 MR. AVITABILE: We'll bring that up and
6 accomplish that.

7 CHAIRMAN HOOD: What I want to do is go
8 around. I want to see how trusses are going to go
9 in and out and how that's going to work.

10 In other words, take me for a ride
11 around the project. Yeah, that would be fine. Do
12 you have a pointer?

13 MS. MILANOVICH: Yes.

14 CHAIRMAN HOOD: Yes, let me see that.

15 MS. MILANOVICH: So would it be helpful
16 if I first do a closer-in look at the site to
17 maybe just show -- so in this diagram of Wisconsin
18 Avenue is at the bottom of the page. North is
19 pointing to your right. The public alley to the
20 rear of the property is located here.

21 And so in accordance with DDOT
22 requirements, we are providing both our loading
23 and our parking access off that public alley. And
24 you can see the access to the parking is located
25 here. We have a loading birth that's shown here

1 in blue and then we have a service delivery space
2 that's shown here in blue. So that's the vehicle
3 circulation to the project.

4 In terms of the truck circulation,
5 actually, the ANC requested that we implement a
6 loading management plan and so we've agreed to do
7 that. We will have a dock manager who will
8 coordinate with the venders and the tenants to
9 make sure that deliveries occur between the hours
10 of 9:00 a.m. and 5:00 p.m. He'll make sure that
11 the dock's capacity has not exceeded; the trucks
12 aren't blocking the alley. Those types of things.

13 So that's the dock manager's role. But
14 we've also developed this truck routing plan so
15 that we can let deliveries and vendors and tenants
16 know of the preferred truck routes to get to and
17 from the site. So what we've shown -- well, first
18 of all, in red, these are roads and streets that
19 are restricted to truck traffic. So trucks cannot
20 use those streets shown in red. So delivery
21 driver, vendors, tenants will be alerted to that
22 fact.

23 CHAIRMAN HOOD: So let me ask you, is
24 there a city sign that says they can't use it or
25 is -- how does that work? Because I live on a

1 street where they use it all the time. So I'm
2 just wondering, how is that enforced?

3 MS. MILANOVICH: So I believe there are
4 signs posted on those roadways that have either a
5 weight limit restriction or signs that say no
6 trucks. I believe it would probably be a weight
7 limit restriction. I would have to verify what
8 the exact signage is.

9 So they should know from driving on the
10 streets that they're not allowed on the street,
11 but we will also provide this map to vendors and
12 tenants who regularly --

13 CHAIRMAN HOOD: And that would be done
14 ahead of time, correct?

15 MS. MILANOVICH: That's correct. That's
16 correct. And then and so in terms of the
17 preferred routes, what we've shown in blue is the
18 preferred route in and out. And so Brandywine
19 Street is actually one-way westbound on this
20 block. And so trucks leaving the site would need
21 to head south on the alley and then access River
22 Road to get to Wisconsin Avenue, and from there,
23 they could either make the left or the right on
24 River Road.

25 Alternatively, they could head north

1 through the alley to Chesapeake Street. And what
2 we're showing is that during peak times,
3 Chesapeake Street is an unsignalized intersection
4 and we heard from the ANC that they were concerned
5 about trucks making the left-hand turn. So during
6 peak times, we would alert truck that they should
7 only make a right turn onto Wisconsin Avenue.

8 CHAIRMAN HOOD: What about coming down
9 Wisconsin? ANC is kind of where I am, too, in
10 terms if I'm coming down, what is that? Is that
11 north or south? Which way am I going?

12 MS. MILANOVICH: So north is to the top
13 of the page. So if you're heading southbound on
14 Wisconsin Avenue --

15 CHAIRMAN HOOD: If I'm going north and I
16 need to make a left, can I make a left onto
17 Chesapeake Street?

18 MS. MILANOVICH: Yes. You can make a
19 left onto Chesapeake Street or you could make the
20 left onto Brandywine.

21 CHAIRMAN HOOD: Is there a traffic
22 signal there?

23 MS. MILANOVICH: There is not a traffic
24 signal at Chesapeake. But I think if you were
25 coming from the south on Wisconsin, there is a

1 light, a traffic signal at Brandywine and that
2 would be your first opportunity to make the left
3 so that you wouldn't have to backtrack. So I
4 think if you're coming from the south, the most
5 logical route is to make the left at Brandywine,
6 and there is actually also a left-turn arrow at
7 that signal and then you could access from the
8 alley.

9 CHAIRMAN HOOD: But what happens if I
10 miss that turn and I need to make it on
11 Chesapeake?

12 MS. MILANOVICH: There's nothing
13 prohibiting left turns at Chesapeake. It's a
14 maneuver that's allowed. So they could make that
15 left turn and then enter the site from the north.

16 CHAIRMAN HOOD: There's no stop sign or
17 anything where they make that left onto
18 Chesapeake. I'm just trying to figure out
19 oncoming traffic.

20 MS. MILANOVICH: Right. The only stop
21 sign is for traffic stopped on Chesapeake Street.
22 So if you were on Wisconsin Avenue, you would be
23 looking at the oncoming traffic and you would need
24 to wait for a gap in that traffic stream before
25 you can make that --

1 CHAIRMAN HOOD: Is there parking on both
2 sides of Chesapeake?

3 MS. MILANOVICH: Yes, there is.

4 CHAIRMAN HOOD: Is it like, right up to
5 the corner?

6 MS. MILANOVICH: No, it's set back a
7 little bit from the corner.

8 CHAIRMAN HOOD: If I have two cars on
9 both sides that I can make the turn --

10 MS. MILANOVICH: Sure. So we are not
11 going to have large trucks coming to this site.
12 We've designed the truck for the loading berth for
13 a 30-foot truck or smaller. So we're not going to
14 have, you know, the larger --

15 CHAIRMAN HOOD: Right. I was talking
16 about 30-foot trucks. Some of us are not the best
17 drivers.

18 MS. MILANOVICH: Understood.

19 CHAIRMAN HOOD: Okay. I just wanted to
20 make sure. I know in other cases, the
21 recommendation was to move parking in the back,
22 you know, we took away spaces because you want to
23 make sure that the truck is able to make that
24 turn. But you all are experts and if you say
25 that that'll work, then, you know, you're the

1 subject matter expert on it.

2 MS. MILANOVICH: Yeah. I think that,
3 again, that would be a very unlikely proposition.
4 I mean, if there is concern on the part of DDOT or
5 whatnot, we are certainly are opposed to remove
6 parking. I think we would tell the delivery
7 drivers and the vendors to make sure they know to
8 make the left at Brandywine.

9 CHAIRMAN HOOD: Okay.

10 MS. MILANOVICH: It's an easier left.
11 That's what they're going to want to do. And so
12 it would only be in the event that if they miss
13 that turn.

14 CHAIRMAN HOOD: Thank you. It's good
15 that you have the dock manager and everything
16 there. So that definitely will take any impact of
17 you off. So I think that's a good point.

18 Other than that, I do like the design
19 other than the wood panel. Anyway, let's hear
20 what the community has to say. I don't have any
21 other questions. Any follow-up questions?

22 Vice-chair Miller?

23 VICE-CHAIRMAN MILLER: I just also
24 neglected to, at least with what another fellow
25 commissioner said, commending you on the lead gold

1 certification and also the one responding to the
2 ANC's request for undergrounding the utilities on
3 Wisconsin, which is a standard request that the
4 ANC makes on these projects, which is more
5 attractive for Wisconsin Avenue.

6 CHAIRMAN HOOD: Ms. Schellin, is Mr.
7 Shapiro going to read the record in this case?

8 MS. SCHELLIN: We can ask him to.

9 CHAIRMAN HOOD: I figured since solar
10 panels were involved. But anyway, let's see --

11 MS. SCHELLIN: He didn't indicate that
12 he was going to.

13 CHAIRMAN HOOD: Okay. Well, we'll leave
14 that up to him. Okay. Any other questions up
15 here?

16 (No response.)

17 CHAIRMAN HOOD: Okay. Let's go to
18 cross-examination of the applicant. First let me
19 go to ANC 3E. Mr. Bender?

20 MR. BENDER: Yeah. We have no cross-
21 examination.

22 CHAIRMAN HOOD: You don't have any
23 cross. Okay. Ward 3 Vision, Ms. Kimmel, do you
24 have any cross?

25 MS. KIMMEL: We don't have any cross.

1 CHAIRMAN HOOD: Okay. TNA, do you have
2 any cross?

3 Do you want me to come up?

4 CHAIRMAN HOOD: Sure.

5 MS. CHESSER: Hello? Is it on?

6 CHAIRMAN HOOD: There you go.

7 MS. CHESSER: Since we were just talking
8 about the trucks, let me ask a couple of questions
9 about the trucks.

10 CHAIRMAN HOOD: Could you identify
11 yourself, Ms. Chesser?

12 MS. CHESSER: Oh, I'm sorry. I'm sorry.
13 Judy Chesser, Tenley Neighbors Association, 3901
14 Alton Place, Northwest, Washington, DC.

15 Since we were just talking about the
16 trucks, let me ask a couple of questions about the
17 trucks. At one of the ANC meetings, it was said
18 that if a truck came to the loading dock and the
19 loading dock already had the maximum amount of
20 trucks it could handle that they would be told to
21 go drive around until there was something freed
22 up, which didn't seem like a great solution.

23 Do you have more detail?

24 MS. MILANOVICH: So that is the
25 component of the transportation, sort of the

1 loading management plan. Frankly, that's a
2 standard element in all loading management plans
3 now that we used a template that DDOT had
4 provided. I think the intent is that the dock
5 manager is coordinating the deliveries, and
6 obviously, the intent is that the deliveries are
7 scheduled such that the dock capacity is not
8 exceeded. And that provision is simply put in
9 there so that trucks don't just sit in the alley
10 and block the alley for vehicles access. So
11 that's why that provision was put in there.

12 MS. CHESSER: And you showed a couple of
13 streets where the trucks were not allowed to
14 drive, but Chesapeake and Brandywine were not red.
15 And so what stops the trucks from going out of the
16 alley in either direction and just going down
17 Brandywine to River or going down Chesapeake?

18 MS. MILANOVICH: So the routes that I
19 showed in red are routes that are restricted by
20 DDOT.

21 MS. CHESSER: Right.

22 MS. MILANOVICH: And that's why they're
23 shown in red. There are no, to my knowledge,
24 restrictions in place on those streets that you
25 mentioned; however, that's why we prepared the

1 truck routing plan and we will be giving this to
2 the deliveries, the vendor service providers and
3 alerting them that they should follow these
4 routes.

5 MS. CHESSER: And what would the
6 enforcement of that be if they find it easiest to
7 just go down Chesapeake and onto River?

8 I mean, this is just a question.

9 MS. MILANOVICH: Well, you know, if
10 there's a truck on the streets, you know, it's
11 obviously hard to tell whether that's attributable
12 to our development or just the truck on those
13 streets to begin with. But we will have a dock
14 manager in place. And so to the extent that the
15 community has any concerns, they should raise
16 those with the dock manager and he can reeducate
17 and re-inform their deliveries and vendors.

18 MS. CHESSER: Okay. Let's turn to
19 height, which is of great concern to the
20 neighbors. There is a lot of language about this
21 building being stepped down in the back. In the
22 front, on Wisconsin Avenue, in the middle of the
23 building it's 88 feet. And on the back, on the
24 low-end, going north, it is 103 feet. And the
25 other end of the building in the alley is like, 97

1 feet because it's a flat roof.

2 So since Wisconsin Avenue, since the
3 hill drops down, the building actually gets much
4 taller in the back. So I was trying to figure out
5 what constituted a step-down if it goes from 88 to
6 103. That didn't seem like it was going in the
7 right direction.

8 MR. CAUDLE: Well, you're right. In the
9 back of the building, there is severe topography
10 around the block and the topography is going
11 downward as you go north on Wisconsin, and the
12 same thing with the public alley. So you're right
13 that the measurement part of the building is of
14 course, taken from the front of Wisconsin Avenue
15 and that we do get, at this leg of the building
16 here, which is set off the property line, you're
17 measuring up to about 100 feet, as you just
18 stated.

19 The thing that helps this condition is
20 the fact that there's quite a lot of breadth from
21 the back of the building to the neighbors that are
22 on 42nd Street. The alley acts as buffer.
23 There's some good distances between it and the
24 backs of these buildings. We actually have some
25 distances that are up to about 178 feet when you

1 look at the lake here. And about 140 feet when
2 you look at the building on the upper floor plans
3 from that location.

4 So yes, there are some great changes
5 that are being handled. There's also the fact
6 that there is that lower-level platform at the
7 back of the building. So there are some steps
8 going from east to west that do handle that. I
9 mean, a good chunk of the building, if you we
10 recall, it's an L-shaped plan. So there is a big
11 open area to the northwest of the plan for the
12 building as well in the back.

13 MS. CHESSER: But the 103 feet is
14 actually next to our 1B single-family zone. And
15 there is a house on the alley. There's a house on
16 the corner of the alley on each end on Brandywine
17 and Chesapeake, so that --

18 MR. CAUDLE: Is that a question?

19 MS. CHESSER: Yes, it's a question. The
20 question is you haven't really stepped the
21 building down if it goes from 88 to 103 feet.

22 MR. CAUDLE: Well, what we're saying
23 here is that the height is not inappropriate, in a
24 sense, because of the distance. I mean, height,
25 like you say, is relative, but we do have some

1 good distances from the very back of the building.
2 The alley provides us that buffer and then we have
3 the deep backyards to the houses.

4 So yes, they are alley structures, but
5 the only intention here is that the alley is a
6 buffer for part of the project.

7 VICE-CHAIRMAN MILLER: Does stability
8 increase in height? Does it step up as it goes to
9 the back?

10 MR. CAUDLE: No. The building doesn't
11 step up. There are portions of the building that
12 actually step down as you go back. And there are
13 portions of the building that are actually set far
14 off the rear property line.

15 MS. CHESSER: What would prevent the
16 building from actually having fewer stories in the
17 back? As Tenley Hill has stepped down away from
18 Wisconsin Avenue, it goes -- it turns from condos
19 into townhouses. And the townhouses are in the
20 back by the single-family homes. So Tenley Hill
21 is actually the tallest on the Wisconsin Avenue
22 side. So my question would be why can you not
23 accommodate something in the back in that same
24 way?

25 MR. CAUDLE: Well, that project is also

1 on a street on that side. We're on an alley,
2 which gives us that buffer. And 42nd Street is
3 quite a distance from the back. So I don't think,
4 urbanistically, there's really the need to provide
5 the same sort of stepping on the side of the
6 building.

7 MS. CHESSER: The alley where's you're
8 loading and unloading trucks is what you call a
9 buffer?

10 MR. CAUDLE: Yes.

11 MS. CHESSER: And is there any other
12 landscaping or screening besides the truck
13 loading?

14 MR. CAUDLE: Well, the back of the
15 building that you're seeing here in this rendering
16 is actually set back from the property line.
17 There's a small bit of that right here, but
18 actually, no, the building is actually set back
19 off the property line. There are pavings that
20 allow for access to the loading and the parking.

21 MS. CHESSER: And there is a house that
22 is right on the alley facing the back of your
23 building, correct?

24 MR. CAUDLE: Correct.

25 MS. CHESSER: The rear yard that would

1 normally be required would be 21.9 feet. What are
2 you requesting as a rear yard that might provide
3 an additional buffer?

4 MR. CAUDLE: Well, we're meeting the
5 rear yard requirement as 21.7 for this height of
6 the building, as measured from the back of the
7 building. The one little area of relief that
8 we're asking for is actually for the top five feet
9 of this level right here. In part because we're
10 building on top of what is part of the existing
11 structure. So we're really asking for just this
12 portion right here, in terms of relief. But these
13 elements here do meet the rear yard requirement.

14 MS. CHESSER: Yeah, I mean, some places
15 it goes 21.9, some places it seems to say 21.7.
16 Whatever.

17 MR. CAUDLE: Right.

18 MS. CHESSER: But you're asking for how
19 many feet for the rear yard?

20 MR. CAUDLE: So just for this top five
21 feet of the height here, we're asking for, I
22 believe we're going to have to pull out that --

23 MS. CHESSER: I think it's 11 feet
24 you're asking for. So you would be going from
25 21.7 to 11. That's what it says in your document.

1 MR. CAUDLE: Yes.

2 MR. AVITABILE: It stated incorrectly.
3 It says 11 feet, 11 inches for that one story, for
4 five feet of that story.

5 MS. CHESSER: Thank you. In the Rock
6 Creek West portion of the plan, it specifically
7 says that on Wisconsin Avenue, buildings should be
8 physically compatible with adjoining residential
9 neighborhoods and appropriately scaled, including
10 stepping down of a building's height, away from
11 the avenue, including landscaping, screening and
12 additional greenspace. Can you tell me how you
13 accommodated that part of the complex?

14 MR. CAUDLE: Yeah. I'm kind of glad you
15 brought that up. It's very interesting that
16 overall, the building meets all the objectives of
17 these policies. What's interesting about this
18 block and this building in particular is that it's
19 really a mid-block building, in terms of more
20 south. And then you're asking east to west. It's
21 in the middle of the block, and directly to the
22 north is a lower zone, as you know. And we showed
23 you that. When you go north, future developments
24 will provide that step-down.

25 When you go from east to west -- let me

1 go back to the second site. Here we are. Here's
2 the site, just so we can orient ourselves.
3 Wisconsin Avenue, River Road, which is another
4 major arterial way. There is the alley, which I
5 talk about is the buffer, and the houses that are
6 on 42nd Street -- and again, there is considerable
7 distance between the back of the building and the
8 backs of the houses. We're not talking about 40-
9 foot yards and rowhouses here.

10 That, to us, in combination with the
11 fact that other objectives of these policies state
12 that when have sites of this nature are in this
13 proximity to Metro on a mixed-use main street
14 corridor, that it is kind of appropriate to
15 propose these kinds of densities.

16 So you're going to end up with certain
17 amounts of juxtapositions, but to us, given the
18 fact that there is this breadth around the space,
19 we find it quite reasonable and appropriate.

20 MS. CHESSER: Are there not single-
21 family homes along Brandywine and Chesapeake in
22 this same block? And aren't several of them along
23 Brandywine actually historically preserved?

24 MR. CAUDLE: Well, I don't know about
25 the historically preserved, but we know that the

1 houses are there, yes.

2 MS. CHESSER: I'm just saying because
3 you seem to be only talking about 42nd Street,
4 whereas, there's houses all the way around.

5 MR. CAUDLE: No. There are houses on
6 Chesapeake and Brandywine.

7 MS. CHESSER: This property is currently
8 zoned what?

9 MR. AVITABILE: It's located in the MU-4
10 zone.

11 MS. CHESSER: Correct. And for MU-4,
12 what is the height limit currently zoned?

13 MR. AVITABILE: Currently zoned, the
14 height limit is 50 feet on the right and 65 feet
15 as the PUD.

16 MS. CHESSER: Correct. And how many
17 feet is your building?

18 MR. AVITABILE: We are an 88-foot tall
19 building.

20 MS. CHESSER: Okay. The FAR in an MU-4
21 is what?

22 MR. AVITABILE: The floor area ratio is
23 2.5 base SAR 3.0, if you trigger the inclusionary
24 zoning requirements, and then 3.6 FAR if you were
25 impeding in the MU-4 zone.

1 MS. CHESSER: Correct. And that would
2 be for current zoning. And your floor area ratio
3 will be --

4 MR. AVITABILE: 5.73, which is within
5 what is allowed for PUD in the MU-7 zone.

6 MS. CHESSER: Correct. But this is not
7 an MU-7 zone.

8 MR. AVITABILE: Well, that's what we're
9 seeking.

10 MS. CHESSER: I understand that. I'm
11 just saying we're comparing to current zoning
12 rather than what you are asking it to be changed
13 to. I think that's a fair base to compare.

14 Lot occupancy in the current zoning is
15 how much?

16 MR. AVITABILE: I believe it's 60
17 percent. I'm sure we have it in our documents.

18 MS. CHESSER: Correct. You're right.

19 MR. AVITABILE: I'm sure they can tell
20 me what the answer is.

21 MS. CHESSER: And how much is the UIP
22 proposal for allowed occupancy?

23 MR. AVITABILE: Allowed occupancy
24 varies.

25 MR. CAUDLE: It does vary on the typical

1 is in the 60-percentile range. I don't have that
2 chart in front of me. The ground floor, as it's
3 all commercial, is allowed to be 100 percent. But
4 because we have those units on the back because of
5 the deep floor plate, we're asking for relief of
6 that. You know, in theory, it should be 80
7 percent under the ceiling that we're proposing.
8 We're showing at 89.9 percent, so we're asking for
9 some relief for that level as well.

10 MR. AVITABILE: And it's right on page
11 A-01 of the plans if you wanted to see it. We're
12 at 89.9 percent at the ground level, 66 percent on
13 the second floor, 62 percent on the fifth floor
14 and 57th percent on the eighth floor.

15 MR. CAUDLE: Right.

16 MS. CHESSER: So current zoning, 60
17 percent and you're asking for 89.9?

18 MR. CAUDLE: On just one level.

19 MR. AVITABILE: Yes.

20 MS. CHESSER: It's in your charts I'm
21 taking it from. Gross floor area, under the
22 current zoning I believe it's 59,000 square feet;
23 71,000 with the IZ. And what is your gross floor
24 area?

25 MR. AVITABILE: Well, it corresponds

1 with the FAR. So it's 135,942 square feet.

2 MS. CHESSER: Right. So basically --

3 MR. AVITABILE: It's all in the record.

4 MS. CHESSER: So basically double. It
5 is in the record, but we haven't discussed it here
6 tonight. So many have said it, but we haven't
7 said it here tonight. How's that?

8 Tenley View -- compare Tenley Hill,
9 which is how many stories?

10 MR. CAUDLE: Tenley Hill -- I'm not sure
11 how many -- I'm not sure what zone. Do you know
12 what zone Tenley Hill is in?

13 CHAIRMAN HOOD: Well, let me ask you
14 this, does that come up tonight?

15 MR. AVATIBILE: We didn't bring it up.

16 CHAIRMAN HOOD: Okay. I'm going to rule
17 that question out of order. Let's stick with this
18 case.

19 MS. CHESSER: Okay. Okay. Tenley Hill
20 is a nearby development that was approved --

21 CHAIRMAN HOOD: Again, that statement
22 and all that is out of order. Let's stick with
23 this case.

24 MS. CHESSER: Okay. The number of units
25 that you originally had was 136. You have now

1 increased it to how much?

2 I'm saying this because there seems to
3 be a misunderstanding that you had reduced the
4 size of the building at the request of the
5 neighbors. But that doesn't really seem to be the
6 case. So now the number of units is what?

7 MR. AVITABILE: Well, first, I don't
8 know necessarily that that was a question, it was
9 a statement about increasing versus decreasing the
10 size of the building. We did take the penthouse
11 off the building that reduced the size of the
12 building, the size of the box.

13 MR. CAUDLE: The number of units
14 increased from 135 to 146, correct, Brook?

15 MR. KATZEN: Correct.

16 MS. CHESSER: Was the penthouse
17 habitable?

18 MR. AVITABILE: Yes, it was.

19 MR. CAUDLE: Yeah. Before we removed
20 the penthouse at the request of the neighborhood,
21 it was habitable, yes.

22 MS. CHESSER: Do you know what was going
23 to be located there?

24 MR. CAUDLE: We do.

25 MS. CHESSER: The gym, yes? Am I wrong?

1 MR. CAUDLE: Well, it was a gym and a
2 community room, yes.

3 MS. CHESSER: Which are now in the
4 garage, correct?

5 MR. CAUDLE: That's correct. In the
6 existing garage.

7 MS. CHESSER: And so how many parking
8 spaces were reduced because of the gym and going
9 down?

10 MR. AVITABILE: Sixteen spaces.

11 MR. CAUDLE: Correct.

12 MS. CHESSER: Okay. The Zoning
13 Commission ruled on whether there should be an MU-
14 4 or an MU-7 in the past. Could you tell me what
15 the Zoning Commission concluded at that time in
16 Order 530?

17 MR. AVITABILE: Well, they concluded at
18 that time, I'm sure that you can and properly
19 will, I didn't testify to that, so I don't think
20 we should testify to it. I think that the only
21 thing I'd note is that that was under a different
22 comprehensive plan. The comprehensive plan was
23 amended and revised and adopted in 2006 with new
24 provision. This exact issue actually came up in
25 the PUD down the street for Cathedral Commons.

1 The idea that the Commission had down-
2 zoned the property in the 1980s and was now up-
3 zoning again through a PUD now, and was it
4 allowed? Was the Commission just changing its
5 mind arbitrarily?

6 The Commission there had very good
7 reasons for why it changed positions based on the
8 provisions in the 2006 comprehensive plan that
9 suggested that conditions had changed because they
10 had, and the Court of Appeal upheld that.

11 MS. CHESSER: Well, I guess we'll see if
12 the Court of Appeals upholds this one. Housing
13 for families. Housing for families. How many
14 units of the 146 are more than one bedroom? More
15 than one bedroom and a den? Out of 146 total, how
16 many units are for families?

17 MR. KATZEN: Of those 146 units, 41 of
18 them will be one bedroom plus den, and three of
19 them will be two-bedroom units.

20 MS. CHESSER: Okay. So three for
21 family-size -- are family-sized?

22 MR. KATZEN: I'm not sure how you define
23 family-sized, but we found that one bedrooms plus
24 den can accommodate small families.

25 MS. CHESSER: On the Wisconsin Avenue

1 side, will it be accessible to people with
2 disabilities?

3 You talk about monumental steps, which I
4 know from my husband, would be monumental steps.

5 MR. CAUDLE: I think one of the great
6 things about the front of the building is that we
7 were able to create an accessible pass in front of
8 all the retails because of the topography.

9 Thank you for bringing that up. You can
10 see that here in this plan. We went through great
11 lengths to really improve this retail, which in
12 this neighborhood is really important to have
13 walkable and accessible retail. There are two
14 levels to the retail because of the grade change.
15 This is the lower level. There is going to be an
16 accessible path from the typical sidewalk level
17 here. And all this area here is going to be
18 leveled in front of the retail. So an accessible
19 path will be provided off this sidewalk from here.
20 And yes, there are steps on this end.

21 Same solution to the more southern
22 retail level. There is an accessible path right
23 here, which is where the residential lobby is as
24 well. You can walk level across and in front of
25 all the retail here. It's developed in a way so

1 that there's also space for outdoor seating, but
2 of course, there are also steps to access it on
3 and off right here as well.

4 MS. CHESSER: Okay. I just wanted to
5 ascertain whether you could get to all the retail
6 without going up steps and you're saying that you
7 can?

8 MR. CAUDLE: Yes.

9 MS. CHESSER: Okay. Thank you. The
10 public benefits, you had said earlier in an ANC
11 meeting that this project was a \$75 million
12 project and the public benefits are a park that's
13 by one of your other properties, which I presume
14 will enhance that property and promises you won't
15 develop lands you don't own beyond what is
16 currently developed.

17 The Chesapeake House needs the MPS to
18 agree. Hopefully they will. Can you tell us what
19 you said at the ANC and about what your estimate
20 will be on the cost of the public benefits in this
21 \$75 million project?

22 MR. AVITABILE: Well, first, as a point
23 of order, I would like to note that we didn't
24 testify to any of that this evening. So none of
25 that is on the record. If the Commission would

1 like, I'm sure we could answer the question, but I
2 just wanted to note we're bringing up things
3 outside of the bounds of this hearing.

4 CHAIRMAN HOOD: I'm going to let -- if
5 you could answer the question. But Ms. Chesser,
6 I'm going to ask you to stick with the case that's
7 before us tonight.

8 MS. CHESSER: Okay. This is the case.

9 CHAIRMAN HOOD: Answer the question.

10 MR. KATZEN: We're happy to answer the
11 question. We estimate that the cost to renovate
12 the Chesapeake House will be about \$250,000. The
13 cost to install the Brandywine Park will be about
14 \$250,000. And our understanding is when Tenley
15 View, Douglas Developments PUD next door,
16 underground of the utilities in front of their
17 property, they spent about \$500,000. So we think
18 we'll spend about the same amount underground in
19 utilities. So that's a million dollars right
20 there, not taking into account the value of the
21 additional affordable housing and the lead
22 certification, which are a little bit harder to
23 quantify.

24 CHAIRMAN HOOD: Okay. And Ms. Chesser,
25 let me ask you this, that question, basically,

1 when you cross-examine, you're doing stuff to help
2 us to present your case to us. How is that going
3 to help us?

4 Help me understand how what you just
5 asked is going to help us understand this case?

6 MS. CHESSER: Okay. As I understand it,
7 you look first at whether the project is
8 appropriate in the context of its location.
9 Whether the zoning changes, in this case, MU-4 to
10 MU-7, plus variances above that, whether that's
11 appropriate in the location. And then if you
12 decide that it is, then you also ask whether the
13 public benefits that are in keeping with the size
14 of the project that the community might benefit
15 from.

16 CHAIRMAN HOOD: Okay. All right. Next
17 question.

18 MS. CHESSER: I'm actually done.

19 CHAIRMAN HOOD: All right.

20 MS. CHESSER: I thank you very much.

21 CHAIRMAN HOOD: Thank you. Okay. Let's
22 go to the Office of Planning's report and the
23 District Department.

24 Oh, that's right. Do we have -- wait a
25 minute. What are we saying?

1 I went through all the parties. Is it
2 time for the -- we can take a break so I can --
3 okay. Okay. All right. I'm already confused
4 enough. No, I'm just playing. Let's go to the
5 Office of Planning. Can I come to the Office of
6 Planning?

7 MS. STEINGASSER: Yes, sir.

8 CHAIRMAN HOOD: Okay. Let's go to the
9 Office of Planning and the District Department of
10 Transportation. All right. Mr. Golden.

11 MR. GOLDEN: Good evening, Mr. Chair and
12 Commissioners. Bryan Golden, Office of Planning.
13 OP has noted we are in support of this application
14 and this can be found in our report in the record.

15 I believe there was a discussion prior
16 regarding the signage plan and flexibility for
17 that signage plan. And we concur, I believe it
18 was Commissioner Turnbull's comment about just
19 tightening the language a little bit. And I think
20 if that were done, tightening the flexibility
21 language, we would be comfortable with that.

22 Apart from that, we view that the
23 project is not inconsistent with the comprehensive
24 plan, particularly the future land use and the
25 policy maps. And that this proposal would further

1 many of the objectives and policies of the
2 citywide elements in the Rock Creek area, west
3 elements.

4 So therefore, we are recommending
5 approval of this PUD.

6 CHAIRMAN HOOD: Thank you. Ms.
7 Chamberlain.

8 MS. CHAMBERLAIN: Yes. Good evening.
9 As stated in our report, we had a couple of
10 commissions, which the applicant has agreed to.
11 And so we're happy to just stay on the record and
12 answer any questions.

13 CHAIRMAN HOOD: Okay. I want to thank
14 you both. Let's see if we have any questions,
15 commissioners, or comments for either one of the
16 agencies, Office of Planning or DDOT.

17 Does the applicant have any cross?
18 Commissioner Bender, do you have any cross?

19 UNIDENTIFIED SPEAKER: He stepped out to
20 the restroom.

21 CHAIRMAN HOOD: Okay. I'll call him
22 when he comes back in?

23 Ward 3, do you have any cross?

24 (No response.)

25 CHAIRMAN HOOD: And Ms. Chesser, do you

1 have any cross?

2 MS. CHESSER: No.

3 CHAIRMAN HOOD: Okay. Give a minute for
4 Commissioner Bender to come back. I was going to
5 use your time, Ms. Chesser, while you were doing
6 that, waiting for Mr. Bender to do that, but since
7 you don't have any cross, we're going to keep
8 moving.

9 CHAIRMAN HOOD: Do we have any other
10 government reports?

11 (No response.)

12 CHAIRMAN HOOD: All right. So that we
13 can keep going until Commissioner Bender comes
14 back, why don't I call up the parties in support.
15 No, I got to go to the ANC first.

16 All right. Chairman Bender, if you can
17 come forward. Do you have any cross for the
18 Office of Planning or DDOT?

19 MR. BENDER: No, I do not.

20 CHAIRMAN HOOD: Okay. So it's time now
21 for your report. You can come forward.

22 MR. BENDER: Good evening, Mr. Chairman
23 and fellow commissioners. I'm Jonathan Bender.
24 I'm the commissioner for the area encompassing the
25 subject property, as well as the Chair of ANC 3E.

1 I'm here to deliver the testimony of the ANC.

2 UIP's property is next to the site of
3 the former Babe's Billiard, which sat vacant as a
4 blight on our neighborhood for several years. The
5 last time I was here before you, on behalf of my
6 ANC and the PUD proceeding, was to offer support
7 for Douglas Developments proposed mixed use
8 development on that site, a project that has since
9 been named Tenley View.

10 As was the case then, we believe this is
11 a first-rate project that will create a net
12 significant benefit for our community. And as was
13 the case then, we worked long and hard with the
14 developer to reach an agreement on a set of
15 conditions that allowed us to reach that belief.

16 The Zoning Commission approved the
17 Tenley View project. And in the relatively short
18 time it's been open, it has, as the ANC and
19 presumably, the Zoning Commission believed,
20 significantly enlivened what has been a dead
21 block, without creating corresponding significant
22 problems. We expect the UIP project to enjoy the
23 same success and to further strengthen the block
24 it shares with Tenley View and the neighborhood at
25 large.

1 Tenley View was particularly
2 controversial at the time because the developer
3 provided no on-site parking for residents. That's
4 not the case with the UIP project. To be sure,
5 the height and density sought for the UIP project
6 are substantial for our neighborhood. But the
7 property is less than two blocks from the Metro
8 station and sits within the median density
9 residential development zone.

10 The site is thus, appropriate for
11 development of the scope if the applicant provides
12 amenities and mitigation harms commensurate with
13 the project scope. And we believe the applicant
14 has met that burden. The biggest potential harms
15 associated with developments like this are traffic
16 increases and parking shortages.

17 Here, the applicant's traffic study
18 shows a decrease in traffic predicted from the
19 project, relative to the existing buildings it
20 would replace. Mr. Chairman, we look at claims
21 like this with a critical eye and they're often
22 made. Here, however, the assertion is credible
23 because the project would switch the use of the
24 floors above ground level from office to
25 residential.

1 The applicant has also committed to a
2 transportation management plan that should reduce
3 hardship generation beyond the mitigation, the
4 inherent mitigation provided by the switch from
5 office to residential use.

6 Unlike the Babe's project, the UIP
7 project includes more parking than is required by
8 law. Nonetheless, we found that in other
9 buildings within our ANC with underground parking,
10 many residents still prefer to obtain residential
11 parking permits and park on the street for free
12 rather than pay a monthly fee for underground
13 parking.

14 The block on which this property is
15 located is ineligible for RPPs. At the ANC's
16 request, the developer has agreed to oppose any
17 effort to change that state of affairs. And
18 moreover, the developer has agreed that it will
19 prohibit tenants from obtaining RPP permits upon
20 paying of mandatory lease termination, in the
21 unlikely event that RPP should become available to
22 the property.

23 This belt and suspenders approach
24 reduces, in our view, to near zero. The
25 possibility that the new residents of this project

1 will cause significant parking problems in our
2 neighborhood. The new residents and attractive
3 retail space the project will afford will enhance
4 the value of our neighborhood. Furthermore, the
5 project consists of a mix of unit sizes, some of
6 which should be suitable for small families as
7 well as singles.

8 At the ANC's request, the applicant has
9 committed to provide a substantial suite of
10 additional amenities, which I guess you've heard
11 about at length, but if you'll bear with me, I'll
12 just summarize quickly the most notable of them.

13 First, the applicant will provide 25
14 percent more affordable housing than would be
15 required by law, including at least one affordable
16 unit with two bedrooms. Like most of DC, our
17 neighborhood needs more affordable housing and we
18 especially need more affordable housing suitable
19 for families.

20 The applicant will also rehabilitate a
21 historic building on its Chesapeake House in Fort
22 Reno Park for community-serving use. That
23 building has been an abandoned shell for decades.
24 And multiple attempts to have it rehabilitated
25 outside the context of this PUD have failed. I

1 think as Commissioner May was alluding, the
2 National Park Service has a massive maintenance
3 backlog and they made clear that absent external
4 funds, the building would remain a vacant shell
5 indefinitely.

6 The applicant will reconfigure a
7 hazardous street layout at Brandywine Street, 42nd
8 Street and River Road, and build a small park, as
9 recommended by DDOT in their Rock Creek II
10 livability study. Although the livability study
11 recommended this change more than five years ago,
12 DDOT has apparently been unable itself to find
13 implementation. As with the Chesapeake House,
14 this DDOT recommendation would likely go
15 unfulfilled but for the amenity to be provided
16 with this PUD.

17 The applicant will devote 3,500 square
18 feet of retail area solely for use as a sit-down
19 restaurant, even if other perspective tenants
20 offer to pay more rent. Although our neighborhood
21 has attracted many fast-casual restaurants, as has
22 been discussed, we've had trouble attracting new
23 sit-down restaurants, which is something residents
24 keenly desire. And critically here, the applicant
25 has agreed to much more than a good faith effort

1 to lease to a restaurant. Under these terms, if
2 the applicant wants to rent this prime space, it
3 must do so to a restaurant.

4 The applicant has likewise agreed not to
5 lease commercial space for certain uses many
6 members of the community find undesirable, such as
7 chain stores or mattress shops, which we seem to
8 have a lot of, historically. Provided that the
9 developer can seek relief from these restrictions
10 from the ANC for individual tenants that the
11 neighborhood may find beneficial.

12 The applicant has agreed to underground
13 utilities not only in front of its property, but
14 in front of several adjoining properties at the
15 owners of those properties consent, which I think
16 could substantially increase the value of that
17 amenity. And finally, the applicant is committed
18 to achieve in lead gold certification.

19 Taken together, the combination of
20 amenities and mitigation proffered by the
21 applicant are exemplary and we believe justify the
22 relief sought, given the project's location in the
23 medium density zone. We do want to note that the
24 future land use map designates most of Wisconsin
25 Avenue within our ANC as moderate density. And

1 this project scope should not be considered as
2 presidential for development in moderate density
3 zones.

4 The applicant has embodied the foregoing
5 promises and others in a Memorandum of
6 Understanding, executed contemporaneously with the
7 resolution, both of which we've submitted to you
8 and has agreed to ask you to embody the terms of
9 the MOU in order regarding this matter. So for
10 all these reasons, and for all the reasons set
11 forth in our written submission, we respectfully
12 urge the Commission to support the present
13 application and to incorporate the terms of the
14 MOU between ANC 3E and UIP into its order
15 regarding the property.

16 Thank you for the opportunity to
17 testify.

18 CHAIRMAN HOOD: Okay. Thank you
19 Chairman Bender. Let's see if we have any
20 questions up here. Commissioner May?

21 COMMISSIONER MAY: Just one question.
22 And it's more about the Babe's project than it is
23 about this, but there were significant concerns
24 about the lack of parking at that project and it
25 was somewhat groundbreaking in the efforts that

1 they made to prevent residents from using RPP and
2 applying for RPP permits and so on. I'm just
3 wondering how that's working out now that the
4 building is built and occupied.

5 MR. BENDER: So as far as I know it's
6 working out well. I have heard one or two people
7 say something like they think that there might be
8 some folks parking there with RP residential
9 parking permits there. Nobody has brought any
10 evidence of that to the ANC. I'm not aware of
11 anybody bringing any evidence of that, again,
12 besides what sort of amounts to speculation to
13 Douglas Developments.

14 So as far as I can tell, it's working
15 out extremely well.

16 COMMISSIONER MAY: Good. That's good to
17 hear. Thank you.

18 MR. BENDER: Sure.

19 CHAIRMAN HOOD: Thank you for asking
20 that question. I was thinking it, but I didn't
21 want to ask it because I hear enough of it in the
22 street about how we messed up on it.

23 Okay. Any other questions up here?

24 All right. I'm sorry. Go ahead.

25 COMMISSIONER TURNBULL: Thank you, Mr.

1 Chairman. Thank you Commissioner Bender for all
2 the work that you and your ANC has done with this
3 project and many other projects along Wisconsin
4 Avenue corridor.

5 What is the community-serving use that
6 the ANC envisions for the Chesapeake House? How
7 much square feet is that?

8 MR. BENDER: Exact square feet, I want
9 to defer, if I may, even though they're not at the
10 table, to UIP. Do you guys have the number?

11 MR. KATZEN: About 1600 square feet.

12 VICE-CHAIRMAN MILLER: Oh, 1600.

13 MR. BENDER: The use is still to be
14 determined in large part because we have to find a
15 use where we can be assured of a funding stream
16 and that will be acceptable to NPS. Some of the
17 things that we've talked about are a museum, which
18 ought to be at least non-objectionable to NPS. A
19 community center; something that I'm fond of.
20 Chevy Chase has a community center, we don't. And
21 one can envision the Department of Parks and
22 Recreation providing programming and perhaps, at
23 least some maintenance that would certainly be a
24 good deal for them since they don't have to build
25 a building. A senior center, a small senior

1 center. A relatively young person, I think just
2 out of college had brought the idea to us of a
3 kind of arts and music workshop and studio that he
4 would like to run. So I think what we're going to
5 do is to either have at one of our regular
6 meetings or at a special meeting, you know, some
7 time devoted to propositions or proposals from the
8 community and try to get a sense of what the
9 community would value most, but also, which
10 proposals are likely to be practical and able to
11 be implemented and then work in conjunction with
12 MPS to try to find a meeting of the minds within
13 that set.

14 VICE-CHAIRMAN MILLER: Thank you.

15 MR. BENDER: Sure.

16 CHAIRMAN HOOD: All right. Any other
17 questions? Commissioner Turnbull?

18 COMMISSIONER TURNBULL: I guess just
19 following up on the vice-chair's comment, the
20 funding of whatever use you come up with will be
21 something you have to struggle with that. That's
22 going to be the -- probably the leading factor as
23 to which way you're going to go, though.

24 MR. BENDER: I mean, yes. If we find
25 more than one project for which funding is

1 available, then I think it'll be a matter of what
2 does the community seem to want most and is that
3 use acceptable to MPS.

4 COMMISSIONER TURNBULL: Something that's
5 sustainable for the life of the building, yeah.

6 MR. BENDER: Yeah. And again, as oi
7 understand, it is close to 95 percent close to be
8 ready to occupy. They just have to choose their
9 paint colors and flooring. But then yes, I mean,
10 we don't have any money for programming. So the
11 extent that DPR wants to do something, you know,
12 they carry their funding with them. If it's a
13 nonprofit, then I think they have to show how
14 they're going to be sustainable, as I mentioned.

15 COMMISSIONER TURNBULL: Okay. Thank
16 you.

17 MR. BENDER: Sure.

18 CHAIRMAN HOOD: Chairman Bender, let me
19 ask you, are your meetings well-attended?

20 MR. BENDER: Oh, yes.

21 CHAIRMAN HOOD: Okay. All right.
22 That's all I need to know. Let me see if there is
23 any cross. Does the applicant have any cross?

24 MR. AVITABILE: No.

25 CHAIRMAN HOOD: I was about to ask you

1 if you had any cross, but no. Ward 3 Vision, do
2 you have any cross?

3 MS. KIMMEL: No, not at this time.

4 CHAIRMAN HOOD: Ms. Chesser, do you have
5 any cross?

6 MS. CHESSER: No.

7 CHAIRMAN HOOD: Okay. Thank you very
8 much. We appreciate all the work that you all do.

9 MR. BENDER: You're welcome. Thank you.

10 CHAIRMAN HOOD: Okay. Let's go to Ward
11 3 Vision, a party in support. And Ms. Kimmel, I'm
12 going to ask you, about how much time do you need?

13 Have a set and introduce yourself first.
14 Come up and have a seat first.

15 MS. KIMMEL: I will attempt to keep my
16 remarks brief and just summarize them. I believe
17 you have copies already of the testimony that I've
18 submitted for the record.

19 CHAIRMAN HOOD: Yes, we do.

20 MS. KIMMEL: Okay. In that case, I want
21 to say good evening, Chairman Hood and
22 Commissioners. My name is Susan Kimmel.

23 CHAIRMAN HOOD: Why don't you move up a
24 little closer to the mic so we can hear you?

25 MS. KIMMEL: Okay. My name is Susan

1 Kimmel and I live in Tenleytown, about a block and
2 a half away from the proposed project. But
3 tonight, I have been authorized to speak on behalf
4 of Ward 3 Vision, a grassroots advocacy
5 organization of residents who support measures in
6 our neighborhoods for Smart Growth. And we use
7 Smart Growth and transit-oriented development, our
8 sort of shorthand term for the type of projects we
9 support. This includes residential growth near
10 transit, commercial development nearby that serves
11 residents, and growth that is both environmentally
12 and socially responsible.

13 Bringing vitality to our commercial
14 corridor such as Wisconsin Avenue is a key
15 ingredient of Smart Growth, along with increased
16 residential density, which is essential to
17 supporting these commercial amenities. All of
18 these things, as well as increasing affordable
19 housing are exemplified by the PUD applicant
20 before you; and accordingly, Ward 3 Vision
21 strongly supports this project.

22 And I'll just summarize the seven
23 main reasons why Ward 3 Vision is in support.
24 We believe that this project, the broadcast,
25 contains all the elements of smart growth and

1 transit-oriented development, and that it's
2 close to Metro, and the height is justified
3 to be the MU-7, which sets a limit of 90 feet
4 and this is just below that. So it's been
5 contemplated to have taller buildings for
6 this type of a zoning category.

7 From an urban design standpoint,
8 this is well-suited for the building of this
9 size. This is located along Wisconsin
10 Avenue, just where 41st Street peels off to
11 the right and has a wider vista at that
12 point, which really can support having a
13 building of greater height. There is a
14 variety of retail and a vibrant pedestrian
15 experience. Partly, because the way they've
16 handled the grade change and provided access
17 to all the storefronts despite the change in
18 contour and having these patio entrances.

19 And so the project does encourage
20 walkable, bike-able development, which
21 reduces the need for people to move out
22 further to the suburbs, and therefore
23 improves, basically, air quality by having
24 less transit. We also think that the UIP has
25 done a good job of recognizing the adjacent

1 properties and has put in the teared façade
2 along the alley with setbacks. They've
3 removed the balconies at the request of the
4 neighbors. The loading dock plan is intended
5 to avoid noisy disruption during off hours.
6 And they have vented the restaurant through
7 the roof to avoid odors in the alley.

8 We also commend the proponents for
9 the adaptive reuse of underutilized
10 buildings. And this is consistent with the
11 Comprehensive Plan. And that there is need
12 for increased density along Wisconsin to
13 support the additional retail. It's also
14 environmentally favorable to avoid
15 demolition, and to reuse the existing
16 structures. Having this larger number of
17 both retail and residential increases the tax
18 base for D.C.

19 We want to commend the proponent
20 for providing more IC than required by law.
21 We feel that Ward 3 Vision has not had as
22 much affordable housing as other parts of the
23 city, and we think this is a step in the
24 right direction, particularly since it is
25 going for the sixty percent median income and

1 also including a two-bedroom unit as part of
2 the IC component.

3 We want to commend the applicants
4 for the League Gold certification, the use of
5 solar collectors, the adaptive reuse of
6 existing buildings, as I've mentioned, the
7 green roofs and the energy efficient HVAC
8 systems.

9 We believe that the amenity package
10 that's been proffered that Mr. Bender
11 detailed for you, is all very useful to the
12 community, that they've also responded to
13 other community requests, such as removing
14 the penthouse gym and relocating that to the
15 parking garage so that there's very little
16 bit, small amount of penthouse remaining on
17 the roof, and that the massing of the
18 building has been intentionally moved towards
19 Wisconsin Avenue rather than towards the rear
20 where the alley is located.

21 We believe that the amenity of
22 restoring Chesapeake House, as you've heard,
23 is going to be very useful for community
24 groups. The sit-down restaurant was
25 something that was requested by the neighbors

1 that we now have quite a number of fast
2 casual restaurants, but very few that are a
3 little more formal.

4 We support the undergrounding
5 utilities, both for the beautification of
6 Wisconsin Avenue and also for further
7 resilience during weather situations. We
8 believe the Pocket Park at Brandywine River
9 and 42nd Street will be a safety feature as
10 well as providing a little bit of a seating
11 area right across from an elderly housing
12 building that's located there.

13 We feel that this project is
14 consistent with the Comprehensive Plan, and
15 it's in similar scale to some of the adjacent
16 properties, particularly Tenley View and also
17 Tenley Hill. And it furthers the goal of the
18 land use element, which is to capitalize on
19 the investment of Metro Rail by better use of
20 the land around transit stations. And given
21 the proximity of this project to the
22 Tenleytown Metro, it certainly fits that
23 definition.

24 So I would like to thank you all
25 for your attention and for allowing me to

1 testify this evening.

2 CHAIRMAN HOOD: Thank you. Let's
3 see if we have any questions. Any questions
4 for Ms. Kimmel? I don't see any.

5 Does anyone have any cross? Okay.
6 Chairman Bender, do you have any
7 cross?

8 MR. BENDER: I do not.

9 CHAIRMAN HOOD: Okay. And Mrs.
10 Chesser, do you have any cross?

11 Thank you very much, Ms. Kimmel.

12 MS. KIMMEL: Thank you.

13 CHAIRMAN HOOD: Okay. I think to
14 get Ms. Chesser and TNA can get ready, I
15 believe that I think Ms. Kimmel took about
16 ten or fifteen minutes. Typically, under IV-
17 8.2, you're supposed to have the same amount
18 of time as the applicant. We're still on the
19 record. So we want to do 30 minutes. She
20 took about maybe 10 to 12 minutes, but I
21 think we can give you all 30 minutes.

22 Is that enough time so you can get
23 prepared for your presentation?

24 MS. BASS: Yes.

25 CHAIRMAN HOOD: Okay. Let me call

1 the organizations or persons who are here who
2 would like to testify in support. If you can
3 come forward at this time. Okay. Any
4 organizations or persons who would like to
5 testify in support. Oh, we have a list here.
6 Okay. All right. I'll go by the list. I'll
7 just call everybody out. Any organizations
8 or persons who are here in support, you can
9 come up at this time.

10 Okay. We'll start to my left. And
11 we'll end up with Mrs. Cord on my right. So
12 you may begin.

13 MS. BASS: Good Evening. My name
14 is Ellen Bass and my address is 3600
15 Cumberland Street NW. I've lived in this
16 area for almost thirty-five years. I often
17 go to Tenleytown to shop, to eat, to use the
18 Metro, and therefore I have an interest in
19 this project and I strongly support it.

20 I have filed my testimony
21 previously with the Commission, so I'll just
22 try to summarize it briefly. This mixed-use
23 building is wholly appropriate at this
24 location because it only two blocks from the
25 Metro station. It's on a major commercial

1 and transit corridor and it will fit well
2 with the next door, Tenley View building,
3 which is almost as tall, and with the other
4 commercial and residential buildings in the
5 area.

6 It will replace two mostly empty
7 and uninviting buildings that are there now.
8 It will provide living space for more
9 residents to grow the tax space, to provide
10 the density we need to support retail and
11 restaurants that are important for a vibrant
12 urban area, which this is, and we hope will
13 become even more and more.

14 This project is environmentally
15 positive to lessen vehicle congestions, to
16 allow folks to live conveniently to transit
17 and to live in a walkable neighborhood.
18 After all, there's lots of amenities there,
19 like a grocery store across the street,
20 cleaners, things like that.

21 This PUD, bottom line, is much
22 better for us than a matter of right
23 building. The difference in height will
24 really not be that noticeable to someone on
25 the street, and it will not really be that

1 much worse for residents nearby because there
2 are already multi-story buildings there.
3 With this PUD, as opposed to the matter of
4 right building, we're getting a lot of
5 amenities. And you've already heard about
6 those from Ward 3 Vision and from the ANC, so
7 I won't go over them.

8 Five years ago, I sat here and
9 testified in favor of the Jamal's Babes,
10 which is now Tenley View, project, and there
11 was a lot of opposition, but I don't think
12 the claims of doom have come to pass. I
13 think it's been very good for the area, and
14 certainly better than the empty building that
15 was there before.

16 There should be the same result
17 here as there was in that case. The
18 Commission should approve this project, and I
19 hope you will do so expeditiously.

20 Thank you.

21 CHAIRMAN HOOD: Thank you.

22 Next.

23 MR. FLANNIGAN: My name is Neil
24 Flannigan. I live at 1641 New Jersey Avenue
25 NW, but I grew up in Tenleytown and my

1 parents still live on Brandywine Street. I'm
2 testifying in support primarily on the
3 grounds that the restoration of the
4 Chesapeake House would be an exceptional
5 benefit because of its significance as part
6 of the Reno subdivision.

7 The National Parks Service has
8 typically held that it is outside the period
9 of significance, because it was constructed
10 after the 1920s, that building, but it is
11 plotted on the 1865 Onion Bud subdivision
12 that was the foundation of Fort Reno.

13 And secondly, at the time that it
14 was built, it was not within the taking lines
15 of Fort Reno Park. The National Capital Park
16 and Planning Commission was not acquiring
17 that property. It was added in 1938, and
18 therefore, it was actually functionally a
19 part of the town and not a, sort of, mistake.
20 Although it was actually a mistake. The
21 National Capital Park and Planning Commission
22 attempted to, didn't realize that the
23 building permit had been issued, and they had
24 actually been trying to not permit any
25 building permits. But it just kind of

1 slipped through the cracks. So that is
2 particularly significant.

3 And it's particularly heartening to
4 see that building actually restored. So
5 having, as it is, one of two buildings,
6 effectively, maybe three buildings, that were
7 a part of the Fort Reno community. It's
8 particularly heartening because I've been
9 going up there for so many years.

10 There are so many things in
11 Tenleytown that just seemed like they
12 weren't, they just seemed always in decline.
13 And every time there was a building like this
14 one proposed, and it was always going to be a
15 little too big, and it was always going to be
16 the end of Tenleytown, for twenty years of my
17 life. And it never happened. The end never
18 came. Things only got better.

19 And so when people are saying that,
20 you know, this building is going to be too
21 tall for the neighborhood and that's going to
22 ruin it, as I sat and watched all the
23 restaurants close until a new building moved
24 in, we sat and watched this building stay
25 empty for years. I guess that argument does

1 not persuade me from my experience. As for
2 the neighborhood that I still care about.
3 I'm still in Tenleytown Main Streets, for
4 example.

5 Thank you.

6 CHAIRMAN HOOD: Thank you.

7 Next.

8 MS. CORT: Good evening. My name
9 is Cheryl Cort. I'm the policy director for
10 the Coalition for Smarter Growth, and we're
11 here to testify in support of this plan unit
12 element for Case No. 1626.

13 We're pleased that this is a reuse
14 of an office building to construct 146 rental
15 homes along with retail on Wisconsin Avenue.
16 We think that this is a commendable set of
17 benefits that are commensurate to the
18 requirements approval for a plan unit
19 development, and especially the fact that
20 this is less than a quarter mile from the
21 Tenleytown Metro Station and all sorts of
22 very attractive amenities and services that
23 make this such a sought after and expensive
24 neighborhood.

25 On top of creating more housing

1 opportunities for the many people who would
2 like to live in this neighborhood, the
3 applicant is offering an increase in the
4 number of affordable homes. Specifically,
5 the PUD would increase the required eight
6 percent set aside to ten percent of the
7 overall square footage for inclusionary
8 zoning, for a total of fifteen IZ units, all
9 priced at 60 percent median family income.

10 This is a very helpful contribution
11 to a neighborhood that has very few
12 affordable homes to offer people who would
13 like to live in this neighborhood. This is
14 the kind of affordable housing benefit that
15 we had hoped to achieve through PUDs,
16 building on the baseline of IZ requirements
17 in matter of right developments.

18 This PUD supports important housing
19 environmental goals established in the D.C.
20 Comprehensive Plan and other official D.C.
21 policies. Locating this mixed-use, mixed-
22 income housing in Ward 3 at Tenleytown
23 improves the equitable distribution of both
24 market rate and affordable housing production
25 across the city.

1 This project will be one of a few
2 of the affordable housing opportunities in
3 this highly desirable location and in Ward 3,
4 and in fact, since 2015, only .6 percent of
5 the city's new affordable homes have been
6 built in Ward 3.

7 I direct you to the map in my
8 testimony. And all of these units were IZ
9 units in market rate developments. In
10 contrast, Ward 4, which has very similar land
11 use as Ward 3, has produced thirteen percent
12 of the city's affordable housing since 2015.
13 These numbers reflect the larger context that
14 shows that less than two percent of occupied
15 rental units in Ward 3 are subsidized
16 affordable units, compared to seven percent
17 in Ward 7, and 26 percent on average for the
18 district as a whole. Without more market
19 rate residential developments west of Rock
20 Creek Park, there will be no opportunities to
21 utilize IZ and bonus densities to create
22 greater access to these sought-after
23 neighborhoods.

24 This proposal also will help the
25 city in its goals to rectify its struggling

1 to comply with the Fair Housing Act's
2 affirmatively furthering fair housing. And
3 in fact, the district relies on inclusionary
4 zoning as a leading tool to address
5 impediments to fair housing under the
6 affirmative fair housing rule.

7 Yet the district does not
8 acknowledge one of the fundamental barriers
9 to IZs utility as a source of fair housing
10 opportunity and the lack of housing
11 production in Ward 3. Building affordable
12 housing units like the fifteen proposed in
13 this project in an amenity rich economically
14 successful part of the city will help the
15 city comply with this rule of the Fair
16 Housing Act.

17 This proposal also supports
18 environmental development and compliance, or
19 living up to our obligations under the Paris
20 Climate Agreement, by significantly reducing
21 greenhouse gas emissions with households
22 having the opportunity to live in a walkable,
23 transit accessible, neighborhood with so many
24 amenities nearby.

25 Lastly, I note that I think the

1 belts and suspenders on banning RPP with
2 building more parking than actually is
3 required in a zoning code is over kill, and
4 I'd rather see that reversed, but can live
5 with it. And in fact, it's nice to see a
6 project that's offering more bicycle parking
7 than vehicle parking.

8 Thank you.

9 CHAIRMAN HOOD: Thank you. Thank
10 you all. Let's see if we have any questions
11 up here. Commissioner May?

12 COMMISSIONER MAY: Yeah. I just
13 had a question for Mr. Flannigan. Are you
14 "the" Neil Flannigan?

15 MR. FLANNIGAN: I am "the" Neil
16 Flannigan.

17 COMMISSIONER MAY: You write, and I
18 occasionally read the things that you write.
19 And then the second thing, I was waiting for
20 you to go to the rest of the history of the
21 Chesapeake Street House and talk about how
22 for a long time, the ownership of the
23 building was split between the District of
24 Columbia and the Parks Service.

25 MR. FLANNIGAN: That was my

1 understanding. Yes.

2 COMMISSIONER MAY: Yeah. I was
3 wondering if you were going to get there,
4 because you were just doing this great
5 history of the site. But it only got
6 resolved within the last 10 years, that we
7 actually transferred the land back.

8 The city transferred the land back
9 to the Parks Service so it would at least be
10 under a single owner, because when I worked
11 for the City government, we couldn't do
12 anything with it because we only owned half
13 the building. And then when I worked for the
14 Parks Service, we couldn't do anything with
15 it because we only owned half the building.
16 And now we own all the building and we still
17 can't do anything with it, but maybe now it
18 will happen.

19 Anyway, thank you very much for
20 coming and testifying and giving us more
21 history on that building.

22 MR. FLANNIGAN: Absolutely.

23 CHAIRMAN HOOD: Okay. Any other
24 questions or comments?

25 Let's see if we have any cross from

1 the applicant? None.

2 Chairman Bender, any cross?

3 MR. BENDER: No, sir.

4 CHAIRMAN HOOD: Ms. Kimmel, any
5 cross?

6 MS. KIMMEL: No.

7 CHAIRMAN HOOD: And Ms. Chesser,
8 any cross?

9 MS. CHESSER: No.

10 CHAIRMAN HOOD: Okay. Thank you
11 all very much. We appreciate your testimony.

12 All right. Let's go to the party
13 in opposition. Ms. Chesser, do you want to
14 bring your team up? Is it just you or do you
15 have a team?

16 MS. CHESSER: No, no, no. I have
17 two (inaudible/off mic).

18 CHAIRMAN HOOD: Why don't you wait
19 and give us all that when you get on the mic.
20 So why don't you wait and put all that on the
21 record.

22 MS. CHESSER: (inaudible/off mic.)

23 CHAIRMAN HOOD: Okay. We'll take a
24 five-minute break and we'll let Ms. Schellin
25 come down and help you out some.

1 (Brief recess.)

2 CHAIRMAN HOOD: Okay. Ms. Chesser, are
3 we ready?

4 MS. CHESSER: We are.

5 CHAIRMAN HOOD: Okay. So, you all may
6 begin.

7 MS. CHESSER: I am Judy Chesser,
8 representing Tenley Neighbors Association; 3901
9 Alton Place is my residence.

10 MS. BEVERIDGE: I'm Margaret Beveridge.
11 I live at 4210 River Road NW, and I with Tenley
12 Neighborhood Association.

13 MR. WILLIAMS: My name is Dennis
14 Williams. I live at 4207 Chesapeake Street NW.

15 MS. CHESSER: And Dennis is going to
16 walk you through most of the PowerPoint, but
17 Margaret is going to take over when we go through
18 the photographs of the nearby neighbors.

19 MR. WILLIAMS: Good evening, Mr.
20 Chairman, members of the Zoning Commission. I'll
21 begin tonight our presentation with the Tenleytown
22 Neighbors Association's position on this project
23 and then discuss with you the analysis that leads
24 us to this position.

25 This slide shows you the main points

1 that we would conclude after looking at this
2 project for some time. TNA, Tenleytown Neighbors
3 Association, supports growth on Wisconsin Avenue.
4 TNA opposes the excessive height and density of
5 the UIP proposal, because they threaten our nearby
6 residential neighborhood. And generally speaking,
7 TNA would support an ending for PUD because it
8 balances the Comprehensive Plans twin goals of
9 growth and neighborhood conservation.

10 One thing I want to leave clear, because
11 I've heard a lot of discussion this evening, is
12 that this is not a discussion of growth versus no
13 growth. This is a discussion of what is an
14 appropriate level of growth for this part of
15 Wisconsin Avenue.

16 This map is from the generalized policy
17 map and it's relevant to our neighborhood and
18 where this project is, before we start to look
19 more closely at the project itself. At the top
20 left here, this dark brown piece is the Friendship
21 Heights Metro Rail Station. It's a regional
22 center.

23 Down below it in red is the Tenleytown
24 American University Metro Rail Station, which is a
25 local shopping area. And then in between, this

1 brown stretch, is basically Wisconsin Avenue and
2 it's connecting the two Metro Rail stations as
3 described in the plan as a mainstream mixed-use
4 corridor. It's the train use for neighborhood
5 shopping streets characterized by low- to mid-rise
6 buildings with ground floor retail and upper floor
7 residential office uses.

8 The UIP building is in this last brown
9 rectangle just before you get to the Tenleytown
10 Metro Rail Station. And I also want to point out
11 to you that the Fort Reno Park, which is this
12 green area just to the east, is the highest
13 natural point in the District of Columbia. You've
14 heard before about the topography of this area, it
15 slopes from this high point of Fort Reno down to
16 the West. It slopes down, and then from the
17 Tenleytown Metro Rail area down towards Friendship
18 Heights, it also slopes downward in that
19 direction.

20 And this white area on both sides of
21 Wisconsin Avenue, to the East and to the West,
22 these are the low-rise residential areas in our
23 neighborhood. And much of what we'll talk about
24 is how growth on Wisconsin Avenue, which we
25 support, relates to those residential areas.

1 Let's take you now to, you saw this
2 slide earlier, but it gets us closer to exactly
3 where the project is. This is Wisconsin Avenue at
4 the bottom and the light green building in the
5 middle is the proposed UIP building. It's a high-
6 rise, high density, eight-story building. And to
7 the right of it is low-rise one, two, or three-
8 story buildings.

9 To the left of it is the Tenley View.
10 You've heard it's a six-story building. And just
11 behind the Tenley View is an animal hospital which
12 is a two-story building. And then behind is the
13 public alley, immediately behind this building
14 here. And then all of the nearby residential
15 areas are behind it, and the whole topography
16 slopes down from this high building down to the
17 residential areas, which are lower in height. So
18 they go from Brandywine on the left across River
19 Road, 42nd Street and back up Chesapeake Street.

20 On the far left is the Metro Rail
21 Station area of Tenleytown, everything to the left
22 of Brandywine. This building here, for example,
23 which is the first big building in there, is five
24 stories. And of all of the buildings in this
25 area, the highest is six stories high. So the UIP

1 building is not only the biggest in this block,
2 but it's also bigger than any other building in
3 Tenleytown Metrorail area.

4 To give you a closer look at this
5 neighborhood, I'm going to ask my neighbor,
6 Margaret Beveridge to walk you through the
7 neighborhood. Margaret lives just across the
8 street on River Road.

9 MS. BEVERIDGE: Good evening, and thank
10 you for letting me talk to you tonight. 4620
11 Wisconsin Avenue was my office address even before
12 the present building that is there was built. So
13 I have been in Tenleytown forever. I now live at
14 4210 River Road, which is basically at the corner
15 of 42nd Street and River Road and Brandywine.

16 From my front door, I can see across
17 42nd Street. I can already see 4620, the building
18 that's there right now. When it is doubled in
19 height, it is going to absolutely dominate and
20 loom over all of 42nd Street, all of River Road.

21 The other thing I would like to say is
22 that the proposed building is going to be all
23 basically one-bedroom and den, perhaps. On my
24 block, within fifty yards of me, I have three
25 families with two children each, and I have

1 another family with three children. Nobody seems
2 to think about the area behind, the front, of this
3 building. We live at the back of it. This was
4 our neighborhood. It still is, and we would like
5 to preserve at least some of it. And this
6 building is just so dominant, it is off the scale
7 and it shouldn't be this high.

8 Okay. Let's address the Wisconsin
9 Avenue. The buildings on the other side of this
10 building are very tiny. They've been there
11 forever. Picasso Gallery Custom Framing, we used
12 to have restaurants over there but we don't now,
13 but they're all small buildings and again, the
14 light from this present building will just
15 dominate them.

16 But I'm more interested in, really, my
17 side. The first picture, here, shows the alley,
18 which is at the back of the proposed building. On
19 the left-hand side is the animal hospital, which
20 is a two-story building. The proposed building is
21 eight stories. It's going to be four times higher
22 than that. It is said that the alley will be a
23 buffer. Twenty feet?

24 Twenty feet buffering an eight-story
25 building on this house, which is a small house on

1 the corner of Brandywine. One step down there is
2 another house, actually fronting, it's the only
3 one that does, fronts on the alley, directly
4 opposite the proposed loading dock, incidentally.

5 MS. CHESSER: I can move it to that
6 house. This is the back of front ones in their
7 yard. This is the house that she's talking about.

8 MS. BEVERIDGE: And this alley is quite
9 short, incidentally. It's not a long alley. The
10 next house also is the animal hospital and the
11 family house. These are the small houses. These
12 are the backs of some of the houses. They have
13 their backyards on these alleys. Kids play in
14 them, and this is where they're going to have so
15 much traffic that we're going to have a loading
16 dock manager and all the traffic that's coming in
17 and out.

18 Slide ten is actually a glimpse of the
19 little house that's there already. It's
20 absolutely gorgeous. And so is eleven. And they
21 actually front on the alley, so this isn't just a
22 back alley. The gate off the alley is to the
23 backyard of that house, but there are other
24 backyards there which don't have such high fences.
25 They are maybe four or five feet, and this is

1 their backyard. Kids ride bikes, do all sorts of
2 stuff.

3 The alley looking at the back of the
4 homes on Chesapeake, this is an alley that comes
5 off the alley that we're talking about. This huge
6 tree and then there is parking, and it's just a
7 small alley. But again, it's the back of those
8 houses that also front to an adjacent alley
9 adjoining.

10 At the end of the alley where it runs
11 into Chesapeake, these houses have been, I believe
12 they're a matter of historic preservation, and
13 they are absolutely gorgeous. And they are twenty
14 feet away, the side of them is twenty feet away
15 from this proposed building. Actually, here's a
16 better picture of the homes on fifteen. They are
17 absolutely gorgeous.

18 And the corner of Chesapeake and 42nd
19 Street, which is just a different view looking up
20 the alley from Chesapeake instead of down the
21 alley to Chesapeake. This one is Dennis' home,
22 which is on the corner of Chesapeake and 42nd
23 Street. My house is the smaller of the dogwoods,
24 and from there, even from the lower level from
25 every one of my nine windows, I can see the

1 present building, which is now going to be double
2 the height that it is. And it's literally going
3 to loom and block all the light on 42nd Street and
4 on my house, as well.

5 These houses are on 42nd Street, which
6 they back on to, actually, on this one you can see
7 the back of the present 4620 building. So anyway,
8 that is our neighborhood. We don't object at all
9 to improving Wisconsin Avenue. But the one thing
10 that I and my neighbors feel very strongly about
11 is this building is too high. Because of the
12 topography, it's higher than 100 feet, because
13 we're down. Wisconsin Avenue slopes down. Try
14 walking up the hill from my place to Metro. It is
15 huge.

16 So the 90 feet they are proposing is
17 going to rise above my place, 120, 140 feet. And
18 nobody seems to have considered that, and nobody's
19 considered the fact that we really like children
20 in our neighborhood. We like families.

21 None of the buildings so far that have
22 been built, except for one, have more than single-
23 family residences. I mean, sorry, single-person,
24 which are basically dorms for AU, and we enough of
25 them. I have six AU students living next to me

1 and I'm quite happy with that. I've had them
2 there for 12 years.

3 But all they're doing is providing that
4 sort of housing, which really is already available
5 in the neighborhood. We need more family oriented
6 places than we're getting.

7 Thank you.

8 MR. WILLIAMS: Okay. Thank you. I want
9 to take you from the real world, and what Margaret
10 has just told you is really the most important
11 part, perhaps, of what we'll tell you tonight.
12 This is where we live. These are the houses that
13 we live in. These are the surroundings that this
14 building is going to affect.

15 I'm now going to take you to a more
16 abstract policy world, but that's important, too,
17 because your decisions are also based on that.
18 Balance in growth for neighborhood conservation
19 is, from our point of view, the most important
20 policy. The confidence of planning for Rock Creek
21 Park West, we conclude, and I'm not going to go
22 through all these policies. I'm going to pick two
23 or three just to show you and illustrate for you
24 that this building isn't consistent with the major
25 policies for this area.

1 So Policy RCW11 talks about neighborhood
2 conservation. This policy makes clear that the
3 protection of low-density, single-residential
4 neighborhoods is an explicit goal of the
5 Comprehensive Plan because of the importance to
6 the character, economy and fiscal stability of
7 D.C.

8 In other words, the health and vitality
9 of the city is very much bound up with the success
10 of these neighborhoods. And because of this
11 importance, to plan, future development must be
12 carefully managed to protect and enhance the
13 scale, function and character of these
14 neighborhoods.

15 The UIP eight-story high density
16 building doesn't meet this test. The building is
17 five stories higher than the existing low-rise
18 buildings to the North. It's two stories higher
19 than the Tenley View. We've already seen the
20 survey. It's six stories taller than the animal
21 hospital to the south. The building is over 100
22 feet high on its West side, facing the residential
23 areas to the west, with very little transition
24 down to the low-rise homes across the public
25 alley.

1 And because of its height and location
2 on the side of the hill, overlooking the main road
3 below, it will cast a shadow on the houses to the
4 West and part of Fort Reno Park across the street
5 to the East. And those shadow studies are part of
6 what UIP has done and they're in the record. We
7 just bring them to your attention here.

8 Wisconsin Avenue corridor, the guideline
9 for development in Wisconsin Avenue is one of the
10 plan's most explicit statements about what
11 building height is most conducive to achieving the
12 plan's goal of balanced growth and energy
13 conservation.

14 In short, low to mid-rise mixed-use
15 buildings rather than high-rise towers are seen as
16 the key to achieving balanced growth in this area.
17 The UIP building is inconsistent with this general
18 policy guidance, because it's eight stories, which
19 the Comprehensive Plan defines as high-rise if you
20 look in the glossary. Low-rise refers to the low-
21 rise buildings to the North. And mid-rise refers
22 to the structures that are four to seven stories
23 in height, which characterize the buildings to the
24 South of the UIP building.

25 In addition to the previous slide's

1 emphasis on the appropriate building height, the
2 policy stresses the importance of techniques for
3 smoother transition of buildings on the Avenue,
4 with mid-rise smaller scale homes and businesses.
5 While not meant to be exhausted, the policy does
6 mention stepping down and building homes, which
7 would be appropriate for buildings constructed on
8 the side of the hill, such as this one is, and
9 setbacks to reduce the mass of a building and
10 increase distance from residential areas.
11 Landscaping is also listed.

12 This picture of the UIP building was
13 shown to you earlier. This is the back side of
14 the building facing the West, where the
15 residential areas are. Wisconsin Avenue is in the
16 background. The alley is right in front of this
17 building.

18 As we've already discussed, there is
19 really no step down along Wisconsin Avenue. The
20 Tenley View, which is immediately to the right, is
21 six stories. The UIP building is eight. So it
22 doesn't step down. The building steps up. And
23 then it should go further down. There's a very
24 large drop to the low-rise buildings just before
25 you get to Chesapeake Street, the three buildings

1 on the far left of the picture.

2 In coming the other way down, the land
3 also drops from Wisconsin Avenue down towards the
4 West, coming towards the viewer. There is not
5 transition in this building. There's a little
6 three-foot indentation in the middle of that
7 building. Otherwise you have a large wall. It's
8 over 103 feet high, sitting on the side of the
9 hill facing the residential areas to the West.

10 And in addition to the height of this
11 building, the developers come to you and ask for a
12 relief so if this building can occupy ninety
13 percent of the land that it sits on. And there's
14 really no room for landscaping or any other means
15 here for making this building more conducive to
16 residential areas.

17 On the next slide, this is just a
18 schematic. It's looking at the building as you
19 look to the South. So as you move from Friendship
20 Heights towards Tenleytown, you'll come to this
21 flat wall. The gray area at that bottom is meant
22 to represent those three small buildings, and then
23 you have five stories of a flat wall facing the
24 community.

25 And you can see the slight setback to

1 the back on the right-hand side, but that's all
2 there is. Otherwise, you have a flat building
3 facing the West with a slight little indentation
4 of three feet.

5 So the UIP project would be built on one
6 of the highest hills in D.C., and land that
7 slopes, as we said, down along Wisconsin Avenue
8 and to the West. There are no step downs. There
9 is no set back in the back. You have to give them
10 this permission, but they want ninety percent
11 occupancy on the land.

12 I won't dwell on the next slide. It
13 gives you the dimensions of the height of the
14 building. I want to make certain you can see that
15 there's Wisconsin Avenue in the front, alley in
16 the back, and the four corners, you can see the
17 heights of the building.

18 A lot of you needed the Future Land Use
19 Map. People come to this table and say to you,
20 well this Future Land Use Map says this building
21 is okay. You are going to have a decision that
22 it's okay. It sits on the Future Land Use Map. I
23 think a closer examination of this proposition
24 suggests that this conclusion is far from certain
25 and is certainly subject to other interpretations.

1 Some of what the Future Land Use Map
2 says in the guidance in its use says, "The zoning
3 of any given area should be guided by the Future
4 Land Use Map, interpreted in conjunction with the
5 text of the Comprehensive Plan, including city-
6 wide elements and other area elements." So it's
7 just not the Future Land Use Map itself. The
8 designation of an area with particular land use
9 category does not necessarily mean that the most
10 intense zoning district is automatically to be
11 approved.

12 Zoning Commission also changed the
13 zoning of this area from C-3A, or MU-7 now, to C-
14 2A, and now MU-4. In the four days of public
15 hearings, the Zoning Commission took testimony
16 from the Wisconsin Avenue Corridor Committee,
17 which represented six civic organizations, seven
18 ANCs. The Zoning Commission also received
19 correspondence from the Office of Planning, three
20 City Council members, civic organizations,
21 businesses and residents. And they concluded
22 based on their analysis at that time, that this
23 area, MU-4, was an appropriate zoning level for
24 this area, not a higher zoning area. They, being
25 the Zoning Commission.

1 In the preliminary facts, in the
2 Comprehensive Plan and in the developing plans in
3 the city have not changed since that time. So
4 that decision is still a relevant decision to this
5 situation. In our view, depending on this policy
6 map and the Future Land Use Map guidances (sic)
7 that we've talked about, and the zoning map rules
8 and Zoning Commission decisions for this area-
9 we'll talk about a couple of them in a moment-
10 when you look at them all together, they really
11 lead you to the same general conclusion. A mid-
12 rise building of four to seven stories in fifty to
13 sixty-five feet in height are the most appropriate
14 for this portion of Wisconsin Avenue.

15 Let's look at zoning, and height and
16 density more specifically. UIP is requesting
17 approval of three major zoning changes affecting
18 height and density, a map amendment from MU-4 to
19 MU-7, a Planned Unit Development with incentives
20 for both height and density, and relief from lot
21 occupancy limits. Approval of these requests
22 would increase the height of the building from
23 matter of right levels by seventy-seven percent.
24 Density is measured by the floor area ratio, would
25 be ninety-one percent greater than under matter of

1 right. And lot occupancy limits would expand by
2 fifty percent.

3 And we have a table here for you that
4 lays that out in more specific detail. I'm going
5 to go through all of this, but what we want to
6 show you is that across the top here there is MU-4
7 as matter of right, MU-4 with a pardon, MU-7 as
8 matter of right, MU-7 with a bud and then the UIP
9 proposal in the far-right hand column. By height,
10 on MU-4 matter of right is 50 feet. UIP proposal
11 is 88 feet, and that's an increase of 77 percent
12 from the matter of right. But there are
13 intervening choices here. The MU-7 bud or a UIP
14 proposal are not the only choices. If you want
15 growth on Wisconsin Avenue, which we do, there are
16 other choices here.

17 Far, under matter of right MU-4, is 3.0.
18 It's 5.73 under the UIP proposal, a 91 percent
19 increase. Again, there are some choices in
20 between here which you could provide more density,
21 but don't have to be this extreme. Lot occupancy
22 starts at sixty-percent in matter of right.
23 They're asking for ninety-one percent an increase
24 of fifty percent.

25 We have heard no justification for these

1 kinds of increases from anyone here tonight. We
2 also want to compare for you two buildings in the
3 neighborhood that the Zoning Commission has
4 approved recently. The Tenley View, you've heard
5 about it. The lower area, the horizontal area of
6 that is located directly to the South of the UIP
7 building, which is red here. And then across the
8 street and on the next block is the Tenley Hill,
9 that's the blue arrow.

10 The next, Table 2 compares the height
11 and density of these three buildings. In terms of
12 height, Tenley Hill, which is the building on the
13 next block on the other side of the street, is 65
14 feet high. The Tenley View, which is next to the
15 UIP building, is seventy-one feet high. And the
16 UIP wants to build an 88-foot high building in
17 this area.

18 In terms of stories, six stories for
19 Tenley Hill, six stories for Tenley View, eight
20 stories for UIP. In terms of density, 4.5 for
21 Tenley Hill, 4.8 for Tenley View, 5.73 for the UIP
22 proposal.

23 We'd also like to talk to you a little
24 bit more about Tenley Hill. The Tenley Hill
25 building and the UIP building have approximately

1 the same land area. They're building on the same
2 amount of land. The UIP proposal is just about
3 five percent larger, but it's pretty close to the
4 same. And yet, the gross floor area for the UIP
5 proposal is thirty-two percent greater than the
6 Tenley Hill. The height is thirty-six percent
7 greater. FAR is 27 percent greater.

8 And another dimension that we have not
9 talked much about tonight are differences between
10 these two buildings and their approach to
11 development. The Tenley Hill is a building that
12 has 48 housing units. Most of them are multi-
13 bedroom units for families. This is a big
14 difference. And we'll talk later about it in the
15 Comprehensive Plan.

16 Building for families is a great need in
17 this city. And in addition to that, the way
18 they've organized multi-bedroom townhouses
19 transition from about 65-foot building down to the
20 residential areas. It's a nice transition that
21 provides for housing, but also smooths the grade
22 density that is here to the neighborhood.

23 By contrast, the UIP proposal is
24 building 98 percent dormitories. It's 146 units
25 all together. Only two of those units are multi-

1 bedroom. Two out of a 146 units. Three units,
2 excuse me. Three units. Everything else is a
3 studio or a one-bedroom and predominantly, and
4 over 60 percent is just studio and there are some
5 one-bedrooms.

6 This slide is a picture of the Tenley
7 Hill. We've talked a lot about it. The 65-foot
8 story building is in the background. The
9 townhouses are in the foreground. It's a nice
10 arrangement, provides housing for families in a
11 neighborhood that is for families.

12 MS. CHESSER: And the townhouses are
13 next to the single-family homes.

14 CHAIRMAN HOOD: You're making statements
15 and I don't know if the mic is picking you up. So
16 every time you say something, go ahead and grab
17 it.

18 MS. CHESSER: I'm sorry. I said in the
19 townhouses that are part of Tenley Hill are next
20 to the single-family homes that are in that
21 proximity.

22 MR. WILLIAMS: I want to move quickly to
23 public benefits. UIP has an initial burden of
24 proof to justify its application. You have to
25 agree --

1 CHAIRMAN HOOD: Let me just say this.
2 Ms. Kimmel, do you object to me giving them five
3 minutes to finish up?

4 MS. KIMMEL: No.

5 CHAIRMAN HOOD: Okay. Does any of the
6 parties object? Nobody objects?

7 (No response.)

8 CHAIRMAN HOOD: So I'm going to give you
9 five minutes. I want to make sure that for future
10 references, when we go in front of these other
11 bodies that I have done specifically by IV-8.2 of
12 our regulations. So I'm going to give you five
13 minutes, and I've asked. Okay.

14 MR. WILLIAMS: Thank you. So tonight,
15 you've heard about public benefits a lot. The
16 main point that we want to make to you is that the
17 building, you need to decide that the building has
18 value and then given what the developer is asking
19 you to do, you need to decide whether the public
20 benefits offered by that developer are, in
21 relative terms, appropriate for the being that's
22 being asked for.

23 The requested incentives are extreme and
24 extensive, mapping them from four to seven. PUD
25 height density incentives, inclusionary zoning

1 density increases stemming from occupancy limits.
2 The public benefits in our view are grossly
3 inadequate. We've talked about housing. It does
4 produce housing, but it's dormitory housing. It's
5 not housing for families. You should take that
6 into account when you assign a value to that
7 benefit.

8 The developer claims that there are step
9 downs and set backs on this building. We've
10 already talked to you and shown you pictures where
11 that's not the case. I won't dwell on the
12 Chesapeake House, except to point out that this is
13 not a done deal. It's owned by the National Parks
14 Service. This claim is not won since there's no
15 binding agreement yet. There's no plan for a
16 change or maintenance. And so this is a work in
17 progress, and until that's done, this should not
18 be counted as a benefit.

19 The developer has also presented a
20 conditional benefit. It has said that if it were
21 to acquire the property next door, where those
22 low-rise buildings are, it does not own that land
23 now. If they acquire it, they say they'd only
24 build a six-story building. That's an illusionary
25 benefit. And I would say it shows that they are

1 also uncertain an eight-story building in this
2 neighborhood is appropriate if they're willing to
3 promise the next time around, if they get it, that
4 they would build a six-story building. They'd
5 rely on street closure and the park, I'd say.
6 People say that's hazardous. That's not what DDOT
7 has said. They say it's an awkward intersection.
8 People use it, people who come down 42nd Street
9 and want to go up to the Best Buy, that's the best
10 place for them to do it. I would say at best it's
11 neutral.

12 The people that this park would benefit
13 is the developer. They own the land right next
14 door to this park and they would get the best
15 long-term interest of this park.

16 Last, housing for families. I just
17 mentioned this already. Housing is part of the
18 city-wide elements. And I'll just quote here
19 briefly from the Comprehensive Plan, "Retaining
20 and creating more housing units large enough for
21 families and trailers of issued from the District
22 of Columbia. Providing for families is important
23 to the economic socio-health of the city. The
24 availability of single-family, multi-bedroom
25 housing units is correlated with retaining family

1 households.”

2 We think it’s very important that if
3 we’re going to build housing, which we want to see
4 too in this area, more housing for families, not
5 just dormitories for students.

6 In conclusion, just summarizing
7 conclusion, the Zoning Commission should deny
8 UIP’s request for a map amendment and relief from
9 lot occupancy limits as inconsistent with the
10 Comprehensive Plan’s policy of balancing growth
11 with conservation of residential neighborhoods
12 like ours.

13 UIP seeks growth on Wisconsin Avenue
14 corridor far in excess of current zoning. A
15 deposit has significantly greater height and
16 density of nearby buildings in the Metro Rail
17 Station area, and those most recently approved by
18 the Zoning Commission.

19 The Zoning Commission on Order 5-3
20 rejected MU-7 as zoning north of Brandywine and
21 should reject such an amendment here. The
22 building exceeds the medium density, residential
23 moderate density commercial designation on the
24 Future of Land Use Map. If you go to definitions
25 for those, it’s four to seven stories for medium

1 density, five stories or less for moderate density
2 commercial. This is a building that is eight
3 stories. It doesn't even meet these definitions.
4 The project does not accommodate families who are
5 important to the health of the city and our
6 neighborhood.

7 Thank you for your time and
8 consideration.

9 CHAIRMAN HOOD: Okay. Thank you all
10 very much for your presentation to us. Let's see
11 if we have any questions or comments of the party
12 in opposition, TNA.

13 Okay. Let me just ask. How many
14 members do you have? I mean, I remember I saw
15 more.

16 MS. BASS: Do you want me to come up?

17 CHAIRMAN HOOD: Yes, so you could be on
18 the mic.

19 MS. BASS: Remember to also ask that of
20 Revive 3E and the Smart Growth folks in Ward 3
21 Vision.

22 CHAIRMAN HOOD: I asked a question. I
23 asked a question to --

24 MS. BASS: I'm going to tell you. I'm
25 going to tell you. We've had as many as eighty.

1 I couldn't tell you the exact number we have right
2 now. A lot. How's that? Who exactly active
3 depends on where the project is.

4 CHAIRMAN HOOD: Let me just say this. I
5 asked that question for a reason and I probably
6 could have asked it to others, but I asked you all
7 because I'm trying to figure out how you all have
8 a very detailed presentation. Obviously, a lot of
9 time went into it.

10 MS. BASS: Right.

11 CHAIRMAN HOOD: And I wanted to make
12 sure that more than two or three people put time.
13 Was this a collective group that voted and agreed
14 to this?

15 MS. BASS: They did.

16 CHAIRMAN HOOD: Okay. That's what I'm
17 asking. How many?

18 MS. BASS: We actually voted on the TNA
19 resolution as a group. Brook came to Wilson High
20 School and talked to our group. As I said, how
21 many people show up on a particular night and what
22 they do, I mean, it's a neighborhood association.
23 As I said, Brooke came to talk to us at Wilson so
24 he could attest to the, I don't know, twenty
25 people there.

1 CHAIRMAN HOOD: Okay. Okay.

2 MS. BASS: Okay.

3 CHAIRMAN HOOD: And I'm asking, you're
4 looking at someone who ran on civil, was a
5 president for over twenty years. So I know that
6 fluctuates. Depends on the issue.

7 MS. BASS: It's slow.

8 CHAIRMAN HOOD: So that's why I was
9 asking that question. But anyway, I was just
10 looking at the detail that you had put into this
11 presentation. I do have one other question.

12 MS. BASS: We tried to be professional.

13 CHAIRMAN HOOD: I do have one other
14 question, but let me go to my colleagues while I
15 think about it. I got distracted from my other
16 question. Commissioner May?

17 COMMISSIONER MAY: So there are some
18 other relatively tall buildings. Granted, they
19 have different measuring points, so the height
20 above the adjacent grade is different. But I'm
21 curious about what you think of buildings like the
22 one at the corner of Wisconsin and River Road. I
23 don't know what it's called. It's a large curving
24 building.

25 MS. BASS: City Line.

1 COMMISSIONER MAY: I thought City Line
2 was the one that was that used to be the Best Buy
3 or the Hechinger's or whatever.

4 MS. BASS: It was the Hechinger's and
5 it's now the Best Buy. That's City Line.

6 COMMISSIONER MAY: Sears, Hechinger's,
7 Best Buy, all that. That's City Line. No, no,
8 no. Between the --

9 MS. BASS: You mean the building that
10 has the tile store in it?

11 COMMISSIONER MAY: I don't know the
12 shops.

13 MS. BASS: I know what you mean.

14 COMMISSIONER MAY: But it's in that
15 area. So, I mean, from where you are, is that
16 building a concern in terms of its height?

17 MR. WILLIAMS: No. It's a five-story
18 building.

19 COMMISSIONER MAY: I understand that,
20 but it's a five-story building in terms of its
21 measuring point. But in terms of its perceived
22 height from the neighborhood, is it a problem at
23 that height?

24 MR. WILLIAMS: No.

25 COMMISSIONER MAY: Okay. So the

1 applicant --

2 MS. BEVERIDGE: It's more in a
3 commercial area.

4 COMMISSIONER MAY: Right. But it's not
5 that far away.

6 MS. BEVERIDGE: That corner, there's a
7 big divide on Brandywine Street.

8 COMMISSIONER MAY: Right. No, I
9 understand where it is. I mean, the reason I
10 asked this is that the applicant had a drawing.
11 It's on page eight of their PowerPoint, which
12 shows a street section basically, I guess, of
13 Wisconsin Avenue and you can see in it that that
14 particular building and then City Line beyond it
15 are, if you just think in terms of height above
16 sea level, right? Absolute height. They're about
17 as tall as this building as proposed.

18 MR. WILLIAMS: No. Well --

19 COMMISSIONER MAY: I'm just going
20 showing the drawing.

21 MR. WILLIAMS: City Line is about
22 seventy feet high.

23 COMMISSIONER MAY: I understand that,
24 but that's not what I'm talking about. I'm not
25 talking about the height above the measuring

1 plane. I'm talking about the absolute raw height.
2 The height above sea level.

3 MS. BASS: Well, let me ask a question.

4 COMMISSIONER MAY: Are you looking at
5 the drawing that I'm looking at?

6 MS. BASS: I am. I think I am, aren't
7 I?

8 COMMISSIONER MAY: Yeah. That's it.
9 But I'm just curious about it. I absolutely
10 understand the difference when you talk about the
11 number of stories and the height above the
12 adjacent grade. And that's how we do zoning.

13 But there's also an issue of how you
14 perceive the height of buildings and from where
15 you are looking at them, and sometimes it makes it
16 look taller and sometimes it makes it look less
17 tall, depending on where it is and how it's
18 positioned and so on. So I am just curious about
19 your views of that particular building, which
20 seems to be just as tall as the proposal today.

21 MS. BASS: Yeah. I'm not sure that this
22 drawing here is exactly to scale, but moving on
23 from that.

24 COMMISSIONER MAY: Well, I mean, we will
25 certainly ask you to verify that.

1 MS. BASS: But having said that, are you
2 proposing --

3 COMMISSIONER MAY: The architect's
4 making notes, so he's going to verify that for us.

5 MS. BASS: Okay. Are you proposing that
6 if you could start at the top of the building at
7 the top of the hill and just flat roof all the
8 roofs across so that they are all the same amount
9 above sea level as the one on the top of the hill?
10 So if this one is eight stories, the next one
11 would be like ten stories, and the next one would
12 be twelve stories?

13 COMMISSIONER MAY: No. I'm not
14 suggesting --

15 MS. BASS: I'm just trying to get your
16 concept.

17 COMMISSIONER MAY: It's no concept. I'm
18 asking you what your perception is of that
19 building, given that it appears to be the same
20 height above sea level.

21 MS. BASS: It's not adjacent to any
22 single-family homes. And it doesn't bother me.

23 COMMISSIONER MAY: Well, neither is Ms.
24 Beveridge. She's not immediately adjacent to this
25 property. She's two streets away. Right? Across

1 42nd and across River.

2 MR. WILLIAMS: But she can, well, I'll
3 let her speak for herself. She can see this.

4 COMMISSIONER MAY: From your front
5 porch, or from your second floor?

6 MS. BEVERIDGE: From both.

7 COMMISSIONER MAY: Okay. You showed
8 pictures of the neighborhood, but you didn't show
9 us any pictures looking toward the development.
10 There are some pictures that, again, the developer
11 provided some photo simulations that are from
12 Brandywine and Chesapeake and 42nd. Not from
13 River. We can see how visible it is in those
14 simulations. So I can see how it would be visible
15 at certain points.

16 MS. BASS: I think it's actually
17 current. Isn't it? Is this the simulation or
18 current?

19 MS. BEVERIDGE: Page ten, Wisconsin --

20 COMMISSIONER MAY: If one person would
21 talk at a time.

22 MS. BASS: Okay.

23 MS. BEVERIDGE: There's Wisconsin
24 Avenue.

25 COMMISSIONER MAY: Yes.

1 MS. BEVERIDGE: Then the alley.

2 COMMISSIONER MAY: Right.

3 MS. BEVERIDGE: Then 42nd Street.

4 COMMISSIONER MAY: Right.

5 MS. BEVERIDGE: Then River Road.

6 COMMISSIONER MAY: Correct.

7 MS. BEVERIDGE: And they're all close
8 together. And 42nd and River actually converge at
9 one point.

10 COMMISSIONER MAY: No, I understand. I
11 can see where I was in the map.

12 MS. BEVERIDGE: And the ground is
13 sloping. The topography is coming down hugely
14 from Wisconsin Avenue down to River Road and even
15 down further.

16 COMMISSIONER MAY: Right.

17 MS. BEVERIDGE: And from Brandywine
18 across to Chesapeake and further down, we are
19 residential. From Brandywine up we have shops.
20 We have a school.

21 COMMISSIONER MAY: I can see that.
22 That's all apparent in the plans that we've seen.

23 MS. BEVERIDGE: We have a Friendship
24 Terrace. So this particular block, Brandywine to
25 Chesapeake, is the one that is most cross about

1 this project.

2 MS. BASS: And UIP has another project
3 on Brandywine up on the other side of Wisconsin.
4 It's near Wilson High School, which is, you tell
5 me, I think it's eight stories.

6 COMMISSIONER MAY: Is that before us
7 today?

8 MS. BASS: No. But you were asking
9 about different buildings.

10 COMMISSIONER MAY: No. I had a question
11 about a particular building.

12 MS. BASS: Okay.

13 COMMISSIONER MAY: The fact that other
14 buildings may be being built --

15 MS. BASS: It is being built. It's
16 almost finished.

17 COMMISSIONER MAY: Okay.

18 MS. CHESSER: What I was trying to say
19 was Tenleytown is going to have about a thousand
20 new units over the course of a couple of years, by
21 the time you add up all the development that's
22 going on, which is a lot. As it gets closer --

23 COMMISSIONER MAY: You should try living
24 in southwest.

25 MS. CHESSER: Yeah. The river, the

1 wharf.

2 COMMISSIONER MAY: They get a lot more.

3 MS. CHESSER: But as the buildings go
4 closer to the Metro, I'm assuming they will be
5 taller. I'm assuming someday the Pettis family,
6 which has right now, it's all two stories sort of
7 in the middle of Tenleytown on Albemarle, I'm
8 assuming that's going to be large. Hopefully, you
9 will make it beautiful.

10 COMMISSIONER MAY: I wish I actually was
11 developing.

12 MS. CHESSER: I think that the buildings
13 where there are no single-family homes around them
14 deserve a different treatment than the ones that
15 are directly adjacent to single-family homes.

16 COMMISSIONER MAY: I understand that. I
17 mean, there are certainly examples within the city
18 of having tall buildings along the major avenues
19 and then having just across the alley start having
20 single-family homes.

21 Connecticut Avenue is probably the
22 biggest example of that where there are many very
23 tall apartment buildings, and then you cross the
24 alley and you're in single-family home territory.

25 So it's not unheard of as a development

1 pattern, and certainly with new things happening,
2 I think we prefer to see some stepping. And they
3 are doing that to some extent on this building.
4 Perhaps not as much as you'd like to see, but more
5 than I think they probably would have like to.
6 Because doing that kind of stepping is expensive
7 and, of course, it eats into the development of
8 the building.

9 MS. CHESSER: I don't understand the
10 stepping at all.

11 COMMISSIONER MAY: The building does not
12 come at its full height all the way back to the
13 alley. Right?

14 MS. CHESSER: Well, it's three feet
15 back.

16 COMMISSIONER MAY: No, there is a court
17 that's formed above the second floor and part of
18 the building is all the way up at Wisconsin.
19 That's a step.

20 MS. CHESSER: Isn't that three feet?

21 MR. WILLIAMS: No. This is the three
22 feet here.

23 COMMISSIONER MAY: No.

24 MS. CHESSER: Oh, that's the three feet.

25 Okay.

1 COMMISSIONER MAY: Yeah. So, I mean,
2 there is some --

3 MR. WILLIAMS: The only thing I'd say
4 about that is that this is also very, very low
5 down. The impact of that setback at that low
6 level, even at that little amount is
7 imperceptible. At a higher level, a setback of
8 some dimension would have a very good impact in
9 terms of softening --

10 COMMISSIONER MAY: I understand that and
11 I appreciate that. And I understand the point
12 you're trying to make. I don't think it's
13 completely fair to say that there's no stepping at
14 all, because there is some modeling at the back of
15 the building. Some short setbacks, yes, they are
16 very short.

17 Sometimes those short setbacks are very
18 important, particularly when you're trying to make
19 something mix with the context. Simply just
20 having that line helps make something fit
21 architecturally. But I understand.

22 You wanted to have more and I could see
23 how doing a sort of wedding cake on the back would
24 mitigate the effect of the building. So I
25 understand the point.

1 MS. CHESSER: Thank you.

2 COMMISSIONER MAY: Yep. That's it.

3 Thanks.

4 CHAIRMAN HOOD: Thank you. Any other
5 questions or comments up here?

6 Commissioner Turnbull?

7 COMMISSIONER TURNBULL: I have just one.
8 You show a picture which shows a single-family
9 home on the alley.

10 MS. BEVERIDGE: On Brandywine?

11 MS. CHESSER: You mean right in the
12 alley?

13 COMMISSIONER TURNBULL: Yes.

14 MR. WILLIAMS: That's what you're
15 saying, yeah. That's what you're saying. Yeah.

16 CHAIRMAN HOOD: This one. Yeah.

17 MS. CHESSER: That one.

18 MS. BEVERIDGE: No. You said the end.

19 MS. CHESSER: No. On the alley.

20 COMMISSIONER TURNBULL: And where was
21 this?

22 MS. CHESSER: You don't want on the end.
23 You want right in the middle of the alley. That
24 home faces UIP. It has a little sign on it that
25 says something about Trump. I can't remember what

1 it is. Historic sign. Be that as it may, we
2 digress. It's on the alley. It faces the alley,
3 and it's facing UIP.

4 COMMISSIONER TURNBULL: And it's right
5 across? Is that the square, I'm looking on one of
6 their drawings. It's a totally square building?

7 MS. CHESSER: Probably. I'd have to --

8 MR. WILLIAMS: I don't think it's
9 totally square, but I don't know.

10 MS. CHESSER: could only guess at some
11 point it would be a coach house. It's not clearly
12 a home.

13 COMMISSIONER TURNBULL: And the rest of
14 the alley is all garages, though, right?

15 MS. CHESSER: Well, the historic houses
16 are right on the alley.

17 COMMISSIONER TURNBULL: Right.

18 MS. CHESSER: And the side of the blue
19 house that we showed is on the alley, and their
20 yards for both of those are on the alley.

21 COMMISSIONER TURNBULL: Okay. Thank
22 you.

23 MS. CHESSER: That's the only one that
24 faces the alley. I think it's some kind of a
25 special, Lord knows what, that I think it existed,

1 and as I said I don't know the history of it
2 exactly. I'm going to guess it was maybe a
3 Carriage House or something, and then they allowed
4 it to become a real house.

5 COMMISSIONER TURNBULL: Yeah. I'm sure
6 it was. I'm sure it was.

7 MS. BEVERIDGE: But there are not that
8 many garages that are actually the backyards of
9 houses from 42nd Street.

10 MS. CHESSER: Like that.

11 CHAIRMAN HOOD: Okay. Any other
12 questions or comments? Vice-Chairman Miller?

13 VICE-CHAIRMAN MILLER: Thank you, Mr.
14 Chairman. And thank you for your comprehensive
15 presentation. I think you raised some issues,
16 which I'll follow up with the applicant and with
17 the Office of Planning tonight.

18 MS. CHESSER: Thank you.

19 VICE-CHAIRMAN MILLER: Ms. Beveridge?

20 MS. BEVERIDGE: Yes.

21 VICE-CHAIRMAN MILLER: Now I forget your
22 last name.

23 MR. WILLIAMS: Williams.

24 VICE-CHAIRMAN MILLER: Mr. Williams
25 testified that he thought that the public benefit

1 of the park being created on that street segment
2 is neutral, at best. Is that right across the
3 street from where your house is, or very close to
4 it?

5 MS. BEVERIDGE: Yes. Yes.

6 VICE-CHAIRMAN MILLER: Do you agree that
7 it's of no value to you?

8 MS. BEVERIDGE: I think it's perfectly
9 fine as it is, and I don't think it's a traffic
10 hazard. I was watching four children yesterday
11 afternoon walk down there, and if that becomes a
12 park, they're going to have to go around this way.

13 VICE-CHAIRMAN MILLER: Yeah.

14 MS. BEVERIDGE: There's going to be more
15 crossing. And I think the other issue is that the
16 developers own that property on the other side of
17 it. So it's going to be a park added to their
18 property that they already have. The office
19 condominiums that run from the corner of River
20 Road down to 42nd Street.

21 VICE-CHAIRMAN MILLER: Okay. Thank you.

22 So as I said, I think I will circle back
23 with the Office of Planning on the medium density
24 consistency with an eight-story building versus
25 where it says, where you cited in the

1 Comprehensive Plan that it said four to seven. I
2 think I'll circle back with the DDOT on the
3 statement you just made that there might be an
4 unsafe pedestrian situation near that park, if
5 it's created. And I'll circle back with the
6 applicant on whether they can do some additional
7 larger units beyond the three that are in the
8 current proposal.

9 And I think we may need to see since
10 you've testified to it, but didn't necessarily
11 provide evidence, but I think the burden is on the
12 applicant to show that there aren't going to be
13 burdens and shadows created in the backyards of
14 the single-family nearby residential homes. So we
15 may need see a shadow study if there isn't already
16 one.

17 MR. WILLIAMS: I think there is one in
18 the developer's application.

19 VICE-CHAIRMAN MILLER: There is already
20 one? So I think I just would like to hear more
21 about that or do more of my own homework in
22 looking at those. I'll also ask about, you said
23 the shadow would be created on the other side of
24 the street on Fort Reno Park. So I think I need
25 to look at that as well.

1 So anyway, thank you for your testimony.
2 I appreciate the time you put into it.

3 MS. CHESSER: Thank you.

4 CHAIRMAN HOOD: Okay. Any other
5 questions? Okay. Does the applicant have any
6 cross? Chairman Bender, do you have any cross?
7 And Ms. Kimmel, do you have any cross?

8 MS. KIMMEL: I had a question.

9 CHAIRMAN HOOD: Come forward and you can
10 identify yourself again and you can ask the
11 questions.

12 MS. KIMMEL: Thank you.

13 CHAIRMAN HOOD: And everybody, let's
14 make sure you're on the mic.

15 MS. KIMMEL: Thank you. My name again
16 is Susan Kimmel and I'm with Ward 3 Vision. I
17 just had a couple of questions to ask you.

18 You spoke a great deal about the
19 importance of having families in the Tenleytown
20 area and I live directly across the street from
21 Janney Elementary, and I just wanted to point out
22 that the school has something on the order of 700
23 students. So obviously, families are living in
24 Tenleytown. There are family with kids there.

25 CHAIRMAN HOOD: Is that a question you

1 want to ask about where Janney School is? What's
2 the question?

3 MS. KIMMEL: I was asking if she was
4 aware of the fact of the number of people and
5 families who are in the area.

6 MS. BEVERIDGE: Yes.

7 MS. KIMMEL: And I also wanted to ask
8 you if you had spoken with any of the other
9 neighbors, either on 42nd Street or in the close
10 vicinity to the proposed building?

11 MS. BEVERIDGE: Yes. We live there.

12 CHAIRMAN HOOD: Let's make sure you're
13 on the mic so we can get the answers.

14 MS. KIMMEL: Okay.

15 CHAIRMAN HOOD: She said I think the
16 answer was yes, we live there.

17 MS. KIMMEL: Are you aware that there
18 are two letters that have been written by adjacent
19 neighbors who are in support of the project who
20 they live within 200 feet of the proposed project,
21 Mr. Gluck and Mr. Mann, who both support the
22 project? So even though you are close by, there
23 are people who are of different opinion.

24 MS. BASS: And I think that will always
25 be the case, that some people will support it and

1 some people will not. I mean, I don't think we're
2 ever going to get uniformity.

3 MS. BEVERIDGE: As I walked out the door
4 to come to this meeting tonight, my next-door-
5 neighbor said to me, "And vote for us, too." It
6 is our neighborhood.

7 MS. KIMMEL: I just wanted to be on the
8 record that there are close-by neighbors who do
9 support it. And those are all the questions I
10 have at this time.

11 CHAIRMAN HOOD: All right. Thank you,
12 very much.

13 Okay. All right. We appreciate
14 everything. Thank you all for your presentation.

15 MS. BASS: Thank you.

16 MR. WILLIAMS: Thank you.

17 CHAIRMAN HOOD: Okay. Mr. Avitabile, do
18 you have any rebuttal?

19 Oh, do we have any persons who are here
20 to testify in opposition? I'm sorry.

21 MS. CORT: Yes.

22 CHAIRMAN HOOD: Okay. If you can come
23 forward at this time. You want to pass it to
24 staff and they'll pass it us, and then you can
25 take a seat and identify yourself at the table?

1 You may begin.

2 MR. JONES: Commissioners, my name is
3 Aidan Jones. Thank you for your service today to
4 listen to this. And I'm making an appeal to you
5 as a citizen, as a taxpayer, as a voter in D.C. I
6 live at 4612 Brandywine. I lived up at 44th and
7 Ellicott for a number of years before that. I've
8 lived in the neighborhood for forty years.

9 And I've seen development go back and
10 forth. I first got involved in development issues
11 back in 1976. It's amazing. My day job took me
12 away from being heavily involved in development
13 issues for a number of years, but I was drawn back
14 about two or three years ago when I saw what is
15 going on, on Wisconsin Avenue and what seems to be
16 about to go on.

17 And I appeal to you to be the last
18 bulwark against what is a tremendous amount of
19 money being thrown to up-zone areas that have been
20 established as part of the Comprehensive Plan and
21 as part of the zoning plan for a number of years,
22 and for good reason.

23 You've heard several times tonight that
24 this development is aesthetically attractive in a
25 number of ways. It would be a good addition to

1 Wisconsin Avenue if, in fact, the scale of it were
2 not so massive. And I think that you are in the
3 position, and perhaps the last position, to say no
4 to developers who continue with unwanted, to bust
5 the zoning. We as neighbors and citizens and
6 taxpayers are not in a position to mash what I
7 heard tonight is a \$75 million project with a
8 proposal of about a million dollars of supposed
9 amenities.

10 So we depend on you to say no on
11 occasion to developers who want to go beyond what
12 really should be part of this neighborhood and
13 part of this wonderful community. We would like
14 to see you approve a project that is within the
15 present zoning. I think that the fact that Tenley
16 View and Tenley Hill have been built, and are
17 thriving according to the testimony today, is good
18 evidence that a developer can make a reasonable
19 and good profit on a building in this spot in this
20 project without having it be the massive and dense
21 enormity that overshadows the residential
22 neighborhood.

23 This upper Wisconsin Avenue has been a
24 commercial area for many years, over 100 years,
25 maybe longer than that, because it's serviced the

1 neighborhood. This building, as proposed, is
2 going to be, for most part as you've hear, studios
3 and one-bedroom with the exception of
4 approximately three two-bedroom units. It's not
5 consonant with the neighborhood, and it's not
6 going to be something that is even going to
7 contribute to the tax base, frankly, if that's
8 what the Mayor and the Office of Planning feel
9 would be helpful here. I don't think the economic
10 assumptions that have been suggested here have
11 been supported and could be supported.

12 So I urge you to reject the up-zoning,
13 to allow the project as it's proposed, but within
14 the present zoning. I'm happy to answer any
15 questions. As I say, I've lived in neighborhood
16 for forty years, and I've listened to some of the
17 points being made about the amenities. I don't
18 see that they really add up to amenities that the
19 developer should be given credit for in its
20 Planned Unit Development application.

21 Thank you.

22 CHAIRMAN HOOD: All right. Thank you.

23 Next?

24 MS. SIMON: Hi. I'm Marilyn Simon of
25 5241 43rd Street.

1 Tonight, I briefly address my concerns
2 about this application and highlight the ways in
3 which this PUD with a map amendment is
4 inconsistent with the Comprehensive Plan and
5 should be denied. My written comments also
6 include a discussion of inconsistencies in the
7 applicant's filing, also in the calculation of the
8 IC set aside requirement, and residential parking
9 permits.

10 I also note that CSG's testimony is
11 based on an IZ proffer that was not made. Ten
12 percent of the overall floor area, rather than ten
13 percent of the residential floor area. And Ward 3
14 Vision states that the IZ set aside is six times
15 what would be required as a matter of right
16 building, when in fact it is less than twice what
17 would be required in a matter of right building.

18 The Comp Plan makes it clear that the
19 designation in the Future Land Use Map does not
20 necessarily mean that the most intensive
21 development allowed within that category in the
22 Land Use definition is automatically permitted.
23 The appropriate zoning and intensity for this lot
24 was already determined by the Zoning Commission.
25 In Order 530, the Commission found that the extent

1 of C-3A zoning on Wisconsin Avenue North and South
2 of Tenley Circle was inconsistent with the
3 Comprehensive Plan except in the area of the
4 Tenleytown Metro Station.

5 The UIP site is clearly out of this area
6 and all lots zoned C-3A in Square 1732 were
7 rezoned to C-2A, and there have been no
8 substantial changes in that section of the Comp.
9 Plan since then. In ZC's 530, the Commission also
10 explicitly stated that they were only determining
11 that matter of right limits in these zones was
12 consistent with the Comp. Plan. With inclusionary
13 zoning, the density associated with each mixed-use
14 zone described in each category, the Comp. Plan
15 was increased by twenty percent. With the PUD,
16 the applicant is requesting an additional height
17 and density with a nearly twenty percent vivid
18 bonus density.

19 These increases are not necessarily
20 consistent with the associated Future Land Use Map
21 category, and it is up to the Zoning Commission to
22 determine whether the requested height and density
23 is consistent with the Comprehensive Plan. In
24 this case the requested height, eighty-eight feet
25 at the measuring point, and over 100 feet in the

1 rear across from single-family residences, exceeds
2 what is appropriate for the area. The requested
3 density, an FAR of 5.73, is higher than any
4 development along upper Wisconsin Avenue, and is
5 clearly not consistent with the Comp. Plan.

6 My written testimony has a list of all
7 the FARs on upper Wisconsin Avenue and the tallest
8 buildings there. The proposed height and density
9 of this project is not consistent with the Comp.
10 Plan and can create a precedent for a scale of
11 development that does not respect the scale of
12 existing neighborhoods and it taxes the
13 infrastructure in the area.

14 I ask that the Zoning Commission deny
15 this PUD application. In my written testimony, I
16 also addressed errors in the application of the
17 inclusionary zoning regulations as well as
18 misinformation about the RPP eligibility for
19 mixed-use buildings with residences in mixed-use
20 zones, with examples of buildings that are
21 eligible for RPP.

22 And one building, the Jamal Babes
23 building, which had a no RPP provision in its
24 zoning order, yet was added to the RPP database
25 and wasn't removed until I brought to DDOT's

1 attention. And even there, DDOT dragged their
2 feet in taking it off the RPP database. So it's
3 not really working quite so well.

4 Thank you.

5 CHAIRMAN HOOD: Okay. Thank you all
6 very much.

7 Let's see if we have any questions or
8 comments up here. Ms. Simon, is there a database?

9 MS. SIMON: Yes. There's an RPP
10 database. It's on the DDOT website.

11 CHAIRMAN HOOD: Okay.

12 MS. SIMON: You look for it under
13 Parking Services or something like that.

14 CHAIRMAN HOOD: And it's updated? Yeah.
15 I've heard about it. I just wanted to know, does
16 that work?

17 MS. SIMON: I assume that if your
18 address is listed in that database and you go to
19 the DMV to register your car, they're going say,
20 "Do you want RPP with that?"

21 CHAIRMAN HOOD: Okay. But does all that
22 work? Because we've had, well, anyway. That's a
23 whole other conversation.

24 MS. SIMON: Oh. I have had to have two
25 buildings removed from the database that had RPP

1 provisions, Chase Point, which we moved with a lot
2 of pushback from DDOT before the building was
3 occupied, and also Jamal's Babes.

4 CHAIRMAN HOOD: Okay.

5 MS. SIMON: I just stumbled across the
6 fast that it was there. I was not looking for it,
7 and people are not necessarily going to notice.
8 Obviously, the ANC didn't notice.

9 CHAIRMAN HOOD: Okay. All right. Well,
10 thank you all very much.

11 Any questions here?

12 Does the applicant have any cross?

13 Chairman Bender, do you have any cross?

14 Ms. Kimmel, do you have any cross?

15 Okay. And Ms. Chesser, do you have any
16 cross?

17 Okay. Thank you all very much. We
18 appreciate it.

19 Okay. Now I feel like I can go to any
20 rebuttal and closing. Well, rebuttal and cross on
21 rebuttal, and then closing.

22 How much time, Mr. Avitabile, are we
23 looking at for rebuttal?

24 MR. AVITABILE: I think we're looking
25 probably at about ten minutes. I just want to go

1 through quickly some of the points.

2 CHAIRMAN HOOD: Okay.

3 MR. AVITABILE: The factual issues, and
4 then maybe another five minutes for me to address
5 some of the Comp Plan issues.

6 CHAIRMAN HOOD: Okay. All right. You
7 may begin.

8 MR. AVITABILE: Thank you. Okay. So
9 the first question for you, Brook, could you
10 clarify what the actual cost of this project is?

11 MR. KATZEN: So Ms. Chesser, in her
12 testimony, quoted me as saying that this is a 75-
13 million-dollar project. That was not a misquote,
14 but she was quoting something I said in the ANC
15 meeting where I misspoke. The total cost of this
16 not \$75 million It's probably closer to \$45 to
17 \$50 million. So I apologize and hope that clears
18 up the record.

19 MR. AVITABILE: Thanks. Second
20 question, could you talk a little bit about the
21 market for this project as you perceive it, and
22 why you've chosen the unit mix that you have?

23 MR. KATZEN: Sure. We enter the
24 Tenleytown submarket because we saw a market need.
25 This neighborhood has great infrastructure.

1 There's a Redline Metro Station and a grocery
2 store and a pharmacy and a great little commercial
3 corridor, but very little housing density around
4 this Metro station.

5 The representatives from Tenleytown
6 Neighbors Association drew a lot of comparisons
7 between our proposed project and some of the
8 existing buildings in the neighborhood, and it
9 almost feels like they're opposing our project
10 because it's different than what's already there.
11 We're big proponents of diversity and think that
12 diversity is an important element of a thriving
13 sustainable city and neighborhood. So I'd hate to
14 think we're being opposed just because what we're
15 trying to do is different from what's there today.

16 This neighborhood in order to track the
17 diverse population needs diversity in its housing
18 stock. What exists there today is predominantly
19 single-family detached home for sale, not for
20 rent. There are some condos. There are some
21 townhomes, but there's not a lot rental product in
22 this community. So we see a gap in the market.
23 Even the Tenley View project that was completed
24 just last year is only sixty units. So we think
25 that our project addresses a need in the market

1 and will also bring a much needed diversity to
2 Ward 3.

3 MR. AVITABILE: All right. So next
4 question. The proposal to close the segment of
5 Brandywine Street, where did that originate?

6 MR. KATZEN: It wasn't our idea. We
7 weren't even aware that closing that segment of
8 Brandywine Street to create a park was a
9 possibility. That's something that was raised by
10 one of the ANC commissioners as an idea that had
11 been proposed DDOT, and we agreed to take on that
12 project at the urging of the ANC commissioners.

13 MR. AVITABILE: Thanks. Did you speak
14 to the property owners of the property that's
15 within our block, Square 1732?

16 MR. KATZEN: So we closed on the
17 acquisition of 4620 Wisconsin Avenue in February
18 2016. The following month, in March 2016, I
19 identified the owners of every property on our
20 block, every single-family home along Chesapeake,
21 along 42nd Street and along Brandywine, and was
22 able to reach most of them by phone and by email.
23 Those for whom I could not obtain their contact
24 information, I walked around the block and went
25 door to door knocking on their doors to make sure

1 that I was able to contact everyone that lived on
2 our block and tell them what we were proposing.

3 As far as I know, there's no one that
4 lives on our immediate block that opposes this
5 project. As a matter of fact, there's one person,
6 Adam Gluck, who lives on our block who submitted a
7 letter in support of the project. He was unable
8 to be here today because he's traveling
9 internationally. I know that some of the people
10 that spoke earlier live in the neighborhood,
11 either West of 42nd Street or North of Chesapeake
12 Street, but of all the homeowners on our block,
13 there's no one there that opposes our project.

14 MR. AVITABILE: All right. Thanks.
15 Next question. Jami, the Brandywine/42nd Street
16 intersection, did you all take a look at that as
17 part of as your traffic study?

18 MS. MILANOVICH: Yes. That was one of
19 our study intersections.

20 MR. AVITABILE: And what did you
21 discover as part of your study?

22 MS. MILANOVICH: So in the regular
23 course of doing our traffic studies, we're
24 required to evaluate the crash history of our
25 study intersections. And so we obtained the crash

1 data for the Brandywine/42nd Street intersection,
2 and what we found was that the crash rate at that
3 intersection is 1.08. And that's significant
4 because anything higher than 1.0 is considered a
5 high crash rate by DDOT.

6 And so we looked at the data that was
7 available to sort of ascertain what might be
8 contributing to those crashes, and what we found
9 was that about 50 percent of those crashes
10 involved side-swipe collisions with parked cars.
11 There were a number of left turn collisions at the
12 intersection. Those made up I believe about
13 seventeen percent, and there was also a crash that
14 involved a bicycle at that intersection.

15 MR. AVITABILE: So would closing that
16 street segment improve safety?

17 MS. MILANOVICH: It would at that
18 intersection. We would essentially be eliminating
19 one leg of the intersection and creating a more
20 conventional T intersection. And I think as we go
21 through the public space process with DDOT, we
22 will be looking with DDOT at other things such as
23 doing more conventional stop sign configurations
24 at the intersection in conjunction with closing
25 that segment, which would also help improve safety

1 there.

2 MR. AVITABILE: Thank you. And to
3 clarify, that's safety for pedestrians as well as
4 for motor vehicles and cycles?

5 MS. MILANOVICH: Pedestrians, bicycles
6 and motor vehicles as well. Yes.

7 MR. AVITABILE: Thank you.

8 Okay. Lawrence, can you bring up the
9 back view of the building that we spent so much
10 time on? Thanks.

11 Have you integrated setbacks and step
12 downs into the back side of this building?

13 MR. CAUDLE: Yes, we have. There are --

14 MR. AVITABILE: Yes is good.

15 MR. CAUDLE: Okay.

16 MR. AVITABILE: Is there landscaping on
17 the back of the building?

18 MR. CAUDLE: here is landscaping on the
19 step back terraces. On the ground floor it is
20 paved, on the alley level.

21 MR. AVITABILE: And have you implemented
22 other architectural design features to mitigate
23 the back side of this building and its transition
24 into the neighborhood?

25 MR. CAUDLE: Well, yes we have. I think

1 the inclusion of the apartment units at the back,
2 that was one of the main reasons. So that we
3 could activate the facade with windows. There is
4 a deep green roof over these areas for improved
5 water retention. We did animate more of the back
6 of the facade here with balconies. And we did
7 take off some of the balconies here just in
8 response to the neighborhood.

9 MR. AVITABILE: All right. Thank you.

10 And could we go to that image, it was A8
11 in the presentation. I'm not sure where it is.
12 That elevation of the street of Wisconsin Avenue.
13 We're going to come back to those shadow studies.
14 I apologize for making us go backward and forward.
15 Thank you.

16 Is this image to scale?

17 MR. CAUDLE: Yes. It's to scale.

18 MR. AVITABILE: Thank you. Can we go to
19 the shadow studies now?

20 All right. We had two pages in the
21 package. A27 is matter of right development of
22 the site. A28 is what our proposed project would
23 be, so you can compare the before and after. And
24 I think briefly, Lawrence, let me ask you this
25 question. Does our project generate any shadow

1 outside of the square in which we sit?

2 MR. CAUDLE: If you're looking at the
3 document here, in Winter Solstice and Summer
4 Solstice for the matter of right project, you can
5 see that it is on the western side predominantly
6 within the block. If you look at the proposed
7 development, there is a brief area at the 9:00
8 a.m. in the Winter Solstice that is across the
9 street from Chesapeake, but not beyond 42nd.

10 MR. AVITABILE: And so that's to the
11 West. And to the East, how far does the shadow
12 extend?

13 MR. CAUDLE: To the East, it extends
14 across Wisconsin Avenue, but that is an area in
15 which there is no current development.

16 MR. AVITABILE: Okay. Thank you.

17 And I think we already covered this, but
18 I would like you to clarify. Could we go to the
19 Google views of where we dropped the building in?
20 Great. So this is a view from which intersection?

21 MR. CAUDLE: This is a view from
22 Brandywine and River Road.

23 MR. AVITABILE: And to be clear, this is
24 a view of our proposed building; correct?

25 MR. CAUDLE: This a view of our proposed

1 building. Yes.

2 MR. AVITABILE: Would you describe that
3 as a building that's looming over this area?

4 MR. CAUDLE: No. There are considerable
5 distances just at this intersection, and some of
6 the people whose properties we're talking about
7 were considerably further away as well.

8 MR. AVITABILE: All right. And stay on
9 this image for a second. Can you put your cursor
10 on the house immediately adjacent to the alley?

11 Brook, that's the house that was talked
12 about as adjacent to the alley. Whose house is
13 that?

14 MR. CAUDLE: That's 4117 Brandywine
15 Street. It belongs to Bruce Lowery.

16 MR. AVITABILE: And he is now satisfied
17 that we've addressed his concerns about the
18 application; correct?

19 MR. CAUDLE: Correct.

20 MR. AVITABILE: Thank you.

21 Okay.

22 MS. CHASSO: I don't remember anybody
23 mentioning Bruce Lowery. So why is this rebuttal?

24 CHAIRMAN HOOD: Ms. Chesser, now you've
25 been down here a long time, and I've been knowing

1 you a long time. You have never done that. Ever.

2 Now we're back to where we need to be. Okay.

3 Thank you. Okay.

4 MR. AVITABILE: All right. Go to the
5 next image. All right. Similarly, this is just
6 showing our proposed building; correct?

7 MR. CAUDLE: Correct.

8 MR. AVITABILE: And this is from which
9 view?

10 MR. CAUDLE: From right at the corner of
11 42nd and River Road.

12 MR. AVITABILE: And would you describe
13 that as a building that's looming?

14 MR. CAUDLE: No.

15 MR. AVITABILE: Okay. Thank you.
16 Next image.

17 And this image is from where?

18 MR. CAUDLE: This image is from
19 Chesapeake and 42nd.

20 MR. AVITABILE: Okay. And would you
21 describe this as a building that's looming?

22 MR. CAUDLE: No. It's not looming.

23 MR. AVITABILE: Thank you. Okay.

24 Jamie, just to clarify, this project
25 will generate less traffic than the current

1 development of the property; correct?

2 MS. MILANOVICH: That is correct. Yes.

3 MR. AVITABILE: Thank you.

4 Okay. I think that concludes the
5 factual pieces. I do want to speak to the
6 Comprehensive Plan issues, because I do think
7 they're important, and they are certainly
8 addressed in detail in writing. But I think the
9 Commission's previous action is a new issue to us
10 that we wanted to make sure we addressed directly
11 this evening.

12 I think there are three main points that
13 were made about the consistency with the
14 Comprehensive Plan. The properties in the mixed-
15 use medium density residential and moderate
16 density commercial land use category, and we're
17 proposing rezoning into the MU-7 zone district.
18 Now, the MU-7 zone district's previous zoning
19 under the '58 regs was the C-3A zone district.
20 That zone is specifically listed as a zone that's
21 compatible with the moderate density commercial
22 land use category.

23 And our height and density is within the
24 parameters that a PUD allows in that zone. So
25 right on its face, what we're proposing is

1 consistent with the language in the Comprehensive
2 Plan. This is distinct from some of the other
3 recent cases. Durant would be the prime example,
4 where they were proposing a zone category that
5 wasn't listed as a zone category that was
6 consistent with the Comprehensive Plan Land Use
7 designation.

8 The second issue that was raised was
9 about the height, and how our height differs from
10 what's stated in the Comprehensive Plan. So we're
11 proposed as eight stories. That's not
12 inconsistent with the Comprehensive Plan. The
13 Plan suggests that four to seven stories are the
14 predominant use for medium density residential.
15 But it then goes on to say very clearly in the
16 framework section, the same provisions that Mr.
17 Williams was talking to, that additional height is
18 appropriate when it's secured through a Planned
19 Unit Development process.

20 We're just talking about one additional
21 story, and we think that the public benefits and
22 project amenities here all of which are delivering
23 on many goals and policies of the Comprehensive
24 Plan, justify that additional story.

25 And then I think regarding the provision

1 to the Rock Creek West element, and that's why I
2 asked Mr. Caudill to go through the elements of
3 the back of the building, a way in which
4 architectural design and setbacks have been
5 incorporated. Because, what the Rock Creek West
6 element says is that there should be a transition
7 of scale in mitigation of impact. And I think
8 we've gone through, in our previous testimony and
9 some of the issues you just went through, the many
10 ways in which we have addressed and modulated
11 scale and impact. We may disagree with Tenleytown
12 Neighbors Association on whether that's been done,
13 but it has been done and we've presented the facts
14 as to why we think that's the case.

15 And I think the best evidence that we've
16 addressed the scale and impact of this project,
17 comes from the fact that as Mr. Katzen pointed
18 out, there's no one here within our block that's
19 here in opposition. Those are the people on whom
20 the shadows are generated. Those are the people
21 that would feel alleged impact of additional
22 traffic, although there actually isn't additional
23 traffic here. And yet, they're not here. We have
24 a letter of support from one person. We reached
25 an agreement with the only other person that had

1 opposition. We've worked with them to address
2 their concerns.

3 I think other people more broadly in the
4 neighborhood are not denying the fact that Mr.
5 Williams lives just across Chesapeake and 42nd
6 near the block. And the same with the other
7 representative from Tenley Neighbors Association
8 that's across 42nd and River. But the people that
9 are closest that are going to feel this project,
10 they're satisfied. In fact, one of them is
11 excited about the project, wants to see it happen,
12 recognizes that they live close to this commercial
13 corridor and they want to see that commercial
14 corridor improved.

15 And so I think that's important. I
16 think similarly when you look at the provisions of
17 the Comprehensive Plan, you can't just cherry pick
18 the ones that are on your side, and you have to
19 look at the Plan as a whole. And there are many
20 provisions of the Comprehensive Plan that support
21 the development of this project. We've just
22 talked about some. There are many provisions that
23 talk about encouraging amounts of substantial
24 amounts of housing over pedestrian-oriented
25 corridors when you have a mixed-use set of zoning.

1 There are provisions that make it very
2 clear that, the language that talks about heights
3 and number of stories, that's a general comment.
4 But there can be buildings that are taller,
5 particularly if you are doing a PUD. I think when
6 you go to the Rock Creek West element, multiple
7 provisions in there that talk about Tenleytown
8 area as an opportunity area for new housing. It's
9 a major focus of the Rock Creek West element.

10 It specifically talks about reusing
11 commercial buildings between Brandywine and
12 Jennifer Street, with new local-serving retail
13 uses and housing is encouraged, and use that to
14 upgrade streetscape, improve traffic flow and
15 address parking problems. That is exactly what
16 this project does. It then goes on to say, and
17 this is the provisions again that were cited by
18 Tenleytown Neighbors, the redevelopment should
19 respect the scale of existing neighborhoods,
20 promote walkability, create a more attractive
21 street environment, mitigate impact on traffic,
22 parking, infrastructure, and public services.

23 I note, by the way, that one of the
24 advantages of having a project that is focused
25 primarily on smaller units and young families with

1 young kids before school age, they don't
2 necessarily require public school needs. So they
3 actually won't impose an additional burden on the
4 one of the major pieces of public infrastructure
5 in the area of the public schools. That issue
6 came up in our interagency meeting with all the
7 agencies. The DCPS was present and asked how many
8 school-aged kids are going to be generated by this
9 project. And we said, well, not as many. This is
10 a project that is more focused on a different
11 demographic.

12 I think we embrace the fact that this
13 project is different. The Rock Creek West element
14 goes on to talk about scale and height that
15 reflects the proximity to single-family homes.
16 That doesn't mean there needs to be an automatic
17 step down. It just means that you have to find
18 ways to make it blend in with the neighborhood,
19 and I think the images on the screen as you walk
20 around the block, show that this is a project that
21 recedes into the background. It may mean that the
22 back side of the building isn't quite as
23 architecturally interesting as the front part of
24 the building, but I think it uses high quality
25 materials and otherwise provides that backdrop.

1 And then I think, yes, it does talk
2 about an emphasis on low to mid-rise mixed-use
3 buildings rather than high-rise towers, but again,
4 you have to go back to the Plan as a whole and the
5 fact that the Plan says when you have a PUD, you
6 might go a story taller. And that's what this
7 project does.

8 And I think the last thing I wanted to
9 end on, two things, first regarding the
10 Commission's previous action, which was in 1989,
11 so that was nearly twenty years ago. That was
12 largely in response to a significant number of
13 commercial office buildings being proposed along
14 this corridor. And I know the focus was largely
15 on preventing that from continuing to happen.

16 The city has changed significantly since
17 that time, and the best example of how we as a
18 city believe that our goals and policies have
19 changed, is that we adopted a Comprehensive Plan
20 in 2006 that states very clearly, we would like to
21 see transit-oriented development. We would like
22 to see mixed-use housing over retail along these
23 key corridors and near Metro Stations. That's why
24 it's not inconsistent for you all to decide in
25 this case that a rezoning to the C-3A zone, or now

1 the MU-7 zone, is appropriate and not inconsistent
2 with the comprehensive Plan, even though your
3 predecessors made a different decision twenty
4 years ago. Totally different circumstances, and
5 totally different Comprehensive plan underpinning
6 your decision. And I think that's very important.

7 I also think, again, the exact same
8 issues came up in the Cathedral comments, the
9 Wisconsin Avenue Giant case. I know it well,
10 because that was one of my cases. And those very
11 same issues were brought up to the Court of
12 Appeals, and the Court said, Zoning Commission,
13 just because you made one decision twenty years
14 ago doesn't preclude you from changing your mind
15 now, and again, it was based on the fact that
16 there was a new Comprehensive Plan. And I also
17 want to read from the original Zoning Commission
18 Order that downzones the properties that you the
19 Zoning Commission yourself even noted that PUDs
20 would potentially allow you to revisit your
21 decision. It's on Page ten of the order where it
22 talks about the Commission retains authority to
23 allow beneficial development pursuant to the PUD
24 regulations, which would in fact further the goals
25 and objectives of the Comprehensive Plan. Meaning

1 that, you could consider going back to the C-3A
2 zoning, now the MU-7 zoning, that was there.

3 So I don't think that there's anything
4 about this application that is inconsistent with
5 the Comprehensive Plan or inconsistent with your
6 prior actions and your decisions. I think the
7 last thing I note from the Wisconsin Avenue Giant
8 case, another one of the key issues in that case
9 was the idea that there were heights and densities
10 that maybe exceeded the rest of the area there.
11 We had a five-story building and much of the
12 surrounding development consisted of two- to
13 three-story buildings, if you think of the
14 buildings along Macomb Street and Wisconsin
15 Avenue.

16 And similarly, here we've heard, oh,
17 well everything else is no more than six stories
18 tall, but you all have an eight-story tall
19 building. Well, again just because some of the
20 buildings, or the predominate building heights are
21 one height, doesn't mean that you can't have some
22 buildings that exceed that. And again, that was
23 an issue that was appealed. Again, that was an
24 issue that the Court recently affirmed.

25 So I do think that it's quite clear that

1 when you look at the Comprehensive Plan it is
2 interpreted broadly and you look at the Plan as a
3 whole. We're here tonight with support from the
4 Office of Planning, the Department of
5 Transportation, the Advisory Neighborhood
6 Commission, the Ward 3 Vision, Revive 3E, and the
7 Coalition for Smarter Growth, and we have issues
8 we've clearly talked about. And we were at seven
9 different meetings with the ANC about this
10 project. We've had this debate, this is now the
11 eighth time we've had this discussion and debate,
12 and it's been a good debate and it's been a
13 spirited debate. And it's been an educated and
14 informed debate. But we think on balance, all the
15 facts and the law in the case supports the project
16 we've proposed.

17 Thank you very much.

18 CHAIRMAN HOOD: You mentioned the Giant
19 case, didn't you?

20 MR. AVITABILE: I did.

21 CHAIRMAN HOOD: That should be empty,
22 because there was a lot of opposition, so I guess
23 I'll come over there and shop. Because I'm sure
24 nobody's using that Giant.

25 Okay. I'm being sarcastic. I shouldn't

1 do that, because I understand it's going very
2 well. People love it.

3 Let me ask you. What is the date on
4 that Order?

5 MR. AVITABILE: The Zoning Order that --

6 CHAIRMAN HOOD: The Order that you just
7 read from.

8 MR. AVITABILE: That is dated September
9 15, 1988, which I think was the date of the
10 decision.

11 CHAIRMAN HOOD: Okay. So when you said
12 twenty years ago, I said I think I was here. So
13 you must have meant thirty.

14 MR. AVITABILE: Thirty. Sorry.

15 CHAIRMAN HOOD: So you're making me feel
16 even older than I am.

17 MR. AVITABILE: I'm trying to make
18 myself feel younger. That's what's going on.

19 CHAIRMAN HOOD: Okay. So, yeah, I think
20 that's a good point, because that's possibly
21 thirty years ago. And a lot of stuff has changed
22 in this city since thirty years ago. Some I like.
23 Some I don't. Some I've had to get used to. I've
24 said this the other night at another hearing. We
25 had to learn to adapt.

1 In my neighborhood I had to learn to
2 adapt. I'll use this example, and I won't soap
3 box, but I'm just saying this. When I first voted
4 on some stuff and I got off at Columbia Heights, I
5 looked up and thought I'd made a mistake. But now
6 I get off and I'm used to it.

7 So some things have to grow on us. We
8 have to get used to some things. But anyway,
9 that's a whole other issue.

10 Let's open it up. Any comments from us?
11 Vice Chair?

12 VICE-CHAIR MILLER: Thank you, Mr.
13 Chairman.

14 And thank you going through all of that
15 rebuttal testimony. I know a lot of that was in
16 the written record, but since we kind of
17 discourage you from making an opening statement,
18 it was important that this actual public hearing
19 record tonight have a lot of that information, and
20 I'm glad you put it on the record. And I have
21 looked at that shadow study and tend to agree that
22 the matter of right is not substantially different
23 than the proposed project in terms of the shadows.

24 I appreciate all of your comments about
25 the Comprehensive Plan and information about the

1 park and that intersection. And I appreciate your
2 statement about creating a different product, or
3 diverse type of housing, in the neighborhood, and
4 the need for that. There are a lot of
5 predominantly single-family homes in the
6 neighborhood.

7 In terms of the two-bedroom rental
8 units, did you look at the market in terms of any
9 need for that kind of product beyond the three?
10 Or do you think that's your ideal count? I'm not
11 sure there are a lot of two-bedroom rentals in
12 some of these high rises either and that might be
13 attractive for that kind of diverse population as
14 well. What did you find when you were --

15 MR. KATZEN: Well, even before we closed
16 on the acquisition of these properties, we started
17 meeting with people in the community to try to
18 understand their hot buttons and what the issues
19 are. And we repeatedly heard that the schools
20 were overcrowded and there was a lot of concern
21 that by developing a lot of units for families, we
22 would further burden the schools. And that's
23 something people didn't want to see.

24 We've seen in a lot of our projects
25 throughout the city that one-bedroom plus dens are

1 a perfect housing type for a young couple that's
2 thinking of having a child or a young couple with
3 their first child. We think that this location is
4 ideal for young professionals, both singles and
5 couples and small families that either work in
6 Bethesda or Friendship Heights, but want to live a
7 little closer to downtown. Or for folks that work
8 downtown or in Dupont, but want a slightly quieter
9 atmosphere and a better value. So we can draw
10 from both directions.

11 We're not targeting students. The main
12 campus of American University is concentrated over
13 on Massachusetts Avenue more than a mile to our
14 West. We're excited about AU's new law school on
15 Wisconsin Avenue with more than 3,000 law
16 students, that's a potential market. So we're
17 trying to design to the demand and design a
18 product that we think is in demand in this
19 location. And it's not a dorm. We're not
20 targeting college students. The demand is for
21 young professionals, both singles and couples and
22 small families.

23 VICE-CHAIRMAN MILLER: Thank you. I
24 appreciate that response.

25 COMMISSIONER TURNBULL: Okay. I want to

1 echo the Vice Chair's comments about going through
2 all the issues that were presented. I greatly
3 appreciate that. And I guess, I take it that the
4 alley residence is not objectionable either.

5 MR. KATZEN: There is one structure that
6 faces the alley that at one point I guess became
7 approved to be a home.

8 COMMISSIONER TURNBULL: It could have
9 been grandfathered in a long time ago.

10 MR. KATZEN: Maybe. When we first
11 acquired our property, I made contact with the
12 owner of that home and he had no objections to
13 what we were proposing at the time.

14 Last week, leading up to this hearing
15 and preparing for this hearing, I attempted to
16 reach out again and discovered that the property
17 has actually changed hands in the past year. So
18 there's a new owner and I've been unable to
19 contact the new owner in the past week, but can
20 continue to try to do so. I have a name, but
21 haven't had a chance to stop by and knock on the
22 door.

23 COMMISSIONER TURNBULL: If I look at the
24 view from the rear that you've shown so many
25 times, and maybe you could bring it up. If I'm

1 looking at that, the little white diamond or the
2 little square thing at the middle, I take it that
3 that's that unit.

4 MR. AVITABILE: That's right.

5 COMMISSIONER TURNBULL: And it looks
6 like directly across from that, you have a planter
7 of some sort that you've raised up.

8 MR. AVITABILE: That's right.

9 COMMISSIONER TURNBULL: So I don't know
10 whether that was intentional or not, but at least
11 there's some gesture to a block. It's not like
12 it's looking totally at the alley. You've tried
13 to dress up the view from that person's residence.

14 MR. AVITABILE: Right. And that's
15 partly because there's an existing structure there
16 keeps with existing codes, but instead of having
17 it just be barren --

18 COMMISSIONER TURNBULL: So you got luck
19 with this serendipitous architecture.

20 MR. AVITABILE: It worked out well. I
21 mean if you consider what this proposed building
22 looks like compared to what's there now, which is
23 kind of an open surface parking area, this is a
24 significant improvement over what's there now.

25 COMMISSIONER TURNBULL: Right. Yeah.

1 Okay. Thank you.

2 CHAIRMAN HOOD: Any other questions?

3 Okay. Any cross on rebuttal? Let me go to

4 Chairman Bender?

5 Ms. Kimmel?

6 Ms. Chesser?

7 Okay. All right. Mr. Avitabile, do you
8 have a closing?

9 MR. AVITABILE: I think I did it just
10 then. I'm good.

11 CHAIRMAN HOOD: All right.

12 Okay. Did we ask for anything, Ms.
13 Schellin? We did?

14 MS. SCHELLIN: I walked out of the room
15 when Commissioner May and Commissioner Turnbull
16 were talking.

17 CHAIRMAN HOOD: That was a good time
18 leave.

19 MS. SCHELLIN: That was probably the
20 most of it. So I only had two things down, but I
21 believe Ms. Logan was taking very good notes.

22 MR. AVITABILE: The only two things I
23 had was to tighten up some of the conditions that
24 OPM recommended and Commissioner Turnbull
25 recommended. And then I think to the extent that

1 we were going to continue to work on the North
2 facade design, that we would provide that updated
3 design.

4 MS. SCHELLIN: Right. That's pretty
5 much what I have.

6 CHAIRMAN HOOD: You got anything else?
7 That was it?

8 Okay. So I think we got everything.
9 All right.

10 MS. SCHELLIN: How much time do you
11 think you need for that?

12 MR. AVITABILE: We only need a week or
13 so to do that.

14 MS. SCHELLIN: A week or so? Okay.

15 MR. AVITABILE: Let's say two weeks,
16 because it might take some time for us to look at
17 it.

18 MS. SCHELLIN: So, two weeks would put
19 us to the 12th of October, 3:00 p.m. And then the
20 parties would have until 3:00 p.m. on the 19th to
21 provide responses. And we would need drafting
22 findings, facts, conclusions, and the law from
23 parties if they choose to provide one. The
24 applicant can, of course, is required to do so.

25 We would actually need those by October

1 16th, 3:00 p.m., and we can put this on for
2 October 30th, 6:30 p.m. Everyone got those?

3 Okay.

4 CHAIRMAN HOOD: Okay. Are we all on the
5 same page? Any questions?

6 All right. I want to thank everyone for
7 their participation tonight in this case. I think
8 a lot of work has been done, whether you're for it
9 or against it, and we greatly appreciate it. And
10 we will deal with this at whatever the hearing
11 date that Ms. Schellin just described. With that,
12 this hearing is adjourned.

13 (Whereupon, at 9:51 p.m., the
14 proceedings were adjourned.)

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CERTIFICATE OF NOTARY PUBLIC

I, GERVEL A. WATTS, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony that appears in the foregoing pages was recorded by me and thereafter reduced to typewriting under my direction; that said proceedings is a true record of the proceedings; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

GERVEL A. WATTS

Notary Public in and for the
District of Columbia

My Commission expires: February 14, 2019