

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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IN THE MATTER OF: :
   
:
   
VALOR DEVELOPMENT, LLC : Case No.
   
: 16-23
   
:
   
-----:

Thursday,
   
January 11, 2018

Hearing Room 220 South
   
441 4th Street, N.W.
   
Washington, D.C.

The Public Hearing of Case No. 16-23 by the
   
District of Columbia Zoning Commission convened at 6:30
   
p.m. in the Jerrily R. Kress Memorial Hearing Room at 441
   
4th Street, N.W., Washington, D.C., 20001, Anthony J.
   
Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
JENNIFER STEINGASSER, Deputy Director, Development  
Review & Historic Preservation  
ELISA VITALE

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from  
the Public Hearing held on January 11, 2018.

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

	<u>Page</u>
Opening Remarks . . . . .	4
Preliminary Matters . . . . .	7
Applicant's case	
Will Lansing . . . . .	21
Sarah Alexander . . . . .	26
Erwin Andres . . . . .	32
Shane Dettman . . . . .	33
Report of the Office of Planning	
Elisa Vitale . . . . .	103
Report of other Government Agencies	
Aaron Zimmerman . . . . .	105
Report of ANC	
ANC 3D . . . . .	146
ANC 3E . . . . .	155
Organization of Parties in Support	
Ward 3 Vision . . . . .	169
Spring Valley Neighbors . . . . .	172
Organization of People in Opposition	
Stephen Band . . . . .	175
Proponents	
Cheryl Cort . . . . .	183
Rebuttal and Closing by the Applicant . . . . .	--
Adjourned . . . . .	188

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

(6:39 p.m.)

1  
2  
3 CHAIRMAN HOOD: All right, let's go ahead and get  
4 started. Good evening ladies and gentlemen. First of all,  
5 let me say Happy New Year to each and every one of you.

6 This is the public hearing of the Zoning  
7 Commission for the District of Columbia. Today's date is  
8 January 11th, 2018.

9 My name is Anthony Hood. Joining me is Vice  
10 Chair, well, soon to be joining me, Vice Chair Miller,  
11 Commissioner Shapiro, Commissioner May and Commissioner  
12 Turnbull.

13 We're also joined by the Office of Zoning Staff,  
14 Ms. Sharon Schellin, as well as the Office of the Attorney  
15 General, Ms. Lovick. As well as the Office of Planning  
16 Staff, Ms. Steingasser, Mr. Lawson, Ms. Vitale. District  
17 Department of Transportation, Mr. Zimmerman.

18 This proceeding is being recorded by a court  
19 reporter and it's also webcast live. Accordingly, we must  
20 ask you to refrain from any disruptive noise or access of the  
21 hearing, including display of any signs or objects.

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

25 The hearing will be conducted in accordance with

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1 revision of 11Z DCMR Chapter 4 as follows, preliminary  
2 matters, Applicant's case, report of the Office of Planning,  
3 report of other government agencies, report of the ANC, we  
4 have a few in this case, organizations of persons in support,  
5 organizations in persons in opposition, rebuttal and closing  
6 by the Applicant.

7           The following time constraints will be maintained  
8 in this meeting. The Applicant has up to 60 minutes. But  
9 we can probably hear it in less time. Our organizations five  
10 minutes, individuals three minutes.

11           The Commission intends to adhere to the time  
12 limits as strictly as possible, and no time shall be seated.  
13 The Commission reserves the right to change the time limits  
14 for presentations if necessary.

15           All persons wishing to testify before the  
16 Commission in this evening's hearing are asked to register  
17 at the witness kiosk. If you need any assistance, Ms.  
18 Schellin will be available to help you.

19           Upon coming forward to speak into the microphone,  
20 please give both cards to the reporter sitting to my right,  
21 before taking a seat at the table.

22           When presenting information to the Commission,  
23 please turn on and speak into the microphone, first stating  
24 your name and home address. When you are finished speaking,  
25 please turn you microphone off so that your microphone is no

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1 longer picking up sound or background noise.

2           The decision of the Commission in this case will  
3 be based exclusively on the public record. To avoid any  
4 occurrence to the contrary, the Commission requests that  
5 persons present do not engage the Members of the Commission  
6 in conversation during any recess or at any time.

7           In addition, there shall be no direct contact  
8 whatsoever with any Commissioner concerning this matter, be  
9 it written, electronic or by phone. Any materials received  
10 by a Commission will be discarded without being read and any  
11 calls will be ignored.

12           The Staff will be available throughout the hearing  
13 to discuss procedural questions. Please turn off all  
14 electronic devices at this time so to not disrupt these  
15 proceedings.

16           Would all individuals wishing to testify please  
17 rise to take the oath? Ms. Schellin, would you please  
18 administer the oath?

19           MS. SCHELLIN: Yes. Please raise your right hand.  
20 Do you solemnly swear or affirm the testimony you give this  
21 evening will be the truth, the whole truth and nothing but  
22 the truth?

23           (Chorus of aye.)

24           MS. SCHELLIN: Thank you.

25           CHAIRMAN HOOD: Okay, at this time the Commission

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1 will consider any preliminary matters. Ms. Schellin, do we  
2 have any preliminary matters?

3 MS. SCHELLIN: Yes, we have a few as far as,  
4 there's quite a few party status applications to go over.

5 Just to remind everyone, there was a advanced  
6 party status that was given to Citizens for Responsible  
7 Development conditioned upon them making a submittal listing  
8 their members. And that was done at Exhibit 149.

9 So, the Citizens for Responsible Development are  
10 represented by Ed Donohue, who is here this evening. So just  
11 a reminder on that.

12 So, Mr. Nussdorf's request for party status and  
13 support at Exhibit 8, he, for revied 3E, he withdrew that  
14 request at Exhibit 141. So the Commission no longer needs  
15 to consider that one.

16 So the first one, do you want me to start down the  
17 list for you or --

18 CHAIRMAN HOOD: Yes, let's do one-by--one.

19 MS. SCHELLIN: Okay.

20 CHAIRMAN HOOD: Okay.

21 MS. SCHELLIN: So the first one is a joint party  
22 status request between three entities. You have the Spring  
23 Valley-Wesley Heights Citizens Association, Neighbors for  
24 Livable Community and Spring Valley West Homes Corp.

25 And the Applicant's opposition is at Exhibit 131.

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1 The joint request is at Exhibit 115. And the opposition is  
2 at 131.

3 CHAIRMAN HOOD: Okay, thank you, Ms. Schellin.  
4 And, colleagues, we do have Exhibit 115, which is, Spring  
5 Valley has already been stated, Spring Valley-Wesley Heights  
6 Citizens Association, Neighbors for Livable Communities,  
7 Spring Valley West Homes Corporation. And we have the  
8 Applicant's opposition to that request.

9 I will say, I'm not sure whether we're going to  
10 vote it up or down but I appreciate them, I'm not sure if  
11 they had always said they were going to be joining together,  
12 but I appreciate them joining together. That makes a  
13 difference for me and my evaluation. And I do note that the  
14 Applicant has some concerns with that but let me open up any  
15 discussion on this.

16 MS. SCHELLIN: I'm sorry, Chairman Hood, first we  
17 need to make sure that the representatives are here.

18 CHAIRMAN HOOD: Oh, okay.

19 MS. SCHELLIN: I forgot to call for that.

20 CHAIRMAN HOOD: Is everybody here?

21 MS. SCHELLIN: Jay Craskin? Dennis Paul or Scott  
22 Parker since they're usually, who's going to represent the  
23 group? You? Tom Smith will be the representative if  
24 granted.

25 CHAIRMAN HOOD: Okay. I think you're good. No,

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1 I think you're good.

2 All right, thank you. I'm glad you all reminded  
3 me about the new ZR 16.

4 Commissioners, I am not opposed to giving this  
5 joint group now party status. I'm not sure what the name is,  
6 they can decide on that. But let me open it up to see what  
7 others think.

8 And I know that we do have an opposition opposing  
9 them to come into status, and concerns but I think that it  
10 is reasonable and I think that they qualify for that. But  
11 let me open up any objections or any other differences?

12 Okay, so it seems like we have a consensus, but  
13 I'm going to make a motion. But, Mr. Smith, I was going to  
14 call you Commissioner Smith, once you're a Commissioner  
15 you're always a Commissioner, if you can come forward.

16 I do want to ask you what's the name of this  
17 group. So I'm going to call all three names out each time.

18 We can call this Spring Valley Neighbors West  
19 Corporation or something like that, but let's give them one  
20 name.

21 MR. SMITH: How about Spring Valley Opponents?

22 CHAIRMAN HOOD: Spring Valley Opponents sounds  
23 good. And that will include all three?

24 MR. SMITH: All three groups.

25 CHAIRMAN HOOD: Okay.

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1 MR. SMITH: Yes.

2 CHAIRMAN HOOD: So Spring Valley Opponents. Okay,  
3 and we register it. And we note the opposition is noted in  
4 the exhibits that's already been specified.

5 I don't need to call Mr. Collins up because we,  
6 okay.

7 MS. SCHELLIN: It's all by writing in.

8 CHAIRMAN HOOD: It's all by writing in, okay. All  
9 right, so with that I'm going to move that we give Spring  
10 Valley Opponents party status in this case and ask for a  
11 second.

12 COMMISSIONER SHAPIRO: Second.

13 CHAIRMAN HOOD: It's been moved and properly  
14 seconded, any further discussion? All in favor?

15 (Chorus of aye.)

16 CHAIRMAN HOOD: Any opposition? Not hearing any,  
17 Ms. Schellin, would you record the vote?

18 MS. SCHELLIN: Staff records the vote 5-0-0 to  
19 give the Spring Valley Opponents, consisting of the three  
20 groups in opposition, party status. Commissioner Hood  
21 moving, Commissioner Shapiro seconding, Commissioners  
22 Turnbull, Miller and May in support.

23 CHAIRMAN HOOD: Okay, let's do the next one.

24 MS. SCHELLIN: Okay. So the next one is Milton,  
25 and I'm not sure I'm going to say this right, Buchler, okay,

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1 in opposition. His request is at Exhibit 119.

2 He is an owner across the street on Windom Place.  
3 And the Applicant filed its opposition at Exhibit 132. Mr.  
4 Buchler, I'm sorry, is here.

5 CHAIRMAN HOOD: Okay, Commissioners, we have an  
6 application, well, an application in opposition from Mr.  
7 Buchler. And we noted that the opposition to his request has  
8 been noted that they believe that he should join the Citizens  
9 for Reasonable Development.

10 But anyway, let's see what we think up here. Let  
11 me open it up for any discussion on this. Vice Chair.

12 VICE CHAIR MILLER: I see how he is uniquely  
13 effected being right across the street but, I think he's the  
14 one, he's right across the street from the larger building,  
15 but I share the view that he should probably join with the  
16 Citizens for Reasonable Development or the Spring Valley  
17 Opponents, so that we can have a more efficient hearing.

18 CHAIRMAN HOOD: Okay. Commissioners, any other  
19 comments on that? Okay, it looks like, and do I need to  
20 bring Mr. Buchler up because it looks like I'm also going to  
21 agree with the Vice Chair as well.

22 Mr. Buchler, can you come up and maybe you can  
23 explain why you, now we know that you're so many feet away,  
24 but we believe that you can tie in some of your opposition  
25 with, I'm just going to call it the CRD, if that's okay?

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1 Okay.

2 If you can identify yourself? Turn your mic on.  
3 You just push the button. There we go.

4 MR. BUCHLER: My name is Milton Buchler and I own  
5 the place at 4713. I don't live there, I'm not a citizen of  
6 the District of Columbia, I have no representation from your  
7 ANC Boards because I am not a citizen.

8 I think I should be afforded the opportunity, at  
9 least to examine the witnesses the Valor brings forward. I'm  
10 not particularly interested in testifying because I think the  
11 CRD will be much more eloquent than I could ever be, but I  
12 am different in that I am not represented by anyone else in  
13 this room.

14 CHAIRMAN HOOD: Well, let me see, I'm not sure if  
15 anyone changes their mind up here.

16 MR. BUCHLER: I'm sure not.

17 CHAIRMAN HOOD: Okay. Yes, you know how this  
18 goes. But what I would suggest is maybe CRD would be able  
19 to relay some of your issues to us, in their, you might want  
20 to give them a list of questions. So I'm just trying to help  
21 you out, I'm not saying you have to do that.

22 MR. BUCHLER: I understand.

23 CHAIRMAN HOOD: Okay.

24 MR. BUCHLER: But like I said, I don't feel I have  
25 any representation at any point.

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1 CHAIRMAN HOOD: But you also said you thought CRD  
2 would --

3 MR. BUCHLER: I subject they will raise most of  
4 the points that I would raise but there are a few that I  
5 don't think that they will address.

6 CHAIRMAN HOOD: And those few you might want to  
7 just, and I'm not trying to, again, say how to do it, I'm  
8 just trying to help you move your process. I would just  
9 write a few bullet points and give it them and see if they  
10 will ask the questions of them. Maybe do it that way.

11 MR. BUCHLER: As you wish.

12 CHAIRMAN HOOD: Okay. All right. Thank you very  
13 much. Let's see if somebody would like to make a motion or  
14 did anybody change their mind? Somebody can make a motion?

15 VICE CHAIR MILLER: Mr. Chairman, I would move  
16 that we deny the request for party status for Milton and  
17 encourage him to work with the CRD to get his view points and  
18 questions asked and ask for a second.

19 CHAIRMAN HOOD: Okay, I'm going to second that.  
20 It's been moved and properly second, any further discussion?  
21 All those in favor?

22 (Chorus of aye.)

23 CHAIRMAN HOOD: Any opposition? Staff, would you  
24 record the vote?

25 MS. SCHELLIN: Staff records the vote 5-0-0 to

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1 deny party status to Milton Buchler. Commissioner Miller  
2 moving, Commissioner Hood seconding, Commissioners May,  
3 Turnbull and Shapiro in denial also.

4 CHAIRMAN HOOD: Okay, I guess we're ready to move  
5 to the next one.

6 MS. SCHELLIN: Yes. So the next one would be Ward  
7 3 Vision in support at Exhibit 118. John Wheeler, is he  
8 present? Yes. Okay, Mr. Wheeler is present.

9 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.  
10 Okay, Commissioners, this is Exhibit 118. We have a letter  
11 from, I mean, I a submission from Ward 3 Vision in support  
12 of this project. Any objections? Okay, I think it's pretty  
13 straightforward.

14 I would move that we grant Ward 3 Vision a party  
15 in support of this project and ask for a second.

16 VICE CHAIR MILLER: Second.

17 CHAIRMAN HOOD: It's been moved and properly  
18 seconded. Any further discussion? All those in favor?

19 (Chorus of aye.)

20 CHAIRMAN HOOD: Any in opposition? Not hearing  
21 any, Ms. Schellin would you record the vote?

22 MS. SCHELLIN: Staff records the vote 5-0-0 to  
23 grant party status in support to Ward 3 Vision. Commissioner  
24 Hood moving, Commissioner Miller seconding, Commissioners  
25 May, Shapiro and Turnbull in support.

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1 Next we have Spring Valley Neighborhood  
2 Association in support at Exhibit 125. They are represented  
3 by William Clarkson, and he is present.

4 CHAIRMAN HOOD: Okay. Commissioners, we have  
5 Spring Valley Neighborhood Association in support. Any  
6 discussion? Any objections? Okay. I would move that we  
7 grant the Spring Valley Neighborhood Association a support  
8 in this case and ask for a second.

9 COMMISSIONER TURNBULL: Second.

10 CHAIRMAN HOOD: Okay, it's been moved and properly  
11 seconded. Any further discussion? All in favor?

12 (Chorus of aye.)

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

15 MS. SCHELLIN: Staff records the vote 5-0-0 to  
16 grant party status to the Spring Valley Neighborhood  
17 Association in support. Commissioner Hood moving,  
18 Commissioner Turnbull seconding, Commissioners May, Shapiro  
19 and Miller in support.

20 CHAIRMAN HOOD: Okay, anything else, Ms. Schellin?

21 MS. SCHELLIN: Okay, there are some proffered  
22 expert witnesses. I have Sarah Alexander, previously  
23 accepted from Torti Gallas. Shane Dettman, previously  
24 accepted from Holland & Knight. Erwin Andres, previously  
25 accepted from Gorove/Slade.

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1 Have I missed anybody, Mr. Collins?

2 CHAIRMAN HOOD: Mr. Collins, could you come up to  
3 the mic and identify yourself?

4 MR. COLLINS: Christopher Collins with Holland &  
5 Knight representing the Applicant. We've also submitted  
6 several witnesses who would be here for questioning.

7 CHAIRMAN HOOD: Is that Dennis Carmichael is one?

8 MR. COLLINS: Dennis Carmichael.

9 CHAIRMAN HOOD: Okay. Scott Delgado?

10 MS. SCHELLIN: Yes.

11 MR. COLLINS: Delgado.

12 CHAIRMAN HOOD: Delgado.

13 MS. SCHELLIN: Dennis Carmichael, was he one that

14 --

15 MR. COLLINS: Yes, Dennis Carmichael.

16 MS. SCHELLIN: Dennis Carmichael, he's previously  
17 been accepted from EDAW.

18 CHAIRMAN HOOD: Right. Bradley.

19 MS. SCHELLIN: Bradley Glatfelter or Scott  
20 Delgado. So it's going to be Scott Delgado or both?

21 MR. COLLINS: I think it's Bradley Glatfelter.

22 MS. SCHELLIN: Bradley?

23 CHAIRMAN HOOD: Yes.

24 MS. SCHELLIN: Okay. Okay, from Bowman. He's  
25 previously been accepted --

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1 CHAIRMAN HOOD: Has Bradley been accepted?

2 MS. SCHELLIN: Yes.

3 CHAIRMAN HOOD: Okay.

4 MS. SCHELLIN: Oh, wait a second. Yes, both of  
5 them.

6 CHAIRMAN HOOD: Okay.

7 MS. SCHELLIN: Or he hasn't? Bradley has not been  
8 accepted before? No. Okay, he has not.

9 CHAIRMAN HOOD: Okay, and what about --

10 MS. SCHELLIN: So that one you need to decide on  
11 so far.

12 CHAIRMAN HOOD: Okay. Bowman, and that's at  
13 Exhibit 136?

14 MS. SCHELLIN: From Bowman.

15 CHAIRMAN HOOD: Yes, okay.

16 MS. SCHELLIN: Exhibit 136, yes.

17 CHAIRMAN HOOD: So the only person we need to look  
18 at is Bradley Glatfelter.

19 MR. COLLINS: Isn't there an additional, Daniel  
20 Solomon?

21 MS. SCHELLIN: Daniel Solomon.

22 CHAIRMAN HOOD: There's another one, Daniel  
23 Solomon?

24 MS. SCHELLIN: Exhibit 114D with Gorove/Slade.

25 CHAIRMAN HOOD: Okay, so we have two?

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1 MS. SCHELLIN: Two.

2 CHAIRMAN HOOD: Let's do Bradley first, I'm not  
3 going to mess up his name anymore. Forgive me for calling  
4 you Bradley.

5 MS. SCHELLIN: Exhibit 136.

6 CHAIRMAN HOOD: And that's Exhibit 136. I thought  
7 all of them had been proffered.

8 We're having problems finding which one?

9 MS. SCHELLIN: 136 and 114D. Bradley is like the  
10 second. First you have Scott and then Bradley is after him.  
11 Did you find it?

12 CHAIRMAN HOOD: I don't see Mr. Bradley. So 136  
13 at the very end we're being told.

14 MS. SCHELLIN: Exhibit 136, right there.

15 CHAIRMAN HOOD: Oh, okay.

16 MS. SCHELLIN: Yes, right there.

17 CHAIRMAN HOOD: I'm sorry. Yes, it's at the very  
18 end.

19 MS. SCHELLIN: Right there. And then the other  
20 one is --

21 CHAIRMAN HOOD: Bradley Glatfelter. Is that how  
22 you pronounce it? Okay. It didn't take me all night.

23 MS. SCHELLIN: And then the other one is 114D.

24 CHAIRMAN HOOD: And we're proffering him, Mr.  
25 Collins, believe it or not, you can stay the table.

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1 MS. SCHELLIN: 114D.

2 CHAIRMAN HOOD: And you're proffering him as civil  
3 engineer, right?

4 MR. COLLINS: Correct.

5 CHAIRMAN HOOD: Okay. Any objections? Okay, not  
6 hearing objections, so we will proffer him as an expert. We  
7 will grant the expert witness status.

8 And what's the other --

9 MS. SCHELLIN: 114D.

10 CHAIRMAN HOOD: I guess if I look on this paper  
11 I will find it. Okay, 114D. Okay, Commissioners, any  
12 objections or we're ready?

13 Hold on a second, let me go back to --

14 COMMISSIONER TURNBULL: For Mr. Carmichael?

15 CHAIRMAN HOOD: No, this is Daniel Solomon for the  
16 traffic, with Gorove/Slade.

17 COMMISSIONER TURNBULL: Why do we need two from  
18 Gorove/Slade?

19 MR. COLLINS: In case there's any questions. Mr.  
20 Solomon was an integral part of the preparation of the report  
21 and --

22 COMMISSIONER TURNBULL: So he's going to be doing  
23 the primary discussion?

24 MR. COLLINS: The primary witness is Mr. Andres.

25 COMMISSIONER MAY: Yes, I don't see a reason to

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1 qualify a second. I mean, we've relied on Mr. Andres for a  
2 couple other cases in the past.

3 MR. COLLINS: Sure. Oh no, it's true. But  
4 Solomon has, in case there's any information that Mr. Solomon  
5 has we just, in abundance of caution --

6 COMMISSIONER MAY: Yes. No, I mean, I don't see  
7 a particular need to --

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER MAY: Yes, Mr. Solomon.

10 CHAIRMAN HOOD: Yes. Why don't we just keep it  
11 like we have it. You have one person already and I'm sure  
12 they can whistle, like I told the gentleman there, same rule  
13 applies, they can whistle in each other's ear. That happens  
14 all the time.

15 Okay, anything else?

16 MS. SCHELLIN: No.

17 CHAIRMAN HOOD: Okay. Mr. Collins, do you want  
18 to call your team up? And what I plan on doing, everyone,  
19 depending upon how we're looking about 8:00, I don't want to  
20 keep everybody here all night and we don't get this, so about  
21 8:15, because we plan on trying to maybe slow down and stop  
22 probably about 9:30, Commissioners or 10 o'clock?

23 VICE CHAIR MILLER: Yes, 10:30.

24 CHAIRMAN HOOD: Or 10:30. Watch, when 10 o'clock  
25 come nobody is paying me any attention, so then I'm going to

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1 be, everybody is going to be mad about 10 o'clock because I  
2 can go till the Metro close or even after.

3 So let me try this again, so, Commissioners, we  
4 want to go to about 10:30 right? Or 10 o'clock.

5 COMMISSIONER MAY: Whatever you say, Mr. Chairman.

6 CHAIRMAN HOOD: Yes, right, wait till 10 o'clock  
7 get here. Okay, so we're going to shoot for 10 o'clock.

8 And we'll do an assessment about 8:30. Because  
9 I don't want to keep people here all night and we won't get  
10 to them. I want to be fair and they can go home if they want  
11 to.

12 Okay, Mr. Collins, so we'll do, Ms. Schellin, can  
13 we do an assessment about maybe 8:15, 8:30?

14 MS. SCHELLIN: Sure.

15 CHAIRMAN HOOD: Okay, thank you. Okay, Mr.  
16 Collins, you may begin.

17 MR. COLLINS: Thank you. We've been asked to keep  
18 our presentation very brief and hit the major issues so we'll  
19 just jump right into it with the first witness, Mr. Will  
20 Lansing of Valor.

21 MR. LANSING: Good evening, members of the board,  
22 my name is Will Lansing, I am principle of Valor Development,  
23 the Applicant. Again, per Chris' comments we'll get right  
24 to it.

25 Valor has been at work on this site dating back

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1 to early 2015, when we gained contractual control of the  
2 property. Since that time, we've been hard at work in some  
3 very deep neighborhood engagement.

4           The upshot of this work is what you're going to  
5 hear a presentation on this evening and what is before you  
6 in the record. But some high points, as we've worked our way  
7 through delivering what we believe to be an appropriate and  
8 thoughtful and superior to a matter of right project that  
9 includes accomplishing an allocation of FAR from a  
10 neighboring Spring Valley Shopping Center, thus removing any  
11 future possibility of development pressure from that historic  
12 site.

13           And we're delivering larger housing units. Unlike  
14 a majority of mixed-use projects delivering small units  
15 across the city, we have focused on the larger units for an  
16 underserved demand in population.

17           We're creating thoughtful and significant setbacks  
18 in stepping of the building, pulling of the massing away from  
19 the residential streets, delivering a feeling of smaller  
20 scale and less impact on the neighboring houses.

21           We're programming all parking and loading  
22 activities and facilities to be located entirely along  
23 existing alleys, thus pulling the majority of impact off of  
24 the surrounding neighborhood streets and eliminating 80 feet  
25 of curb cuts to this site.

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1 Additional widening of the alley system onto our  
2 own private property and creating sidewalks within the alley,  
3 which lends to creating an important porosity and breaking  
4 up of a major city block, encouraging pedestrian flow through  
5 the site, using multiple pedestrian access points, and mainly  
6 the creation of a public park like feature we refer to as  
7 Windom Walk.

8 We're committing to significant mitigation  
9 measures to include curb extensions, robust TDM plan, funding  
10 and installation of a HAWK signal, in coordination with DDOT  
11 of course, connecting the east/western sides of Mass Avenue  
12 and other measures.

13 We're committing to high-quality design and  
14 building elements, committing to LEED Silver designation on  
15 the building and striving for LEED Gold. We're committing  
16 to ten percent of the building being set aside for Affordable  
17 housing.

18 And last, but not least, we're creating a home for  
19 a new full-service neighborhood serving grocery store that  
20 the neighborhood has lacked for years. That, again, as a  
21 matter of right, we could never have accomplished.

22 We believe this list to be very comprehensive.  
23 And it's certainly the upshot of our commitment to the  
24 community engagement process.

25 We when we first began talking to the neighborhood

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1 two plus years ago we mentioned to the ANCs, and our  
2 neighbors, that this was going to be a long road, a  
3 collaborative process. And we sit here today before you  
4 being very proud of that.

5 We believe it's afforded us the ability to deliver  
6 the depth of thoughtfulness, amenity and overall quality of  
7 the proposed project.

8 I'd like to quickly just sort of jump to the  
9 numbers of what that entailed. Starting in 2015, when we did  
10 begin the project, we have had widespread support throughout  
11 the history of all of these iterations dating back that far.

12 In 2015, we held 13 separate committee and ANC  
13 meetings on the project. After going down the road, quite  
14 a long ways with the design, after receiving feedback from  
15 the community that they weren't fans of those really plans,  
16 we did modify our project team, we brought in a new design  
17 team and modified our plan significantly. Which lead us into  
18 2016.

19 In 2016, we had 16 community and ANC meetings on  
20 the project, with an additional four agency meetings.  
21 Including meetings with the Opposition, who is in the room  
22 this evening, Citizens for Reasonable Development or their  
23 Counsel.

24 It was through this process, and in this year,  
25 that these meetings, we focused heavily and made

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1 modifications to set the building back, thoughtfully, off  
2 neighborhood streets and focused hard on driving traffic and  
3 loading to the alley system. Creating porosity through the  
4 site.

5 Also on delivering a grocery store to the  
6 neighborhood in the project and cleaning up a shared alley  
7 system between our adjacent properties on the project. This  
8 lead us into 2017.

9 In 2017, we experienced continued neighborhood  
10 concern over the traffic, loading and parking impacts of a  
11 destination type grocery store. Hearing this, we then  
12 modified the grocery store space to deliver a more  
13 neighborhood focused full-service grocer.

14 Additionally, we moved our loading zone and  
15 created a more significant separation between residential and  
16 retail entrances. We also moved the projects pool down from  
17 a roof to an interior courtyard.

18 With these changes, we were asked by the ANC to  
19 postpone our zoning commission hearing twice, allowing for  
20 more discussion and updates around the modification of the  
21 project.

22 Again, a keynote here, I'm not sure if good or bad  
23 to Members of the Board, but this is, I think, the third date  
24 we did request throughout the history. Again, our apologies,  
25 but, again, that was on the heels of the neighborhood

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1 feedback and iteration, so that's why we're here tonight.

2 In closing, we've happy complied and we went on  
3 to hold eight additional committee meetings, and ANC  
4 meetings, within the project in that year and four agency  
5 meetings.

6 On December 9th of 2017, after over full two years  
7 of engagement, we received support from ANC 3D in an eight  
8 to one vote. And on January 3rd, 2018 we received support  
9 from ANC 3E in a four to one vote.

10 With that, I'd like to thank you for your time  
11 this evening, appreciate this opportunity to sit before you  
12 and your consideration of our application.

13 MS. ALEXANDER: Good evening, Sarah Alexander with  
14 Torti Gallas, the architect. First, just to show you, these  
15 are the lots we're talking about tonight, if there's any  
16 questions.

17 As Will mentioned, they have been working on the  
18 site for three years. The first year is the design you see  
19 before us.

20 As you can tell, we have modified the design in  
21 response to community comments significantly from that date.  
22 And created a much more sensitive design.

23 The site is very uniquely located between three  
24 key elements. Quickly, the Spring Valley Shopping Center is  
25 to the west, the AU Park neighborhood, single-family

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1 neighborhood, to the north. And to the south is the AU  
2 building. That is five feet taller than the proposed design.  
3 You'll see tonight.

4 We wanted to respond very sensitively, as Will  
5 mentioned, pulling the mass away from the single-family  
6 neighborhood as much as possible. We did that through a  
7 series of several moves.

8 The first being creating a series of courtyards  
9 on both Yuma Street and 48th Street that create a series of  
10 pavilions respecting the scale and character of the homes  
11 adjacent, as well as creating our building into two  
12 buildings, splitting it into two buildings, to allow Windom  
13 Place to connect through as a pedestrian and visual  
14 connection.

15 Additionally, we pulled back the fourth floor from  
16 all street facing sides, and we limited our building two to  
17 four stories. This created a penthouse that is approximately  
18 half what we're allowed. We're at .2 instead of .4. So it's  
19 a significant reduction in penthouse area.

20 As Will mentioned, the grocery store was reduced  
21 in scale allowing for a more sensitive transportation plan  
22 for the neighborhood with less trucks, less parking required,  
23 less travel and additionally a smaller footprint.

24 This also allowed the parking to be pulled up out  
25 of the ground, which means the overall hole will be smaller.

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1 The total duration of digging and the disruption of rock will  
2 also be less.

3           Moving up through the plan, we do have a  
4 residential lobby off of Yuma, loading off at the south. All  
5 the loading is off of the public alley and nothing through  
6 the streets.

7           Here you can see the first level that's fully  
8 above ground. Because of the grade change, I forgot to  
9 mention, but the grade drops 26 feet from 48th Street to  
10 Yuma. I'm sorry, from 48th Street to the alley.

11           So as you go downhill towards Spring Valley  
12 Shopping Center there is a change of grade of 26 feet. So  
13 the first floor that's fully above ground is the second  
14 floor.

15           We have 370 parking spaces and 219 units. And  
16 here you can see the project in sections. This kind of gives  
17 you a better clue of how this all fits together, what I just  
18 showed you.

19           Again, we have three stories, three and a half  
20 stories, right on 48th Street adjacent to the neighborhood.  
21 And six stories are 73 feet on the alley side.

22           I'm going to go through a series of images, the  
23 first one is always the existing condition photo, the second  
24 one is the matter of rights scheme, and the third one is our  
25 proposed design.

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1 This is standing at Windom Place looking towards  
2 the west. You can see the AU Park building to the left.

3 The proposed design, we have come up with several  
4 designs over the course of two years. The donut shape one  
5 you see before you is the full 55 height on 48th Street.

6 By test of the design review, you're supposed to  
7 compare yourself to any manner of right design. This is a  
8 viable and sort of verified matter of right design.

9 Our proposed design and contrast and breaks up the  
10 scale and mass in the building, does not have all of the  
11 height concentrated along the street. As you can see here,  
12 wonderful building actually shielding AU's Building from the  
13 neighborhood, which we see as a benefit.

14 The continuation of Windom Place, with our newly  
15 created Windom walk. And a series of three pavilions broken  
16 up by courtyards with a height and scale and massing. Very  
17 sympathetic and consistent with that of the neighborhood.

18 A detail of Windom Walk. A wonderful little  
19 tranquil quiet space for use of the public and the neighbors  
20 to enjoy. As well as the pedestrian connection to the block.

21 Moving on, shoot, I'm not going quick enough.  
22 This is the view looking from the south, looking southwest.  
23 Here is our by right, 55 feet. Here is what you could do,  
24 44 feet. Again, breaking down the scale in massing.

25 And again, 73 feet matter of right from the other

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1 direction. Here's our perspective view, 52 feet only  
2 breaking down into several different elements. The grocery  
3 entrance has a smaller and different distinct facade type.

4 Northwest plaza, a wonderful creation of space.  
5 Again, to the neighborhoods benefit, a wonderful current  
6 conditions of the alley. We can go through that in more  
7 detail later, but there's ten dumpsters consolidated into two  
8 enclosures. That's what it looks like, that's what it will  
9 look like, much better.

10 And from Mass Ave, breaking down the scale in  
11 massing to be sympathetic backdrop into the Spring Valley  
12 Shopping Center. Similar color scale and massing.

13 And the street sections, sorry guys. As you can  
14 see here, the red dash line is everything we could do as a  
15 matter of right. Our building consistently is smaller and  
16 more reduced in scale and keeping with the homes across the  
17 street, which you can see who have surveyed for their height.  
18 And this is all true and accurate.

19 CHAIRMAN HOOD: And here's the thing, if you need  
20 more time, then take your time.

21 MS. ALEXANDER: Okay.

22 CHAIRMAN HOOD: Make sure you get it conveyed  
23 correctly.

24 MS. ALEXANDER: Okay. I'm trying to stick with  
25 the time constraints between eight and ten minutes. We had

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1 a lot to share with you tonight.

2           We have really endeavored, I do want to point this  
3 one out. This is the tallest part of the building that could  
4 be for matter of right, it could be 73 feet tall.

5           We've set back the building 17 feet for that  
6 wonderful plaza we talked about. Our roof terrace here,  
7 another 20 feet back. And the penthouse is so far back you  
8 can't even see it. So, again, trying to be very sensitive  
9 everywhere we can.

10           Same with the Spring Valley Shopping Center. We  
11 set back, again, multiple times to, again, be sensitive to  
12 that building.

13           I do want to talk about the shadow studies. I  
14 think it's important, for nine months out of the year our  
15 building has zero shadows on any neighborhood property  
16 between the hours of 9:00 and 4:00.

17           So, the majority of the day there are no shadows  
18 cast from our project. And that, in contrast with the matter  
19 of right where there are a little bit of shadows.

20           In the winter, we do have modest shadows starting  
21 at 3:00 p.m. But again, in concert with the matter of right,  
22 much less.

23           COMMISSIONER SHAPIRO: And in those drawings, the  
24 purple is the --

25           MS. ALEXANDER: Yes.

1 COMMISSIONER SHAPIRO: -- and grey is what?

2 MS. ALEXANDER: The purple is our building shadows  
3 and the grey is existing building shadows. So you can see  
4 a lot of it would be in shadow regardless if our building was  
5 there, say at 4:00 p.m.

6 High-quality materials, we have material boards  
7 here to share with you, and we're excited to talk about those  
8 more.

9 We are asking for very minor relief for the rear  
10 yard. Only the areas in red here, five foot dimension on the  
11 upper floors only is our requested relief. And that was it,  
12 thank you.

13 MR. ANDRES: Good evening, Chairman Hood and  
14 Members. Erwin Andres with Gorove/Slade Associates.

15 The record is pretty full, with respect to our  
16 findings and our coordination with DDOT. And a lot of what  
17 we have done is also in response to community concerns that  
18 have been raised.

19 Two points I want to make. One is, with respect  
20 to the context of the site, it's important to understand that  
21 the site is actually formally occupied by a 24,000 grocery  
22 store previously, and an additional 20,000 square foot  
23 ancillary retail space. So this is being replaced by this  
24 proposed development.

25 As I mentioned before, we coordinated directly

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1 with DDOT and have, based on their January 2nd, 2018 letter,  
2 we agreed to all of their conditions. There is just one  
3 clarification with respect to the loading management plan.

4 We are committed to coordinate with DDOT in the  
5 Spring Valley Shopping Center to achieve a consolidated  
6 loading management plan, especially since we're trying to  
7 clean up all the dumpsters in the alley. So those are the  
8 major high points of the traffic. Thank you.

9 MR. DETTMAN: Good evening, Commissioners. My  
10 testimony, my approximately two minute testimony, will focus  
11 on how the project that was just presented to you this  
12 evening, and the results of the transportation analysis,  
13 relate to and satisfy the zoning regulations that apply to  
14 this project.

15 And specifically, the requirements of Subtitle X,  
16 Section 604, which require the Commission to find that the  
17 project is not inconsistent with the comprehensive plan and  
18 that it successfully carries out in a far superior way than  
19 any matter of right development specific design criteria.

20 Starting with the comprehensive plan, and  
21 specifically the guiding principles, we've included an  
22 exhausted comprehensive plan analysis in the record, and it  
23 was recently supplemental in our response to OP's report,  
24 specifically for the transportation analysis, so I'll go  
25 quickly here.

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1           But I believe the project is not inconsistent with  
2 the comprehensive plan's guiding principles. Those  
3 specifically pertaining to managing growth, creating  
4 successful communities and neighborhoods, connecting the city  
5 as well as building green and healthy communities.

6           Regarding the generalized policy map, the site.  
7 As you can see on this map here on the left is designated as  
8 a neighborhood commercial center. These are areas that  
9 generally meet the day-to-day needs of residents and workers  
10 in adjacent neighborhoods.

11           They have a limited market area and their typical  
12 uses are convenient stores, sundries, small food markets,  
13 grocery stores, restaurants and basic services. The proposed  
14 project is not inconsistent there.

15           The future land use map, the site, the project  
16 there is designated as low-density commercial, which defines  
17 shopping and service areas that are generally low in scale  
18 and character. Retail office and services businesses are the  
19 primary uses. Although the comprehensive plan specifically  
20 says that residential is permitted in all commercial areas  
21 on the future land use map, including low-density commercial.

22           And one point that's worth noting, because I saw  
23 some commentary in the record, is that the definition of low-  
24 density commercial says that it typically consists of  
25 buildings that are one to two story commercial buildings.

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1 I think the language of the comprehensive plan is important  
2 to note that at no point are we proposing any commercial  
3 buildings, solely commercial buildings, we're proposing  
4 mixed-used buildings that have just a partial story of  
5 commercial use. That being the grocery store and the smaller  
6 retail space.

7           And so a building that's a mixed-use that's taller  
8 than two stories is consistent with the low-density  
9 commercial designation on the future land use map. That  
10 actually, the case, the Cathedral Commons case, the  
11 commission found similarly.

12           Getting into the city-wide elements, the land use  
13 element, lots of policies that apply there. And as Sarah  
14 presented to you, the project through the upper level  
15 setback, massing reductions, the articulation of facades and  
16 the use of the high-quality matters, make the project not  
17 inconsistent with the land use element.

18           Transportation element, as Erwin pointed out, they  
19 did a comprehensive CTR on the project which helped to  
20 identify a thorough set of TDM strategies that will help  
21 mitigate the transportation impacts of the project.

22           Housing element, very significantly here. We'll  
23 be introducing approximately 219 new residential dwelling  
24 units. Approximately 22 of those will be Affordable housing  
25 dwelling units. And many of them larger size dwelling units.

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1 I did want to point out this diagram that's shown  
2 on this slide here. This is actually taken from DMPED's  
3 economic intelligence dashboard website. It was taken today.  
4 It's real-time data. Economic development data, affordable  
5 housing data.

6 I thought what was really interesting is if you  
7 look at a breakdown in ward in terms of the number of  
8 affordable units delivered between January of 2015 and  
9 October of 2017. Ward 3 has only had 51 units of Affordable  
10 housing delivered in that time span.

11 At 22 units, this project will deliver  
12 approximately, it's about a 47 percent, 45 percent increase  
13 in the number of affordable dwelling units in Ward 3.

14 If you take that 51 affordable dwelling units and  
15 comparing it to the number of affordable dwelling units that  
16 have been delivered in other wards of the city, which is  
17 shown in this chart on the right, it's substantially  
18 different.

19 And so this is an opportunity, a great  
20 opportunity, to improve and increase the amount of affordable  
21 housing in Ward 3.

22 Environmental protection, as you can see on the  
23 diagram on the left, it's largely an impervious site right  
24 now, and so the additional landscaping, the green roof, the  
25 redevelopment of Lot 807 will do a great deal for reducing

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1 runoff from the site. And as Will mentioned, that we'll be  
2 exceeding what would be typically required under a matter of  
3 rights scenario with respect to LEED.

4 Economic development. The project supports  
5 neighborhood shopping. And as Will also mentioned, we'll be  
6 bringing back a full-service grocery store to Lot 807, which  
7 has been a longstanding use on that site. But it's not a use  
8 that can actually be constructed on the site today, given the  
9 limitations on record Lot 9 and commercial square footage.

10 The flexibility in building bulk control afforded  
11 through the design view process allows us to make this  
12 project real.

13 Urban design element, Sarah touched upon this  
14 quite a bit so I won't spend any time. Again, there is an  
15 exhaustive study in the record with respect to how the  
16 project is not inconsistent with the policies of the urban  
17 design element.

18 Historic Preservation, I'll just point out one  
19 element and that's one policy. That's 3.1.2 talking about  
20 incentives for special property types.

21 That policy talks about creating mechanisms and  
22 creating incentives for ways to protect historic properties.  
23 This project will do exactly that with respect to the Spring  
24 Valley Shopping Center.

25 Through the flexibility and building bulk control

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1 that's provided in the design review process, we're allowed  
2 to reallocate unused density from the Spring Valley Shopping  
3 Center site on Lot 807, thereby taking any of the development  
4 potential in the future, on the historic Spring Valley  
5 Shopping Center.

6           Design review standards in the zoning regulations,  
7 we meet all of these particular design review standards. In  
8 terms of the attractiveness of street frontages, improvements  
9 to pedestrian circulation, multiple pedestrian entrances  
10 breaking up the block into multiple buildings, directing all  
11 vehicle and truck traffic into the alleys as opposed to  
12 through the 80 linear feet of curb cut that will be removed  
13 along Yuma and 48th Street as a result of this project.

14           The commercial frontages are attractively  
15 designed. All four sides of the buildings are attractively  
16 designed. No blank facades anywhere on the project.

17           You can see in this slide here, in terms of the  
18 new development respecting the character of neighborhoods,  
19 Sarah already went through the substantial reductions in  
20 mass, penthouse level, upper level setbacks, courtyards  
21 articulation, high-quality materials that help this project  
22 relate to all sides of the surrounding context.

23           Sustainable landscaping. Lots of new landscaping  
24 introduced into the site. We're committed to fully  
25 certifying LEED Silver and striving for LEED Gold.

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1           There's some of the pictures of the pedestrian  
2 improvements that will happen throughout the site. Window  
3 walk. Improving pedestrian connections through the site as  
4 well as around the site.

5           And then the Zoning Commission, this is the final  
6 slide, the Zoning Commission has defined that the project,  
7 as proposed, can meet the criteria of 604.7 in a way that's  
8 superior then any matter of right development on the site.

9           Sarah mentioned that there, she did show a matter  
10 of right development that is viable, its tested, it can be  
11 constructed. And compared to that matter of right, as well  
12 as the many others that have been developed, the project, as  
13 proposed, does far exceed and meet those criteria in a far  
14 superior way.

15           Just to run through it very quickly. Much more  
16 affordable housing. It's approximately 4,500 square feet of  
17 affordable housing. More than what would be required as a  
18 matter of right project on Lot 807.

19           Larger size units, LEED Silver, over and above the  
20 LEED certified that would be required under matter of right.  
21 Substantial setbacks, publicly accessible open space connects  
22 them to the site, removal of curb cuts and the protection of  
23 the historic Spring Valley Shopping Center. That concludes  
24 my presentation.

25           MR. COLLINS: Thank you. That concludes our

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1 presentation.

2 CHAIRMAN HOOD: Okay, thank you. Let's see if we  
3 have any questions or comments up here. Commissioner May.

4 COMMISSIONER MAY: Just a couple. Mr. Dettman,  
5 you're going to need to work on your Steven Sher imitation  
6 because he used to talk a lot faster than that.

7 (Laughter.)

8 COMMISSIONER MAY: So, one question is, striving  
9 for LEED Gold. Why is LEED Gold so difficult?

10 I mean, we get projects all the time where LEED  
11 Gold is profit from the outset, so why is LEED Gold such a  
12 challenge on this project?

13 MS. ALEXANDER: This project would be certified  
14 under the new LEED standards. I think you might have heard  
15 between 2009 and Version 4, several projects we've been  
16 working on have been gold, but under the 2009 standard, which  
17 has the equivalent to the silver under Version 4.

18 So they've raised the bar, we're going with that  
19 bar. It's just a different color.

20 COMMISSIONER MAY: So, I didn't see it, did you  
21 actually submit a sheet with the scores?

22 MS. ALEXANDER: Yes, sir.

23 COMMISSIONER MAY: Okay.

24 MS. ALEXANDER: It was in the book.

25 COMMISSIONER MAY: Okay. I'll look at that again.

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1 Can you explain the need for the rear yard relief and why  
2 it's necessary for this project?

3 MS. ALEXANDER: We are adjacent to an alley so we  
4 have set our building back ten feet in addition to the 20  
5 foot alley. So in our study of the project, again, it was  
6 to pull the mass away from the neighborhood, did result, and  
7 we didn't feel creating an even wider area of setback on the  
8 alley face when we could use that area on the street face  
9 instead.

10 COMMISSIONER MAY: So, can you bring up the  
11 illustrative site plan that shows a little more, I mean, it's  
12 hard to tell what's building and what's not there.

13 MS. ALEXANDER: Sure.

14 COMMISSIONER MAY: No, don't zoom in, give us a  
15 better picture.

16 MS. ALEXANDER: The green plan you mean?

17 COMMISSIONER MAY: Yes.

18 MS. ALEXANDER: Oh.

19 COMMISSIONER MAY: The landscape.

20 MS. ALEXANDER: So, it's only the area, the areas,  
21 if I can point --

22 COMMISSIONER MAY: Okay.

23 MS. ALEXANDER: This little portion here --

24 COMMISSIONER MAY: Yes.

25 MS. ALEXANDER: -- and this little portion here?

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1 Partially by creating that mass it creates more  
2 of a depth for our building. We initially actually had side  
3 yard relief too so it made it a little more relevant because  
4 we're asking for more than just a little bit, but then the  
5 site ZR 16 negated the side yard relief, so now we just have  
6 that little area of rear yard relief remaining.

7 COMMISSIONER MAY: Okay. So is it reasonable to  
8 conclude that if you tried to meet the side yard, or the rear  
9 yard requirement, you'd wind up pushing the building closer  
10 to Yuma Street, or the side that's closer to Yuma Street or  
11 in some other direction reducing the size of those courtyards  
12 and so on?

13 MS. ALEXANDER: Correct. And the setback would  
14 seem less large on the western face. Yes.

15 COMMISSIONER MAY: Less large on --

16 MS. ALEXANDER: Well, if we pulled this back and  
17 pulled this back, then that court would be less of a recess  
18 --

19 COMMISSIONER MAY: Right.

20 MS. ALEXANDER: -- relative to the wall.

21 COMMISSIONER MAY: Okay. In all of the, I mean,  
22 the entirety of the site that's illustrated here in red is  
23 under common ownership?

24 MR. LANSING: Sorry, to be clear, the project,  
25 there are actually three entities of ownership. We have the

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1 Spring Valley Shopping Center to the west.

2 Where the bulk of the project lies is the subject  
3 site, which Valor is currently the contract holder purchaser  
4 of.

5 COMMISSIONER MAY: Right.

6 MR. LANSING: And then the site to the south is  
7 owned by American University.

8 COMMISSIONER MAY: Okay.

9 MR. LANSING: But all are part of the application.

10 COMMISSIONER MAY: Right. Okay. But the  
11 reallocation of density from A&T Lot 802 and 803, essentially  
12 that's a transaction between you and that property owner?

13 MR. LANSING: Correct.

14 COMMISSIONER MAY: Okay. All right, that's it for  
15 my questions.

16 CHAIRMAN HOOD: Commissioner Shapiro.

17 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
18 would join with Commission May's questions.

19 I'd like to get more clarity around, why not LEED  
20 Gold. I understand that the regs have changed, but we're  
21 seeing many, many projects that are coming to us LEED Gold.

22 And I also question whether you have considered  
23 solar panels on the roof and if not, why not? And that one  
24 I would mind an answer to now.

25 MS. ALEXANDER: We have studied that. I think

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1 it's the same concern you've heard from many, it's a wood  
2 frame building, multiple penetrations in the roof give us all  
3 concern on that type of building. And we have green roof  
4 everywhere, so we are doing that.

5 COMMISSIONER SHAPIRO: Have you explored to DOE  
6 this issue around green roof and how it works with solar  
7 panels, and if you haven't, if you could have that  
8 conversation with them to see if that is an option?

9 MS. ALEXANDER: We have not on this project but  
10 we can.

11 COMMISSIONER SHAPIRO: I'm less worried about the  
12 penetrations. Project before project that comes before us  
13 figures that out, and there's all sorts of benefits for the  
14 City, also for the project. So, I would encourage you to  
15 look at that closely and carefully.

16 MS. ALEXANDER: Yes, sir.

17 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

18 CHAIRMAN HOOD: All right, thank you. Any other  
19 questions, comments? Okay, Commissioner Turnbull.

20 COMMISSIONER TURNBULL: Thanks, Mr. Chair. Thank  
21 you for your presentation tonight and I appreciate the change  
22 in the architecture, I think the color is a lot better.

23 I think we can question, I'm not sure I'm totally  
24 enthused by the second empire style building but I think it's  
25 acceptable. I think it's --

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1 But overall, I think you've done a great  
2 improvement and I think it's to scale. And I appreciate your  
3 attempts to reduce the size and integrate it in with the  
4 neighborhood.

5 The entrance, the main entrance to the grocery  
6 store is on Yuma, do I understand that right?

7 MS. ALEXANDER: Correct.

8 COMMISSIONER TURNBULL: And there is a little  
9 terrace there?

10 MS. ALEXANDER: Correct. There's a public plaza,  
11 a 17-foot-deep public plaza plus the 30 feet of sidewalk area  
12 in front of the grocery entry.

13 COMMISSIONER TURNBULL: And there's going to be  
14 eating out there or dining? How late will that operate?

15 MR. LANSING: We're still unsure about that, and  
16 it's something we'll have to work out with the grocery tenant  
17 as well.

18 COMMISSIONER TURNBULL: Yes, I was just thinking  
19 about the neighbors and the --

20 MR. LANSING: The noise and all, correct.

21 COMMISSIONER TURNBULL: -- and all that, so I was  
22 just curious.

23 MR. LANSING: Yes.

24 COMMISSIONER TURNBULL: And the other thing is on  
25 the rooftop, you're design on the rooftop of the terrace and

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1 architecture and lighting.

2 MS. ALEXANDER: Yes. I did want to point that out  
3 actually. If you can give me one minute to get to the slide.

4 That roof terrace is occurring on our fourth  
5 floor, not on the main roof. So --

6 COMMISSIONER TURNBULL: It's not on the main roof.

7 MS. ALEXANDER: -- it's right here in section.

8 COMMISSIONER TURNBULL: Right.

9 MS. ALEXANDER: So it's 137 feet away from the  
10 nearest neighbor and only about 20 feet above them. So in  
11 terms of line of sight or anything we're not like looming  
12 over them.

13 COMMISSIONER TURNBULL: All the lighting would be  
14 down lighting?

15 MS. ALEXANDER: We could definitely pursue that.

16 COMMISSIONER TURNBULL: If you could follow-up  
17 just to make sure we have very low light levels up there to  
18 respect the neighbors across the street.

19 MS. ALEXANDER: And the pool is not located there,  
20 so.

21 COMMISSIONER TURNBULL: Okay. Okay, yes. The  
22 only, I guess, my only other question was signage. I saw  
23 some sketches of signage but I didn't really see any attempt  
24 to codify or show exactly where you were going to put it.  
25 I'm just worried about scale and size.

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1 MS. ALEXANDER: Yes, we have shown limited signage  
2 and ideas that would be rather limited to the areas that we  
3 have shown, but we could highlight that more clearly.

4 COMMISSIONER TURNBULL: If you could, yes. No  
5 more major signage on the building as to, I mean, I didn't  
6 see any so I was, but --

7 MS. ALEXANDER: Yes, it is very limited.

8 COMMISSIONER TURNBULL: Yes, from what I saw it  
9 looked acceptable. It really, I mean, it looked tastefully  
10 done, but I think if you could maybe show us something like  
11 that that would be great.

12 MS. ALEXANDER: Yes. Like for instance, grocery  
13 store.

14 COMMISSIONER TURNBULL: Yes. You know I'm not,  
15 I think that that's fine. I have no objection. I have no  
16 issues with that.

17 The alley it looks like it's going to be, oh, Mr.  
18 Dettman?

19 MR. DETTMAN: Mr. Turnbull, just, and perhaps you  
20 have already seen it, and what it sounds like you need for  
21 signage is like a diagram that shows the signage areas that  
22 are typically submitted in projects.

23 COMMISSIONER TURNBULL: Yes.

24 MR. DETTMAN: But if you haven't seen it in the  
25 record yet, included it in our request for minor design

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1 flexibility, we included a bulleted list of signage  
2 constraints that attempts to try to even lock it in further.  
3 So if you want to take a look at that, that's in the record.

4 COMMISSIONER TURNBULL: And where is that?

5 MR. DETTMAN: It was included in our, I believe  
6 it was our pre-hearing statement.

7 COMMISSIONER TURNBULL: In the pre-hearing  
8 statement?

9 MR. DETTMAN: Exhibit 114. Yes.

10 COMMISSIONER TURNBULL: Yes, I'll have to take a  
11 look at that then.

12 MR. DETTMAN: Page 39 of Exhibit 114.

13 COMMISSIONER TURNBULL: 114 A1 -- Just 114, okay.  
14 All right, I'll take a look at that then.

15 The alley looks, how does that, it looks very  
16 busy, is that going to be, just concerned about access in and  
17 out. There's a lot of things, I wonder if you could show a  
18 plan of that?

19 MS. ALEXANDER: Sure. The detail of the alley for  
20 us, between Spring Valley, is on the screen right now.

21 We are maintaining the 20 feet dimension of clear  
22 drivable area as well as adding a three foot pedestrian  
23 sidewalk. In addition to creating a new 12 foot zone with  
24 fenced enclosures for the current sprinkling of trash  
25 receptacles throughout the alley to be contained and

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1 consolidated into these two areas.

2           So in effect we will be cleaning up what is  
3 currently a very congested alley into a much less congested  
4 situation.

5           COMMISSIONER TURNBULL: All right.

6           MS. ALEXANDER: Additionally, we are consolidating  
7 our loading and our garage entry on the south side, again,  
8 maintaining consistent 20 foot drivable area, as well as  
9 maintaining a five foot sidewalk and five foot green zone in  
10 the private alley portion of our plan.

11           COMMISSIONER TURNBULL: Okay. What about the  
12 other alley where the garage entrance is?

13           MS. ALEXANDER: Oh, that's this one here, sorry.  
14 So this is a blowup of that alley.

15           COMMISSIONER TURNBULL: Oh, that is the one.

16           MS. ALEXANDER: This is the loading for the  
17 residential --

18           COMMISSIONER TURNBULL: Oh, I see.

19           MS. ALEXANDER: -- loading for the grocery and  
20 garage entry here. And so what we've done, similar to what  
21 you see when you used to have curb cuts on sidewalk areas,  
22 we're delineating with a different paving pattern and  
23 painting area, pedestrian kind of zone that can be traversed  
24 by the vehicles but they can at least delineate in this alley  
25 zone that there's a shared use occurring there.

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1 COMMISSIONER TURNBULL: Is there going to be  
2 signage above that to make sure people know where they're  
3 going?

4 MS. ALEXANDER: Yes.

5 COMMISSIONER TURNBULL: Okay. Yes, I didn't  
6 really see that. I really didn't notice that.

7 MS. ALEXANDER: And you can see the whole thing  
8 in concert in the landscape drawings, the full, and also in  
9 our plan here. It's a little faint but you can see here's  
10 that kind of connection and it wraps around to here. And the  
11 idea is that you can continue down the sidewalk that we're  
12 creating along there.

13 COMMISSIONER TURNBULL: Okay. Okay. All right,  
14 thank you very much. Mr. Chair, I think that will be good  
15 for now.

16 CHAIRMAN HOOD: Okay, thank you. Vice Chair  
17 Miller.

18 VICE CHAIR MILLER: Thank you, Mr. Chairman. And  
19 thank you for your presentation and all the community  
20 engagement you've done over the last couple years and the  
21 refinements that you have made and changes that you have  
22 made. I think it's a very attractive, attractively designed  
23 project.

24 For me, the 219 residential units is the most  
25 important component of that and the fact you are doing, as

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1 you stated, more, a greater number of affordable units and,  
2 well, a greater, I guess it's a greater number of affordable  
3 units and it may be larger than what's typical in these  
4 multifamily buildings.

5           How many, what is the breakdown of the, you  
6 probably have it somewhere in your statement, but if you have  
7 it right there, if you could just state approximately how  
8 many one bedroom studios, two bedrooms -- two bedrooms are  
9 in the --

10           So I assume the rental building, the building one  
11 is the rental building and that's 200 units so that will be  
12 at 60 percent AMI under the inclusionary building and then  
13 the building two has the condos, so they're at 80 percent AMI  
14 under inclusionary zoning?

15           MR. LANSING: That's a correct assumption. Now,  
16 certainly building one will be rental, building two, there's  
17 a good chance that goes rental as well.

18           VICE CHAIR MILLER: It may go rental as well.

19           MR. LANSING: Yes, sir.

20           VICE CHAIR MILLER: So they'll both be, for the  
21 rental units, they'll be at 60 percent mean and family  
22 income, or whatever we call that now, level or below.

23           Does the habitable space on the penthouse, on  
24 building one, trigger a 50 percent AMI requirement for a  
25 certain amount?

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1 MR. DETTMAN: Yes.

2 VICE CHAIR MILLER: Do we have a chart that  
3 delineates all that, all the inclusionary, all the affordable  
4 units, what their size is and what their AMI level is?

5 MR. DETTMAN: This is our response to the Office  
6 of Planning report. So, Commissioner Miller, in our January  
7 10th response to OP's report, we included some charts that  
8 has a breakdown of the different size units and the  
9 percentage of the whole.

10 And so in terms of the larger size units, of the  
11 219 total units in both buildings, 39 percent will be two  
12 bedrooms, four percent will be two dens, 13 percent will be  
13 three bedroom units.

14 VICE CHAIR MILLER: What percent will be three  
15 bedrooms?

16 MR. DETTMAN: Thirteen percent. It's a total of  
17 28 three bedroom units with an average square footage, net  
18 square footage of 1,700 square feet.

19 In terms of the breakdown of the affordable units  
20 how many are going to be devoted to 60, how many to 50  
21 because they're being generated in the penthouse, we don't  
22 have that but we can certainly submit it as a post-hearing.

23 VICE CHAIR MILLER: Okay, that would be great.  
24 If you could submit that.

25 MR. ANDRES: It's being referred to, I think you

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1 said at 152, Page 4 has the chart.

2 VICE CHAIR MILLER: Okay, I'll look at that a  
3 little more carefully then.

4 MR. ANDRES: And we will supplement with that  
5 information.

6 VICE CHAIR MILLER: Okay. I will join my fellow  
7 Commissioner's comments about making a stronger commitment  
8 for the LEED Gold. I think you're just eight points away  
9 from that. And I think there were possibilities that were  
10 there, so if you're working with DOEE --

11 CHAIRMAN HOOD: DOEE.

12 VICE CHAIR MILLER: -- if you can come up with a  
13 way that makes that gold commitment, more than just say a  
14 goal but a commitment.

15 On the DDOT conditions, you've agreed to all of  
16 the recommendations that DDOT has made in their report that  
17 we have before us?

18 MR. ANDRES: Yes, that's correct. We agreed to  
19 all of them.

20 One clarification is with respect to loading  
21 management plan. We will continue to work with DDOT and  
22 Spring Valley Shopping Center, because the Spring Valley  
23 Shopping Center has existing leases with some of the  
24 retailers, so we want to make sure that whatever we work  
25 with, that meets DDOTs requirements.

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1           VICE CHAIR MILLER: And why aren't you, I'll ask  
2 DDOT this too, why aren't they recommending, and why aren't  
3 you doing a Capital Bikeshare Station, since there isn't one  
4 in this immediate vicinity?

5           I realize that you're doing a lot more than the  
6 number -- I think you may do almost double the number of  
7 long-term and short-term bicycle parking, but was a Capital  
8 Bikeshare Station considered?

9           MR. ANDRES: Well, we have decided to use the  
10 resources available for this project to fund the HAWK signal,  
11 which is the high activity crosswalk, it's an actuating  
12 crosswalk that you see all throughout the District, to get  
13 patrons to and from across Massachusetts Avenue. Which we  
14 believe will have a significant benefit to help with the  
15 pedestrian circulation.

16           And that HAWK signal is relatively very expensive.  
17 It's in the \$200,000 range. So it's a significant benefit  
18 that we believe that we can meet, especially since that HAWK  
19 signal was requested by members of the community.

20           VICE CHAIR MILLER: Right, I saw the ANC comments.  
21 Although I saw some community, I don't know if it was  
22 opposition, but they didn't seem to be as supportive of it  
23 as the ANC.

24           But knowing that area, I think that would be a  
25 benefit having jaywalked across that street. It's a very

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1 large street, with traffic coming very quickly down the  
2 avenue.

3           So, I may need this in a post-hearing submission,  
4 or maybe I just need to go, maybe you need to direct me into  
5 the record as to this whole transfer of the FAR from the  
6 Spring Valley Shopping Center site to this site. You need  
7 this Commissions approval, this design review, to effectuate  
8 that.

9           MR. ANDRES: Correct.

10           VICE CHAIR MILLER: You have a transactional  
11 agreement apparently, which I think we should probably have  
12 in the record, since it's a big part of the case, this  
13 transfer of density, but you need this design review  
14 approval, not only for the rear yard relief, but you need it  
15 for this transfer to effectuate this transfer of density?

16           MR. COLLINS: The design review process allows for  
17 flexibility in building bulk control design and site  
18 placement. And it also allows for the site of a design  
19 review application to be separated by a public alley.

20           So what we're doing is we're taking the  
21 development potential that exists on the Spring Valley  
22 Shopping Center and moving it over to Lot 807, where the  
23 development will occur. And that will allow the flexibility  
24 and building bulk control. And at the same time, help the  
25 preservation of the Spring Valley Shopping Center and

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1 relieving future development pressure.

2 VICE CHAIR MILLER: What is, and what does that  
3 translate to in terms of square footage or FAR? That  
4 transfer of density, is that in the record?

5 MR. COLLINS: It is.

6 MR. LANSING: It's approximately 92,000 square  
7 feet in that transfer.

8 VICE CHAIR MILLER: Of a total square, and the  
9 total square footage of the development is twice that?

10 MS. ALEXANDER: 277,000 for our site.

11 VICE CHAIR MILLER: So it's about a third of the  
12 square footage.

13 MR. LANSING: And as a point of clarification, Mr.  
14 Miller, I think what you're asking for, and your question of  
15 the Commission's vote to allow this to happen, specifically  
16 and importantly on that transfer is the commercial FAR, which  
17 our site, as a matter of right without this design review  
18 process, we cannot bring back a commercial use because we  
19 only have 27,000 square feet of available commercial FAR.

20 MS. ALEXANDER: Right. And essentially the AU  
21 building took density from our site, so our site is lower  
22 than it actually would be on its own. And so we're not  
23 taking all that density from Spring Valley really, if our  
24 site hadn't been taking density from it initially, we  
25 wouldn't have to take so much from Spring Valley. If that

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1 makes sense.

2           VICE CHAIR MILLER: I think I just need to do my  
3 homework better to understand this whole transfer of density  
4 issue. So this site, including the AU lot, has already had  
5 commercial density shifted around or density shifted around.

6           But maybe I just need a one-pager that explains  
7 what it is you're actually doing and what effectuates it, the  
8 transactional agreement that you have with the Spring Valley,  
9 or I mean, Spring Valley Shopping Center or with the AU Law.  
10 I just need to better understand.

11           And the precedent -- obviously the AU Law, I  
12 guess. Because there was some testimony that we'll hear from  
13 later, I think, from a member of the community, that this  
14 kind of transfer of density was not really contemplated in  
15 the zoning regulations outside of five downtown, or near  
16 downtown areas, where we have PDRs and receiving zones.

17           But it obviously has been done, because it's been  
18 already for the AU, in the AU Law case. I just need to  
19 understand it better. And maybe our Counsel can help us  
20 understand that better because I just don't understand it.

21           And you could do, when you say you could do matter  
22 of right, and you were showing us the comparisons, was that  
23 with the transfer of density? No.

24           MR. DETTMAN: So, Commissioner, so the AU building  
25 and the old Superfresh building, they're on the same record

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1 lot. So the zoning history there is you that you take the  
2 area of Record Lot 9, which is what it is, and the zoning at  
3 the time, so there really wasn't a transfer as in sort of one  
4 lot to the other, they're all in the same record.

5 So back in the '70's there was an allocation of  
6 development rights, and at the time of the zoning it was  
7 Zoned C2.

8 CHAIRMAN HOOD: C2.

9 MR. DETTMAN: C2. And that allowed a maximum of  
10 2.0 FAR. All of which could be commercial.

11 So they calculated what GFA that is and they  
12 allocated 170 some thousand square feet of that GFA to the  
13 AU Law building. And then the remaining density was  
14 allocated to the Superfresh site.

15 And then there was a bunch of changes in zoning.  
16 C2 became C2 A and B, and the amount nonresidential density  
17 that was allowed went from 2.0 down to 1.5 and things  
18 changed.

19 Currently, right now, what would be available on  
20 the Superfresh lot, Lot 807, is approximately 180 some  
21 thousand square feet. Of which only 2,600 and change can be  
22 devoted to commercial use. So you can only build 2,600  
23 square foot nonresidential on that.

24 Through the flexibility and the building bulk  
25 control, allowed through the design review process, which

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1 allows for a design review boundary to be separated by a  
2 street or alley, and we're separated from Spring Valley  
3 Shopping Center by the 20 foot alley.

4           But if you take the boundary of the project, this  
5 project, which is the Spring Valley Shopping Center and  
6 Record Lot 9 and you calculate the gross floor area, there's  
7 a lot of unused density locked up in the historic Spring  
8 Valley Shopping Center. But again, through that flexibility  
9 provided through the design review process, we can aggregate  
10 that density and put the 92,000 square feet from Spring  
11 Valley on 807, and do that all within the height and density  
12 limitations of the existing MU-4 zone.

13           Is that the one-pager that you were looking for?

14           VICE CHAIR MILLER: Yes, that is. If you could  
15 put that all in a one-pager that would be helpful.

16           MR. DETTMAN: Okay.

17           VICE CHAIR MILLER: So you're going to have 13,500  
18 square feet of the grocery store, is it Balducci's, I think  
19 I read that somewhere, you haven't said that tonight but is  
20 that, do you have a commitment from them?

21           MR. LANSING: As of this moment, yes, we have a  
22 letter of intent that's been deep in negotiation. We're  
23 working through a work letter right now with them.

24           VICE CHAIR MILLER: And that's 13,600 square feet  
25 or 13 --

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1 MR. LANSING: 13,600, correct.

2 VICE CHAIR MILLER: And you have an additional,  
3 is it 2,600 square feet commercial?

4 MR. DETTMAN: It's the amount of nonresidential  
5 use comprising the grocery store, which is currently 13,000  
6 and change and the retail at the southwest corner. It's  
7 about 15,800.

8 Plus, there's some of the commercial that's coming  
9 over in Spring Valley also, is devoted to the commercial  
10 loading. So in total it's about 19,000 and change. Of the  
11 92 that's coming over, that's going to be devoted to  
12 commercial use.

13 The remaining of that is being devoted to  
14 residential use. So, while the, if it's a stick build  
15 construction, the IZ requirement is ten percent. But if you  
16 take ten percent in a matter of right project, at 181,000  
17 square feet or if you take ten percent of the, as proposed,  
18 that's where we're getting the additional 4,500 square feet  
19 of affordable housing.

20 VICE CHAIR MILLER: I tried to follow all of that,  
21 but --

22 (Laughter.)

23 MR. DETTMAN: By being able to bring over  
24 additional density from Spring Valley --

25 VICE CHAIR MILLER: Yes.

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1 MR. DETTMAN: -- in excess of what we need for the  
2 commercial, that's being devoted to residential. And if  
3 we're increasing the residential square footage, if we apply  
4 the same ten percent you get more.

5 VICE CHAIR MILLER: Are you going to have  
6 additional commercial other than the grocery store?

7 MR. LANSING: We don't believe so. Our best guess  
8 is that the grocery is going to take that entire space.

9 VICE CHAIR MILLER: Okay. And the, so the  
10 existing businesses that are there won't have an opportunity  
11 to come back. How many existing retailers are, Wagshal's has  
12 that back barbeque thing --

13 MR. LANSING: Correct. I believe there are three  
14 existing tenants in the building, currently.

15 VICE CHAIR MILLER: In the old Superfresh  
16 building?

17 MR. LANSING: Correct.

18 VICE CHAIR MILLER: So Wagshal's is using some of  
19 that as storage or something too apparently.

20 MR. LANSING: That's right.

21 VICE CHAIR MILLER: So, I can understand some of  
22 the, I think the grocery store is great, but I think I can  
23 understand some of the community's concerns about the effect  
24 of Balducci's, which I used to shop at when it was at, where  
25 the second Wagshal's is now. And it was a Sutton Place

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1 Gourmet before that.

2           But I can understand the community's concern about  
3 the effect on Wagshal's Market, which has been there forever.  
4 Although I never understood why they're business model  
5 allowed two markets within a mile of each other, but maybe  
6 they won't be able to have that if Balducci's adversely  
7 impacts them.

8           So, I think the grocery store use is good. And  
9 I think the housing is the most important public benefit of  
10 this whole project. Not that we're evaluating this as a PUD.

11           I would just say, I'm sorry, if you indulge me  
12 just one more minute, Mr. Chairman. Conceptually, the thing  
13 about this project that does bother me a little bit is that  
14 the historic designation of the Spring Valley Shopping Center  
15 that it's almost that's where this project should be, on  
16 Massachusetts Avenue. And there should be something lower,  
17 like the Spring Valley Shopping Center one story, that's  
18 facing the single-family detached homes.

19           And I've never liked these historic destinations  
20 of these suburban type strip, shopping centers in our City.  
21 We have one in our neighborhood right on top of a Metro  
22 Station, which is unbelievable.

23           Was there any consideration giving, because there  
24 is an impact on the single-family homes for having five  
25 stories now suddenly across the street from you and in that

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1 kind of bulk. I realize you've made a lot of, you've done  
2 a lot of setback and scale downs.

3           Was there any consideration of flipping it somehow  
4 and trying to get a historic approval?

5           Of course, that would impact all those existing,  
6 from below business in the Spring Valley Shopping Center, was  
7 there ever consideration of, you bought the property, you  
8 bought, I guess --

9           MR. LANSING: So, we're still under contract, we  
10 haven't purchased it yet, but we're getting close. So I'm  
11 not sure I follow the question, I apologize.

12           VICE CHAIR MILLER: No, I was just ruminating that  
13 to me, from an urban planning perspective, it just seemed  
14 that a bulkier building where the Spring Valley Shopping  
15 Center, this building on Massachusetts Avenue, next to the  
16 five story AU building, it would make more sense than where  
17 it's being put on a residential street across from single-  
18 family houses, it just, there's something a little bit weird  
19 about the whole thing.

20           But, we're getting all this housing and affordable  
21 housing and an amenity rich neighborhood, even though that  
22 doesn't have a Metro stop right there but it's only a mile  
23 away, so I see the tradeoffs and the balancing that's going  
24 on. So thank you for indulging me in my ruminations, Mr.  
25 Chairman.

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1 CHAIRMAN HOOD: Okay, let me, let Commissioner  
2 Shapiro follow. I'm going to ask my two questions. Maybe  
3 three, but two right now.

4 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just  
5 one quick question following up on Vice Miller.

6 This issue around, you're calling it a version of  
7 a transfer of development rights, but it's not clear to me  
8 that's exactly what this is, there may be other language that  
9 more reflects what this transaction is about.

10 I believe this is our first time with the new  
11 regs, this is the first time that we're doing a voluntary  
12 design review. So, I want to make sure we get this right  
13 with whatever action we take or don't take.

14 So, it's going to be very helpful for me, for you  
15 all, but this is for the parties, other parties in support,  
16 other parties in opposition, to be crystal clear. And I  
17 believe, Mr. Chair, it would be helpful to see in writing,  
18 the different interpretations of what our action might be.

19 So, there was one letter that referred to this  
20 process as a PUD lite. Maybe that's an appropriate way to  
21 refer to it, maybe it's not. But the implication there is  
22 that there is something, there's an action that we can take  
23 here related to FAR or TDR or whatever we're going to call  
24 it.

25 And I just want to get everyone's written opinion

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1 about this. And I think that's going to help inform our  
2 decision.

3 And again, recognizing this will be a new thing  
4 for us. Since the voluntary design review is a new thing.  
5 And that's all I have, Mr. Chair.

6 CHAIRMAN HOOD: Okay. I want to echo Commissioner  
7 Shapiro's point. I really do want to know, under this  
8 voluntary design process, can we even do this?

9 I think we got rid of the word PUD lite, so I'm  
10 not sure where it vanished, but anyway, I think we did do  
11 away with it. I know that was discussed.

12 And it goes back to what Vice Chair Miller was  
13 saying about the one-pager, and I would like to open it up  
14 to all parties as Commissioner Shapiro has also mentioned.  
15 So, that was one of the things I was going to mention.

16 And do me a favor, you don't need to give us 30  
17 pages of why you think this can be done here, I think a one-  
18 pager, and I'm glad to see now everybody is using one-pager,  
19 maybe we'll make them a half page, let's get straight to the  
20 bullet points and straight get to the point. Let's do sound  
21 bites.

22 Being a millennial, I tell everybody I'm a  
23 millennial even though I'm not, but everything now is social  
24 media sound bites, let's do a sound bite on that. And I will  
25 ask all to do that as well.

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1 My only other question, and I didn't see this, if  
2 you could, hold on a second. I need to see a rendering, and  
3 there may have been one in the package, if you can direct me  
4 to it, maybe I just saw so many renderings, and I'm looking  
5 at the rendering here that's showing now, but I need to see  
6 a rendering of the mass and what exists now in the  
7 neighborhood.

8 And if you could point me, I didn't see it, but  
9 if you could point me to it. I saw some things close, yes,  
10 but that doesn't, I see need to see what's there now. What's  
11 exactly there now.

12 You know what I mean? I need to see, no, I need  
13 to see the mass of what's being proposed sitting down in that  
14 spot. In that neighborhood.

15 COMMISSIONER SHAPIRO: You're talking about more  
16 of a bird's eye? Or do you want this expanded wider? You  
17 want to see more --

18 CHAIRMAN HOOD: No, I want to see about three  
19 different, I've always had a problem explaining this in every  
20 case, maybe eventually in 15 more years I'll get it down.  
21 But what I need to, I want to be able to stand across the  
22 street some ways and be able to see how neighbors who live  
23 around that area, what they're going to see. I want to be  
24 able to see that.

25 Besides me going up there myself and visualize it,

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1 I want to be able to see it. Do you understand what I'm  
2 asking for?

3 COMMISSIONER SHAPIRO: Do you want the view from  
4 that house on the left?

5 CHAIRMAN HOOD: I want that view and other views,  
6 but I don't, I want what's existing. Now, you can put a mass  
7 block there, but I want to be able to see the existing  
8 surrounding area, what is done.

9 I don't know what the software is, maybe my  
10 architect friends can help me, but I know this, it has been  
11 done and it can be done.

12 COMMISSIONER SHAPIRO: So maybe a view from one  
13 of the streets that's --

14 CHAIRMAN HOOD: Yes, Mass Avenue.

15 COMMISSIONER SHAPIRO: -- perpendicular from the  
16 site so you can see houses on either side of the street and  
17 then you can see the building beyond.

18 CHAIRMAN HOOD: Okay.

19 MS. ALEXANDER: Yes.

20 CHAIRMAN HOOD: All right.

21 MS. ALEXANDER: I think we've done this for you  
22 in the past where we've pulled back farther --

23 CHAIRMAN HOOD: So you know what I really want,  
24 okay.

25 MS. ALEXANDER: -- so we pull back farther from

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1 what we typically show and you see more context.

2 CHAIRMAN HOOD: And I want to see what's actually  
3 there. Some kind of way you can drop the Mass --

4 MS. ALEXANDER: Yes, sir.

5 CHAIRMAN HOOD: Uh-uh, my computer is talking.  
6 Okay.

7 COMMISSIONER SHAPIRO: You activated Siri.

8 CHAIRMAN HOOD: What did I do?

9 COMMISSIONER SHAPIRO: I think you activated, hey  
10 Siri.

11 CHAIRMAN HOOD: Okay. My computer is up here  
12 talking to me, maybe it's trying to help me with it. But  
13 anyway, if I can get that down I would greatly appreciate it,  
14 okay?

15 MS. ALEXANDER: Yes, sir.

16 CHAIRMAN HOOD: And I don't really have any other  
17 questions. I'm looking forward to hearing from the  
18 communities.

19 COMMISSIONER TURNBULL: Mr. Chair?

20 CHAIRMAN HOOD: Mr. Turnbull.

21 COMMISSIONER TURNBULL: I wonder if we could add  
22 to that one-pager, or two-pager, whatever it gets to be,  
23 maybe an annotated site plan or site plans that sort of go  
24 along with the language telling us and actually showing,  
25 diagramming out where the transfer is, I think that might be

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1 clearer if we saw the site plan with the language might kind  
2 of clarify some things.

3 CHAIRMAN HOOD: Okay. So, we all on the same page  
4 with all that, right? Okay, great. Anything else up here?  
5 Okay, let's do any cross. Let's go to Chairman Bender, I  
6 think he's still the chairman.

7 Okay. You have any cross?

8 Well, come forward. And identify yourself. I  
9 have Jonathan Bender down here, but that's --

10 Yes, you're Jonathan, I know Jonathan Bender, but  
11 I'll meet you shortly. Okay, and you're going to be  
12 representing --

13 MR. MCHUGH: ANC 3E.

14 CHAIRMAN HOOD: -- ANC 3E. Okay. And what's your  
15 last name again, I'm sorry? Turn your mic on, introduce  
16 yourself. That's the light. Yes, there we go.

17 MR. MCHUGH: Jonathan McHugh.

18 CHAIRMAN HOOD: McHugh?

19 MR. MCHUGH: McHugh, M---C-H-U-G-H.

20 CHAIRMAN HOOD: M-C-H --

21 MR. MCHUGH: U-G-H.

22 CHAIRMAN HOOD: -- U-G-H.

23 MR. MCHUGH: Like Mick and Hue.

24 CHAIRMAN HOOD: Okay, Jonathan McHugh. Okay.

25 Now, this is cross examination. You may begin.

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1 MR. MCHUGH: Yes. Okay. A couple of questions  
2 I had. For the cabby station, and I understand that we'll  
3 be testifying later anyway, when we do --

4 CHAIRMAN HOOD: Yes, you will.

5 MR. MCHUGH: -- couple questions.

6 CHAIRMAN HOOD: Yes.

7 MR. MCHUGH: The cabby station, I think under the  
8 MOU we agreed that there would be a cabby station as part of  
9 that or maybe I'll have to read the -- give me a second. So  
10 maybe I'm misunderstanding the language, but it's commits to  
11 improving bicycle and storage by providing bike storage and  
12 further working DDOT on its efforts to install a Capital  
13 Bikeshare station.

14 MR. LANSING: Correct. I think in working with  
15 DDOT, because I believe it's been, am I misstating, they've  
16 been talking about placing something here.

17 MR. ANDRES: So, the Capital Bikeshare improvement  
18 plan identified a potential for a Capital Bikeshare at this  
19 location. We will work with DDOT to see how we can make that  
20 happen.

21 However, in terms of our actual commitment, our  
22 commitment is to fund the HAWK signal but not to fund the  
23 Capital Bikeshare. But we will be working with DDOT and the  
24 Capital Bikeshare program to see how we can get that sooner.

25 MR. MCHUGH: Okay. Someone here, maybe you can,

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1 is it typical that someone pays for that or you work with  
2 them to bring the Bikeshare Station to the location?

3 MR. ANDRES: Well, in certain instances there are  
4 applicants that pay for that.

5 MR. MCHUGH: Right.

6 MR. ANDRES: And in certain instances they work  
7 with DDOT, which we are committing to do to get that.

8 MR. MCHUGH: Okay. I'm not sure if we understood  
9 that correctly. We may be back to you.

10 In terms of the condo building, we were under the  
11 understanding, well, we just refer to it as the condo  
12 building, the small building with the 19 units, we were under  
13 the understanding that was a condo building, is that not a  
14 condo building any longer?

15 MR. LANSING: Sorry, in terms of, sorry,  
16 throughout the sort of iteration of the project, that's  
17 always been labeled as the condo building. It still is,  
18 there's still a possibility that it ends up being a for sale  
19 building --

20 MR. MCHUGH: Okay.

21 MR. LANSING: -- but it could also go rent.  
22 Really depending upon sort of market conditions as we get  
23 deeper down the road.

24 MR. MCHUGH: Okay.

25 MR. LANSING: So it could go either way.

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1 MR. MCHUGH: Yes. By labeling it a condo building  
2 we really made the assumption it was a condo building, so --  
3 (Laughter.)

4 MR. MCHUGH: -- that might be our bad. And I  
5 would agree with the Commissioners that we would like to  
6 understand the transfer of density with a one-pager. I'm not  
7 sure we got that detail, so we would like to be part of that.

8 I think we'll have some further questions later  
9 on, but those are the two things I wanted to clarify. Okay,  
10 that's it. Thank you.

11 CHAIRMAN HOOD: Sorry about that, I was trying to  
12 do some thinking, just in case we have another date, so  
13 that's what I was doing. So I was doing Zoning Commission  
14 work.

15 MR. MCHUGH: I'm finished with questions.

16 CHAIRMAN HOOD: You finished? Thank you very  
17 much. All right, let's go to ANC 3D. Is Chairman Gardner?

18 MR. KRAVITZ: No, Troy Kravitz on behalf of --

19 CHAIRMAN HOOD: Troy Kravitz, okay.

20 MR. KRAVITZ: No cross.

21 CHAIRMAN HOOD: No cross, okay. But you're going  
22 to be representing 3D?

23 MR. KRAVITZ: I will be, yes.

24 CHAIRMAN HOOD: Okay, Ward 3 Vision. John  
25 Wheeler?

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1 MR. WHEELER: No cross.

2 CHAIRMAN HOOD: No cross, okay. Spring Valley  
3 Neighbors, William Clarkson?

4 MR. CLARKSON: No cross.

5 CHAIRMAN HOOD: Okay. Citizens for Reasonable  
6 Development, Mr. Donohue?

7 MR. DONOHUE: Thank you, Mr. Chairman, Ed Donohue  
8 representing the CRD. Just a couple questions if I may.

9 Of course, I know some of your team, not all of  
10 them, but if it's all right I'll ask you the question and you  
11 can hand it out as you like.

12 A statement was made about the DDOT  
13 recommendations, and I think it was the gentleman from  
14 Gorove/Slade who said we agree with all the conditions. One  
15 of the things that DDOT has suggested is a pretty significant  
16 reduction in your parking, so what is the current proposal  
17 for parking spaces?

18 MR. ANDRES: So, the proposal for the parking  
19 spaces, DDOT had identified that they believe that the site  
20 was, has a significant amount of parking. However, as part  
21 of the mitigation for the parking that we are providing, have  
22 been identified in their January 2nd letter, which we do  
23 agree to.

24 So DDOT identified a recommendation that they  
25 believe that there is a lot of parking. Our response to that

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1 is that, yes, we will commit to the mitigations that address  
2 that parking that's being provided.

3 So the parking that's being provided has always  
4 been the parking that's presented on the plan. It consists  
5 of a total of 370 parking spaces within the garage.

6 MR. DONOHUE: All right, so when DDOT recommends  
7 a reduction from 370 to between 200 and 260, you're not in  
8 agreement with that, correct?

9 MR. ANDRES: Well, the mitigations are what we  
10 committed to. So with respect to the mitigations on Page 3  
11 of the January 2nd, 2018 DDOT letter, is what we were  
12 committing to.

13 MR. DONOHUE: Okay. So, along the lines of  
14 parking, and maybe this is a Valor question, Will, has Valor  
15 completed its negotiations with AU over the joint use of  
16 parking?

17 MR. LANSING: We have not, we are still in active  
18 discussions with AU.

19 MR. DONOHUE: All right. You'll let us know?

20 MR. LANSING: Yes, sir.

21 MR. DONOHUE: Thank you. A statement was made,  
22 I think it was Mr. Dettman, was made about the, I want to  
23 call it a transfer of development from Spring Valley Shopping  
24 Center to the Valor Lot, and the net result being 4,500  
25 additional square foot of affordable housing, is that

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1 correct?

2 MR. DETTMAN: That's what I stated, that's my  
3 recollection. And we have it in the record, I could find it.  
4 But I believe it's just over 4,500.

5 MR. DONOHUE: So how many units does that equate  
6 to?

7 MR. DETTMAN: I mean, it depends upon the unit  
8 breakdown. So I can't say how many units 4,500 square feet  
9 translates into because it could be, it's more one bedrooms  
10 than three bedrooms.

11 MR. DONOHUE: Okay. Will, I'm going to go back  
12 to you and ask you about the grocery store.

13 I've been at some of these meetings and I  
14 appreciate the chronology, we do go back two years, maybe  
15 more. And I think at the outset Valor was describing a  
16 grocery store in the neighborhood of 55,000 or 56,000 square  
17 feet, right? And we're now at between 13,000 and 15,000.  
18 And the MOU that you've executed with ANC 3E is 13,000 square  
19 feet?

20 MR. LANSING: Yes.

21 MR. DONOHUE: Okay. So a pretty significant  
22 reduction. I guess my question is, what are the assurances  
23 to the Commission, what are the assurances to the community,  
24 that that grocery store is going to remain?

25 MR. LANSING: I believe we have recorded in the

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1 MOU agreement with ANC 3E that there is a time we're  
2 committing to ensure that that grocery does remain, and if  
3 it doesn't that we would replace them with another similar  
4 use.

5 MR. DONOHUE: Similar being something like the  
6 Balducci --

7 MR. LANSING: Similar being a full-service grocery  
8 store. Which is what that space is being allocated for.

9 MR. DONOHUE: All right. And I believe your  
10 testimony was that you have a letter of intent and you're  
11 working toward a work letter or a work plan?

12 MR. LANSING: A work letter, correct.

13 MR. DONOHUE: Okay.

14 MR. LANSING: Yes.

15 MR. DONOHUE: And Balducci's is your target at  
16 this point?

17 MR. LANSING: Correct. At this moment, yes.

18 MR. DONOHUE: Okay. Was that space offered to  
19 Wagshal's? Was that a consideration or no?

20 MR. LANSING: It was not offered to Wagshal's, no.

21 MR. DONOHUE: Okay. I guess one other question.  
22 Earlier, and I have forgotten which slide it was on, you move  
23 so quickly through your slides, but you showed a shadow  
24 study, do you think you could go back to that?

25 In earlier versions, we looked at shadow studies

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1 that went past 4:00 p.m. Some of the folks that I work with  
2 go to their homes after 4:00 p.m. in the afternoon, is there  
3 some reason why that's the cutoff?

4 MS. ALEXANDER: Do you mind if we share this?

5 MR. DONOHUE: Sure.

6 MS. ALEXANDER: Sure. These are the standard  
7 hours we typically present. We did provide the others,  
8 you'll see them actually in the, I think the Opponent's  
9 package.

10 We actually went to 9:00 p.m., which everything  
11 pretty much was in shadow at that point. We can provide  
12 additional shadow studies as requested, but these are the  
13 standard hours we give in a typical presentation.

14 MR. DONOHUE: Okay. The last question, Mr.  
15 Chairman, has to do with the Gorove/Slade again, if I can.

16 The HAWK signalization on Massachusetts Avenue.  
17 Gorove/Slade submitted a report, DDOT concurs, that  
18 approximately 90 percent of the visitors to the site are  
19 going to be coming by vehicle, leaving something less than  
20 ten percent, approximately ten percent pedestrian, transit  
21 or bike. Is that right?

22 MR. ANDRES: So, as part of our analysis, DDOT had  
23 identified that we had a significant amount of parking, which  
24 you've highlighted. So in order to determine the mitigation  
25 associated with that, DDOT had bumped up the driving

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1 percentage for the site, relative to what we had previously.

2           We had, this report went through a few iterations,  
3 as we developed the parking strategy a little bit more. What  
4 we had done is we coordinated with DDOT in our scoping  
5 process that allows us to essentially estimate more vehicular  
6 trips because of the fact we're providing more parking than  
7 what DDOT had initially identified in our previous iterations  
8 of the report.

9           So the number 90 percent you have I believe is not  
10 for the grocery store, I believe --

11           MR. DONOHUE: No, I'm asking about the whole  
12 project.

13           MR. ANDRES: So the short answer is yes. Yes, we  
14 did bump up the amount of trips associated with people  
15 driving because of the fact we are providing more parking  
16 than what DDOT had recommended.

17           MR. DONOHUE: All right, I want to move away from  
18 parking for a moment and ask you about the HAWK signal.

19           MR. ANDRES: Yes.

20           MR. DONOHUE: And I know that came out with some  
21 discussions, perhaps with 3D, 3E, I'm not sure, but when I  
22 think about a trip generation and 90 percent of folks will  
23 come in there by vehicle, and then something less than ten  
24 percent, or approximately ten percent are going to be other,  
25 how many of those folks are going to benefit by crossing

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1 Massachusetts Avenue through the use of the HAWK signal?

2 MR. ANDRES: Well, the HAWK signal not only  
3 addresses the impacts related to the site, it also addresses  
4 the normal activity of people going back and forth between  
5 not only the Spring Valley Shopping Center but Spring Valley  
6 Village across the street.

7 MR. DONOHUE: True.

8 MR. ANDRES: So this is actually a community  
9 benefit that allows for that activity to currently take  
10 place. Mr. Miller said he's one of those people.

11 So it's not uncommon for pedestrians in a  
12 neighborhood to cross at that location, so we believe that,  
13 yes, obviously it's going to help with pedestrian circulation  
14 associated with our site, but as an overall community benefit  
15 for neighborhoods on both sides of Massachusetts Avenue.

16 MR. DONOHUE: But it doesn't carryover to  
17 crossings, for example, let's say 48th Street or Yuma or  
18 anything like that, right, it's just Massachusetts Avenue?

19 MR. ANDRES: Yes, it's one location relatively  
20 mid-block between 48th and 49th on Massachusetts Avenue.

21 MR. DONOHUE: Okay. And I apologize, I think I  
22 heard what you said was the commitment would be to pay for  
23 the HAWK?

24 MR. ANDRES: Yes, the design and construction.

25 MR. DONOHUE: Got it. Okay. That's all I have,

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1 Mr. Chairman, thank you.

2 CHAIRMAN HOOD: Thank you. Spring Valley  
3 Opponents. Tom Smith is going to be representing them, okay.

4 MR. SMITH: Thank you. Thank you, Mr. Chairman.  
5 A few questions. Can you share with us what the terms are  
6 of the agreement to transfer FAR from the Spring Valley  
7 Shopping Center to this project?

8 MR. LANSING: I think we've been asked in the  
9 public forum about that and I'd have to check with the other  
10 party on that, but it is a private two-party transaction, so  
11 at this point I'm not able to disclose that, but I'm happy  
12 to check with Regency and see if they'd be comfortable  
13 submitting that information publicly.

14 MR. SMITH: Okay. You mentioned that one of the  
15 effects of this is that you're protecting the Spring Valley  
16 Shopping Center, but from what, I'm trying to figure out what  
17 you're protecting it from?

18 MR. LANSING: Through the allocation of this  
19 density to our record lot, we would be removing any potential  
20 future development activity. So we would be taking that FAR,  
21 leaving that standalone site really with no remaining  
22 available development rights.

23 MR. SMITH: As a site that's already designated  
24 historic, what are the future, what are these development  
25 pressures that you're talking about?

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1 I mean, is there something that's been proposed  
2 recently that would, for development of that site, that none  
3 of us have ever heard of?

4 MR. COLLINS: Excuse me, we are not talking about  
5 any specific identifiable proposal for development, what this  
6 does, and has been done in other areas of the City, is by  
7 transferring density from a historical landmark, you preclude  
8 the opportunity for any future development on the landmark  
9 site.

10 The shopping center across the street had a recent  
11 development on the historic shopping center. So this is the  
12 type of thing we're talking about.

13 MR. SMITH: But any of that though would have to  
14 go before the Historic Preservation Review Board, right?

15 MR. COLLINS: Correct. Correct.

16 MR. SMITH: Okay. So the other thing is, how does  
17 this project conform with the design review criteria,  
18 relative to respecting the vistas of that historic landmark?

19 MR. COLLINS: Can you point to the law or  
20 regulation that requires that?

21 MR. SMITH: Actually, yes. It's in the design,  
22 Chapter 6 of the Zoning, Subtitle X, Chapter 6, 604.7(c)(3).

23 It talks about protecting the key landscape vistas  
24 of historic landmarks. So how does this project achieve that  
25 objective?

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1 MR. COLLINS: 604.7(c), new development respects  
2 the historic character of Washington's neighborhoods?

3 MR. SMITH: Yes, (c)(3). Development should  
4 respect and protect key landscape vistas and axial views of  
5 landmarks and important places.

6 How does this project comply, conform with that  
7 standard laid out in the design review standards?

8 MR. DETTMAN: Mr. Smith, one way I think that that  
9 provision, when we often speak about vistas and axial views  
10 in Washington, we're talking about L'Enfant Avenues and  
11 rights of way and protecting those from inappropriate  
12 incursions and about axial views between a landscape, such  
13 as like a reservation or a monumental building, like the  
14 Capitol and the White House and views along that such.

15 That's not to say that there are not vistas or key  
16 landscapes or axial views elsewhere in the City, but that's  
17 typically what we talk about when we're talking about those  
18 types of things.

19 I reviewed the historic nomination for the Spring  
20 Valley parking shop just today, I have a copy of it, and  
21 nowhere in that historic designation is there an identified  
22 contributing view of significant landscape or axial view.

23 So, there's not a historic view or axial  
24 relationship or whatnot that it has already been afforded  
25 historic protection. Notwithstanding all of that, there is

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1 nothing in this project that will actually interrupt any kind  
2 of view of the historic landmark from, from say Massachusetts  
3 Avenue.

4           Massachusetts Avenue is the corridor, and you have  
5 a view towards the Spring Valley Shopping Center today across  
6 the parking lot, and there's nothing that's going to  
7 interrupt that particular view.

8           MR. SMITH: How tall will this new building, you  
9 mentioned -- how tall is this building going to be?

10           MR. DETTMAN: Fifty feet from the point of  
11 measurement.

12           MR. SMITH: Okay, from the point of measurement.  
13 What's the height, you now have the slide up there now,  
14 what's the height of that building at that point in time?

15           Not where, not the measuring point that you're  
16 using, what's the height right there?

17           MS. ALEXANDER: So it's 73 feet to the roof.

18           MR. SMITH: Is that with the penthouse?

19           MS. ALEXANDER: The penthouse is setback 12 feet  
20 and it's an additional 12 feet tall.

21           MR. SMITH: So we're talking about almost 90 feet,  
22 correct?

23           MS. ALEXANDER: It's 89 feet to the top of the  
24 elevator override, which is removed quite a distance from the  
25 Spring Valley Shopping Center.

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1 MR. SMITH: Okay. And so how much taller is that  
2 from the one story Spring Valley Historic landmark shopping  
3 center?

4 MS. ALEXANDER: I do not know that number exactly,  
5 I do know that from the front of the Spring Valley Shopping  
6 Center, at the closest point, is an excess of a one-to-one  
7 setback. So for instance, if you were to look at the front  
8 face of the Spring Valley Shopping Center and draw a one-to-  
9 one line setback, which is generally how we see a sensitive  
10 setback from any given point, we are in excess of that  
11 setback.

12 MR. SMITH: But at least you're willing to  
13 acknowledge the fact that it's significantly taller than the  
14 one story building, the one story historic landmark there.

15 MS. ALEXANDER: It is taller, sir, yes.

16 MR. SMITH: Okay. Are you familiar with the  
17 Department of Interior standards with respect to historic  
18 landmarks?

19 This is both a historic landmark by the City as  
20 well as federal government, are you aware of the standards  
21 that are outlined in the Department of Interior guidelines?

22 MS. ALEXANDER: We have worked on several historic  
23 structures, sir, yes. Landmark structures.

24 MR. SMITH: And is it not one of the issues of  
25 concern, overall with all historic landmarks, that changes

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1 to sites around the historic landmarks can have the effect  
2 of diminishing the historic nature of the landmark and the  
3 subjecting them to de-listing on the historic landmark, is  
4 that not one of the criteria?

5           Isn't that one of the standards that are outlined  
6 by the Department of Interior as well as by the City?

7           MR. DETTMAN: Those are aspects of the Secretary  
8 of the Interior standards certainly, but those standards are  
9 not applicable to this project.

10           MR. SMITH: And why is that?

11           MR. DETTMAN: Well, sir, the Secretary of the  
12 Interior standards, as it sounds like you know, is our  
13 federal standards that are typically applicable to federal  
14 projects. The Secretary of the Interior standards and the  
15 D.C. Historic Preservation Law are not referred to at all.

16           The Historic Preservation Regulations that are  
17 applicable to HPO staff, as well as the HPRB, do make a  
18 reference to them in that it actually says that HPO staff and  
19 HPRB may resort to the Secretary of the Interior standards  
20 but it is not mandatory.

21           However, again, the Secretary of the Interior  
22 standards don't apply to this project. It's not a federal  
23 project nor it is HPO staff review or HPRB review.

24           We're not doing a subdivision to put the proposed  
25 buildings on the same lot as the Spring Valley Shopping

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1 Center. That sort of subdivision would trigger HPRB review.  
2 We're on a totally separate lot separated by a 20 foot alley.

3 And we're not located within a historic district,  
4 so the development on this vacant lot is not subject to HPRB  
5 in that sense.

6 MR. SMITH: Okay, I didn't suggest that it was  
7 subject to HPRB, what I'm talking about are the standards for  
8 historic preservation. You're talking about how your project  
9 is going to preserve the status of this landmark, so here is  
10 my question to you.

11 Is this not a landmark designated by the federal  
12 government?

13 MR. DETTMAN: The Spring Valley Shopping Center  
14 located on Lots 802 and 803 is a historic landmark registered  
15 in the national register.

16 MR. SMITH: Okay. So why wouldn't the federal,  
17 would why not the Department of Interior standards apply to  
18 that property?

19 MR. DETTMAN: Because we're not making any  
20 alterations to that property.

21 MR. SMITH: No, I'm not talking about that, I'm  
22 talking generally. The Department of the Interior standards,  
23 in other words, the project could not have gotten historic  
24 status in the federal government unless it met the federal  
25 standards, are you arguing that the federal standards, the

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1 Department of Interior federal standards do not apply to this  
2 historic landmark?

3 MR. DETTMAN: Those apply to the Spring Valley  
4 Shopping Center.

5 MR. SMITH: Shopping center. Okay.

6 MR. DETTMAN: And those would apply, and be  
7 applicable --

8 MR. SMITH: Right.

9 MR. DETTMAN: -- be relevant in this discussion,  
10 if we were in any way altering, rehabilitating and, I forget  
11 the third one. Any kind of change to the historic building  
12 itself.

13 MR. SMITH: And wouldn't they also apply, given  
14 the standards, if there is some type of development that has  
15 a negative impact on the shopping center?

16 According to the standards, does that not open the  
17 shopping center up to being de-listed as a historic landmark?

18 MR. DETTMAN: I can't answer that question.

19 MR. SMITH: Well, it does, but okay. Okay, let  
20 me move on.

21 In the transportation study, you mentioned  
22 something, you make a reference to a pork chop, that this is  
23 going to be an amenity for the neighborhood as part of this  
24 project, the pork chop in the shopping center. Is that  
25 correct?

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1 MR. ANDRES: Well, as part of our discussions,  
2 yes, we've identified the potential of, in working with the  
3 property owner of that gas station, to see what we can do to  
4 address some of the queuing concerns related to that  
5 location.

6 MR. SMITH: And have you done any assessment, I  
7 mean, you didn't talk about that at all tonight in your  
8 presentation, but have you done any kind of assessment of the  
9 traffic impacts of the pork chop? And also, can you explain  
10 where that pork chop is going to be?

11 MR. ANDRES: Well, the intent of that pork chop  
12 was to limit egress from the existing gas station at the  
13 corner of 49th and Massachusetts. So at that location, we  
14 were identifying a measure that would address concerns that  
15 we heard from the neighborhood. That that intersection can  
16 be congested.

17 And some of what contributes to that are motorists  
18 trying to turn left out of that driveway. So --

19 MR. SMITH: So --

20 MR. ANDRES: Let me answer your question.

21 MR. SMITH: Okay, I'm sorry.

22 MR. ANDRES: So with respect to any redistribution  
23 associated with that improvement, we have not looked at that  
24 for two reasons. One, it's still a measure that we still  
25 have to coordinate with the land owner, because that parcel

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1 is actually not part of the Spring Valley Shopping Center.

2           And then two, that's also a measure that although  
3 we've spoken preliminarily with DDOT, they haven't, because  
4 it's in public space, that's a condition that we would still  
5 have to go through with DDOT as well. So any implementation  
6 of that would require a few more steps.

7           MR. SMITH: And if you, assuming this pork chop  
8 went into place, that you were able to work out, everything  
9 out, in other words, a car coming out of the shopping center  
10 onto 49th Street would be forced to make a right turn, is  
11 that correct?

12           MR. ANDRES: That is correct. If they were to use  
13 that, in that situation, yes, you would have to turn right  
14 out of there because it's a right turn in, right turn out.

15           Now, they can adjust their, once that goes in,  
16 they would have to adjust their patterns in that, you know,  
17 at that location you could also exist onto Massachusetts  
18 Avenue as well. So there are different ways to go around  
19 that right turn condition.

20           MR. SMITH: Okay. I'm coming out of the shop, I  
21 live in Spring Valley, okay, I'm in Spring Valley, let me  
22 also then make sure I understand then also.

23           So that means then if you're coming down 49th  
24 Street going west, you would not be able to make a left turn  
25 into the shopping center at the gas station, is that correct?

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1 MR. ANDRES: That's correct. And just to give you  
2 a little bit of context, that driveway does not meet current  
3 DDOT standards. And so it's a preexisting condition that has  
4 been, that you'll see all over the District, that with this  
5 measure, would help essentially address a grandfather  
6 condition.

7 MR. SMITH: And with that pork chop, if you were  
8 to install that pork chop, would you have to expand the curb  
9 cut there?

10 MR. ANDRES: We haven't engineered it so I --

11 MR. SMITH: I mean, do you even have room to  
12 expand the curb cut there?

13 MR. ANDRES: Well, like I said, at that point we  
14 haven't engineered it. We've conceptually identified how it  
15 could be accommodated if that's something that is amenable.  
16 But at this point, like I said, we have not engineered it.  
17 And it would have to meet all of DDOT's public space  
18 requirements.

19 MR. SMITH: Okay. All right. So, as, I mean, the  
20 Spring Valley Shopping Center is used by a lot of residents  
21 from Spring Valley, so I'm coming out of the shopping center  
22 on 49th Street, I have to turn right, which then takes me  
23 where? It takes me into the AU park neighborhood, correct?

24 MR. ANDRES: Or you can turn out onto  
25 Massachusetts Avenue.

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1 MR. SMITH: How can I, I can't turn off  
2 Massachusetts Avenue from 49th Street.

3 MR. ANDRES: No, but you can turn right out of the  
4 gas station.

5 MR. SMITH: You're telling me to go out of the  
6 shopping center using the Mass Avenue exit?

7 MR. ANDRES: At that point you would have to  
8 adjust your travel patterns, that's correct.

9 MR. SMITH: Okay. And so let's say I do that,  
10 don't I then have to go across two lanes of traffic to cross  
11 then to get, how do I access my home in Spring Valley, do I  
12 not still then have to go, up around into the AU park  
13 neighborhood with bringing more traffic and congestion up  
14 into that area, including up Yuma Street and then coming  
15 around 48th Street and then turn left up Mass Avenue?

16 MR. ANDRES: So, as I mentioned before, the  
17 condition is a preexisting condition, that's a substandard  
18 condition.

19 MR. SMITH: Okay. But you haven't done any kind  
20 of traffic analysis of this?

21 MR. ANDRES: We have not redistributed that  
22 traffic, that's correct.

23 MR. SMITH: Okay. So let me ask you now about the  
24 HAWK signal, okay. Can you show us where this HAWK signal  
25 is going to be installed?

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1 Can you show where 48th Street is? Okay. And  
2 where is the HAWK signal going to be?

3 MR. ANDRES: So the HAWK signal, currently right  
4 now we have not identified a location for it, it has not been  
5 engineered, it has not been accepted by DDOT. Again, this  
6 is a condition where we preliminarily approached DDOT and  
7 they believe that it is a feasible alternative.

8 But, again, we have to go through the process to  
9 design it and we have to go through the process of making  
10 sure it meets all of DDOTS requirements.

11 MR. SMITH: So, have you done any kind of analysis  
12 of the impact of the HAWK signal on traffic? And especially  
13 with respect to queuing into the intersection of 48th and  
14 Mass Avenue.

15 MR. ANDRES: So HAWK signals, if you're not  
16 familiar with them, are all over the District. It places our  
17 priority on pedestrian circulation in neighborhoods where  
18 there is a lot of pedestrian traffic.

19 Case in point is by the Uptown Theater in  
20 Cleveland Park, there is a HAWK signal because of the fact  
21 that there are significant crossings that are related to  
22 pedestrians trying to get back and forth a major roadway.

23 And in this instance, we are trying to replicate  
24 those similar results. And by doing so, yes, we completely  
25 understand that traffic would be impeded. But given that

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1 these HAWK signals can be coordinated with both the upstream  
2 and downstream signals, there is the ability to help control  
3 and manage that situation.

4 MR. SMITH: Have you done a pedestrian study, have  
5 you done an assessment, I mean, how many pedestrians  
6 actually, granted, like Commissioner Miller, I do it  
7 sometimes as well living in the neighborhood, but have you  
8 done any kind of assessment or analysis of the numbers of  
9 people who actually do, do cross there?

10 And I say this from the perspective of, and let  
11 me add this so that you have the full scope of this, we've  
12 already seen the impact of the HAWK signal on Nebraska Avenue  
13 that was installed, which was not far from Spring Valley.  
14 It has actually backed up a lot of traffic in Ward Circle and  
15 along Mass Avenue.

16 And so the concern here is, how can you insure  
17 that that HAWK signal is not going to make, create another  
18 obstacle, another traffic obstruction along Massachusetts  
19 Avenue?

20 MR. ANDRES: So, obviously the proffer that we've  
21 identified is all subject to DDOT approval. So with respect  
22 to all the studies that are required to both support the  
23 installation of it, as well as the specific design  
24 requirements, all have to meet DDOT standards.

25 So in an instance where we're introducing this

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1 element, if DDOT decides that this is appropriate, then it's  
2 essentially DDOT identifying that they're making a priority  
3 for the pedestrian crossings and circulation at this  
4 location. Especially since there is a history, as you know  
5 of jaywalking that occurs at that location.

6 MR. SMITH: But you haven't done any kind of  
7 projections or assessments of the pedestrian crossings there?

8 MR. ANDRES: No. No. Typical with a lot of the  
9 projects that are either related to a HAWK signal, or a new  
10 traffic signal for that matter, would require us to do  
11 warrant studies that would help support that.

12 MR. SMITH: So at least as of now you don't really  
13 know whether that HAWK signal is actually justified or not?

14 MR. ANDRES: At this point, technically no.

15 MR. SMITH: Okay.

16 MR. ANDRES: But we believe that there is  
17 precedence here for something like this.

18 MR. SMITH: Okay. And I think my last question,  
19 which I think you may have already answered but I may have  
20 missed this, and I apologize for that, what is happening with  
21 the, you mentioned about Wagshal's being in the existing  
22 retail space, you also have a restaurant, there's also a hair  
23 salon there, both of which have been around there for a long,  
24 long time, what is happening to them, are they being kicked  
25 out and what do you have to do in order to empty that space

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1 to demolish, to raze the building and then build this  
2 building?

3 MR. LANSING: Sure. So, the remaining three  
4 tenants in the building, their leases, their lease terms end  
5 around the time that we would look to start construction.

6 So really no additional steps are needed from our  
7 perspective. We let their leases run their term and we look  
8 to start once those tenants have vacated.

9 MR. SMITH: And then they're gone? They no longer  
10 --

11 MR. LANSING: They're out of the project site.

12 MR. SMITH: They're no longer --

13 MR. LANSING: To some other place in the  
14 neighborhood potentially, but on our project site, correct,  
15 they have left.

16 MR. SMITH: I don't know, do you have something  
17 you want to --

18 MR. PARKER: Yes, one question, if I can? For the  
19 benefit of the Commission, my name is Scott Parker. I am  
20 part of this trio I suppose.

21 In my case I represent the Spring Valley West Home  
22 Corporation, which is 157 home owners in the area called  
23 Spring Valley West. But we're right adjacent to Spring  
24 Valley and right across the street from Mass Ave and AU park  
25 and so on.

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1 My question goes back 18 months. The first time  
2 that Mr. Lansing came and talked to our group.

3 And it was an open forum. It wasn't just the  
4 board members like myself, there were a number of questions.  
5 He demonstrated some of the things that they were talking  
6 about and so on.

7 At that meeting, and at subsequent meetings,  
8 although I haven't been to all of the community meetings,  
9 I've certainly been to those that we had in Spring Valley  
10 West, and I bring to another number of others that were more  
11 open for the residents, it focuses on one of the two things  
12 that I think really attracted the attention of the residents  
13 who were there.

14 One of them was the grocery store, we've talked  
15 about that. I think they're disappointed with the result,  
16 but that's not a question.

17 The other one was what you said, and what has been  
18 said since then, in terms of the availability of this  
19 development to provide a place for basically aging residents  
20 who are becoming less mobile, less able to take care of their  
21 yards and don't have the money to have somebody else do that  
22 in effect, that request in the summer of 2016, from my group  
23 at least, and I've heard it be expressed with others is,  
24 gosh, it would be nice if in fact the predominant  
25 characteristic of these units was condominiums, because they

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1 could purchase those.

2 I mean, that represents an economically sound view  
3 for people who traditionally have been resident owners of  
4 their homes.

5 Despite that you, as a group, have been adamant  
6 about it's going to be ten percent rentals and 90 percent,  
7 or excuse me, 90 percent rentals and ten percent condos. And  
8 actually, I was surprised tonight to hear you say that the  
9 other ten percent may go toward rentals as well.

10 So why are you so adamant about this non-condo  
11 policy of yours?

12 MR. LANSING: It's really a business decision.  
13 And I think that's the start of it.

14 We also look at the project, which I have noted  
15 many times in our meetings and our presentations that a  
16 project this size in our ownership group, the demand that we  
17 have researched and found finds that there is a large  
18 population of people that are under-served, that demographic,  
19 that prefer to move into rental housing.

20 And so we are looking at market demands. And  
21 quite frankly, our business decision. And that business  
22 decision, that business model, is to deliver multi-family  
23 mixed-used rental housing.

24 MR. PARKER: Well, you wanted some feedback from  
25 the community, you have that feedback.

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1 MR. LANSING: Okay.

2 MR. SMITH: Actually, I do have one more question  
3 I forgot to ask, and it has to do with the AU. You said you  
4 don't have an agreement right now with AU with respect to  
5 parking, is that correct?

6 MR. LANSING: So to clarify, we have, there is an  
7 existing agreement that does discuss current parking  
8 allocation, was really an amendment and cleanup of the  
9 existing allocation agreement that dates back to 1970 give  
10 or take. So there is an agreement that is in place there.

11 The agreement that we're currently talking to  
12 American University about presently is of the 236 parking  
13 spaces that we will deliver, what percentage of those are  
14 being allocated sort of back to different uses across the  
15 project site. And so that's what we're currently talking to  
16 AU about now.

17 MR. SMITH: So you're required to provide AU  
18 access to 236 parking spaces?

19 MR. LANSING: That's correct. On our site.

20 MR. SMITH: And that's, what percentage are your  
21 overall parking?

22 MR. LANSING: That's 236 across 370. So whatever  
23 that percentage may be.

24 MR. SMITH: Okay, thank you very much. I have no  
25 more questions.

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1 CHAIRMAN HOOD: Okay, thank you. Thank you both.  
2 Let's do a quick assessment. I really think, and I'm going  
3 to ask my colleagues to chime in on this, I really don't  
4 think we're going to get to persons in support and persons  
5 in opposition this evening. Well, probably, yes.

6 Persons in support and persons in, well, you know  
7 that song, Thinking Out Loud, that's going to be me. We will  
8 probably not get to persons in support or persons in  
9 opposition tonight.

10 We're probably going to have the Office of  
11 Planning and we'll probably have cross once they do their  
12 presentation and the District Department of Transportation.

13 Let me just, so I can try to reference moving  
14 forward. How many people think they may have questions,  
15 cross, and parties of the Office of Planning or District  
16 Department of Transportation? Okay, Mr. Donahue, okay, Mr.  
17 Collins.

18 Okay, so do you all, colleagues, I want you all  
19 to think, because once we get into that, it will probably be  
20 the hour, which will take us to 9:30. I'm prepared to go to  
21 10:30 but I want to make sure we all are.

22 VICE CHAIR MILLER: I'm prepared to go to whatever  
23 Metro stops.

24 CHAIRMAN HOOD: One night we were here and we had  
25 to run out because there was about five minutes left. No,

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1 we don't want to do that again that's why I'm trying to do,  
2 so 10:30 is the cutoff point.

3 So, we'll hear from the Office of Planning, we'll  
4 go with the parties in support. Well, maybe you know what --

5 Too many parties in support?

6 MS. SCHELLIN: The parties in support you might  
7 get through but not individuals.

8 CHAIRMAN HOOD: What about the individuals in  
9 support?

10 MS. SCHELLIN: Too many.

11 CHAIRMAN HOOD: Too many.

12 MS. SCHELLIN: I think.

13 CHAIRMAN HOOD: Okay. How many people are here  
14 in support? Well, that don't look like a whole lot.

15 (Laughter.)

16 CHAIRMAN HOOD: How many people are here in  
17 opposition? That's where, well, I can tell you right now  
18 we're not going to get that done tonight.

19 MS. SCHELLIN: They did not all sign up to testify  
20 though.

21 CHAIRMAN HOOD: So the parties in support?

22 MS. SCHELLIN: The individuals. All of those  
23 hands did not sign up.

24 CHAIRMAN HOOD: But I only have, all parties in  
25 support again? The persons in support who are planning --

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1 MS. SCHELLIN: Who have signed up to testify.  
2 Okay, there is more than two.

3 CHAIRMAN HOOD: Who are going to speak. Persons  
4 who are going to speak in support?

5 So I've got, if I go through the party and I go  
6 to, you know, I hate doing this, you know why I hate doing  
7 this, because this takes up all the time trying to get this  
8 straightened out.

9 MS. SCHELLIN: There is 20 on the list.

10 CHAIRMAN HOOD: There's 20 people in support on  
11 the list.

12 MS. SCHELLIN: No, there's 20 total on there.

13 CHAIRMAN HOOD: Twenty total individuals?

14 MS. SCHELLIN: Individuals to testify.

15 CHAIRMAN HOOD: Okay, you know what, I'm getting  
16 confused now. This is more confusing than --

17 So, I think we'll go to, colleagues, let's come  
18 up with a cutoff point.

19 COMMISSIONER SHAPIRO: 10:30 is fine.

20 CHAIRMAN HOOD: Yes. No, 10:30, but I want to  
21 make sure I don't keep, here's what I'm trying not to do,  
22 have you sit here and I don't get to you and you sit down  
23 here with us all night. That's my goal.

24 COMMISSIONER SHAPIRO: What if we see how the OP  
25 report and cross goes and then we can determine then how much

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1 time we have?

2 CHAIRMAN HOOD: Yes, let's do another assessment  
3 about 9:00, 10:00. So please don't get mad with Commissioner  
4 Shapiro if you sit here at 9:15 and we don't hear from you  
5 tonight.

6 So we'll give you a break on that one this time  
7 because sometimes it's hard to judge these things. So let's  
8 keep going. Let's go to the Office of Planning.

9 MR. COLLINS: Mr. Chairman?

10 CHAIRMAN HOOD: Yes.

11 MR. COLLINS: May I do some redirect of our  
12 witnesses from the cross examination that just occurred?

13 CHAIRMAN HOOD: Some redirect?

14 MR. COLLINS: Redirect my witnesses.

15 CHAIRMAN HOOD: But we do that at the end, Mr.  
16 Collins. Don't we?

17 MR. COLLINS: Do it at the end?

18 CHAIRMAN HOOD: You're getting me confused, I'm  
19 already confused now. Yes, we do that at the end.

20 MR. COLLINS: Save it.

21 CHAIRMAN HOOD: You do the rebuttal, then we'll  
22 have cross on rebuttal. Yes, we can do that at the end.

23 MR. COLLINS: We'll do it at the end.

24 CHAIRMAN HOOD: Right? It might not be tonight  
25 though. Okay.

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1 All right, so let's go to the Office of Planning  
2 and the District Department of Transportation.

3 MS. VITALE: Good evening, Mr. Chair, Members of  
4 the Commission, Elisa Vitale with the Office of Planning.

5 OP has reviewed the Applicants recent filing at  
6 Exhibit 152 that responds to OPs request in its report for  
7 additional information. This filing addresses some of OPs  
8 concerns, but OP would still request a street, or alley  
9 rather, level of perspective of the retail at the southwest  
10 corner of the building.

11 Based on the discussion tonight, it sounds like  
12 that space may be grocery space and not a separate retailer  
13 so I think it's important to understand the user in that  
14 space. Once we understand what the user is to have kind of  
15 a, rather than zooming out further, zoom in a bit closer so  
16 we could get an alley level perspective of that corner.

17 Let's see. I do think it is important, and  
18 Commissioner Turnbull started to allude to this earlier, I  
19 think it's important to understand and pay additional  
20 attention to the pedestrian experience along the alley.

21 Particularly is that space where you have the  
22 garage and loading bays. Particularly as that space would  
23 relate to the pedestrian experience.

24 Particularly since any individual that's using  
25 Windom Walk to connect through to the Spring Valley Shopping

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1 Center, they would walk directly passed that. So I think  
2 signage, making sure that that's a safe and comfortable  
3 pedestrian experience, I think that's important. I think a  
4 little bit additional work could be done there.

5 This was also previously discussed in the Zoning  
6 Commission's questions. I think we need more information  
7 with respect to the inclusionary zoning.

8 Again, it seems like there is some moving pieces.  
9 We need to understand kind of the rental component, the for  
10 sale component, the IZ that would be required.

11 Based on that, and then also need to understand  
12 any affordable housing contributions that would be required  
13 based on the penthouse space.

14 So I think that summarizes the additional  
15 information that the Office of Planning is interested in  
16 seeing.

17 I would note, in our report there was some  
18 discussion with respect to the rear yard request. OAG did  
19 confirm that that should be treated as flexibility and not  
20 a special exception.

21 With that, OP will rest on the record in support  
22 of this voluntary design review application. This concludes  
23 my report and I'm happy to answer questions. Thank you.

24 CHAIRMAN HOOD: Thank you, Ms. Vitale. Let's go  
25 to Mr. Zimmerman.

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1 MR. ZIMMERMAN: Good evening. Thank you, Chairman  
2 and Commissioners. For the record, my name is Aaron  
3 Zimmerman with the District Department of Transportation.

4 As discussed in Mr. Andres' presentation earlier,  
5 the Applicant has agreed to all of our conditions, which  
6 include the physical pedestrian network improvements. As you  
7 heard, the HAWK signal as well as curb extensions and curb  
8 ramps and other upgrades to the pedestrian network, most of  
9 which are actually offsite.

10 They've also agreed to the revisions to the  
11 proposed transportation demand management plan that we  
12 recommended. And they've also, we're also comfortable with  
13 their response on the relocation of trash dumpsters along  
14 Yuma, from the Spring Valley Shopping Center, and deliveries  
15 that had previously been occurring there that we are  
16 requesting that they move to the alley network.

17 So with these conditions, as agreed to in Mr.  
18 Andres' presentation and documented in the January 10th, 2018  
19 Gorove/Slade response to DDOT memo, DDOT has no objection to  
20 the approval of this voluntary design review application.  
21 And I'm happy to answer any questions.

22 And I also just want to make one other quick note.  
23 Today was Jamie Hensen's last day at DDOT and he wanted me  
24 to pass along a message to the Zoning Commission that he  
25 thanks the Commission for their help and collegiality over

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1 the years and a special thanks to Chairman Hood for your  
2 leadership and dedication to the District.

3 CHAIRMAN HOOD: I had forgotten. Someone actually  
4 mentioned to me that he was leaving and I'm trying to think,  
5 I don't want to put the director in a bad place, but somebody  
6 mentioned that to me last week and I meant to reach out to  
7 him.

8 So you can tell him good luck on his, I forgot  
9 where he's, I know where he's going but I forgot and I don't  
10 want to publicly announce that, so I'm going to get beat up  
11 by him. But anyway, tell him and mom, I loved him and mom,  
12 so tell him, the best from all of us on behalf of the Zoning  
13 Commission, we wish him well on his future endeavors. Okay.

14 Okay, let's see if we have any questions or  
15 comments. Did Sam Zimbabwe leave?

16 MR. ZIMMERMAN: No, he's still there.

17 CHAIRMAN HOOD: Oh, he's not? Okay. Tell Sam to  
18 return -- no, don't do that. I shouldn't have done that.

19 Okay, let's see if we have any questions up here,  
20 comments. Vice Chair Miller.

21 VICE CHAIR MILLER: Thank you, Mr. Chairman. So,  
22 I guess for Mr. Zimmerman, I was curious as to, I mean, I  
23 heard of the Applicant's explanation as to why they're not  
24 paying for a Capital Bikeshare, what is this plan, there is  
25 apparently some plan that references a Capital Bikeshare in

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1 this vicinity, this is not going to be a big development in  
2 this vicinity, on top of other developments that have  
3 happened in this vicinity, so what are the plans for a  
4 Capital Bikeshare station?

5 MR. ZIMMERMAN: So yes, a Bikeshare station was  
6 identified as a needed improvement in this area. We didn't  
7 request it of this Applicant because they were already making  
8 a pretty significant contribution with the HAWK signal.

9 And also, the things that we request as mitigation  
10 are based on, typically based on the analysis that the  
11 Applicant provided. And this particular development, with  
12 the mix of uses and parking and things like that, didn't  
13 warrant additional mitigation above and beyond that.

14 In terms of significant contributions, I mean,  
15 their making contributions to the pedestrian network in other  
16 ways, but we just didn't feel like this rose to the level of  
17 another major investment in this area, as paid for by the  
18 Applicant. But you heard during their presentation earlier  
19 that they were going to work DDOT on a location for Bikeshare  
20 station.

21 And typically, when we don't request a station be  
22 funded and constructed and installed by the Applicant, we  
23 request that they work with us to find a location onsite or  
24 immediately in the vicinity of the site in public space for  
25 that station. And so that's what they were, I believe, they

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1 were alluding to earlier. And that's what we hope to  
2 continue working with them on.

3 VICE CHAIR MILLER: So, we, tax payers are going  
4 to pay for it?

5 MR. ZIMMERMAN: Potentially.

6 VICE CHAIR MILLER: How much does it cost these  
7 days?

8 MR. ZIMMERMAN: Right now, the number that we use  
9 is \$80,000. And that's for a 19-dock station and one year  
10 of maintenance.

11 VICE CHAIR MILLER: Okay, thanks.

12 CHAIRMAN HOOD: Okay, any other questions up here?  
13 Okay. Mr. Collins, do you have any questions of the Office  
14 of Planning or DDOT?

15 MR. COLLINS: Yes, I do, just a few. For Ms.  
16 Vitale. Did the Office of Planning meet and discuss this  
17 application with representatives of Citizens for Reasonable  
18 Development, before issuing the OP report of January 2nd,  
19 2018?

20 CHAIRMAN HOOD: We're going to ask you to speak  
21 into the mic, I'm not sure if everybody can hear you. So,  
22 yes, speak into the mic. Can everybody hear him?

23 Okay. No, they're saying no. So yes, they  
24 actually want to hear you, Mr. Collins.

25 MR. COLLINS: Looking there, I'll look here. The

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1 first question, did the Office of Planning meet and discuss  
2 this application with representatives of Citizens for  
3 Reasonable Development, before issuing the OP report of  
4 January 2nd, 2018?

5 MS. VITALE: Yes, we did.

6 MR. COLLINS: Did you take into consideration the  
7 comments and issues that they raised when formulating your  
8 report?

9 MS. VITALE: We certainly took all comments and  
10 information that was in the record into consideration in  
11 drafting our report.

12 MR. COLLINS: All right, thank you. Mr.  
13 Zimmerman, same question. Did DDOT meet and discuss this  
14 application with representatives of Citizens for Reasonable  
15 Development, including perhaps their traffic engineer, before  
16 issuing your report of January 2nd?

17 MR. ZIMMERMAN: I never met in person but I have  
18 spoken with, on the phone with, folks from that group kind  
19 of explaining DDOTs perspective on it and wanting to hear  
20 what their concerns were. But yes, I have spoke on the phone  
21 with those folks.

22 MR. COLLINS: And did DDOT take those issues and  
23 concerns into consideration in the formulation of the DDOT  
24 report?

25 MR. ZIMMERMAN: No. We based our report and our

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1 analysis on what the Applicant was proposing, what was in the  
2 transportation study, the CTR study that was submitted and  
3 various DDOT policies. And that's what we based our report  
4 on.

5 MR. COLLINS: Thank you.

6 CHAIRMAN HOOD: Okay, ANC 3E, any cross?

7 MR. MCHUGH: No.

8 CHAIRMAN HOOD: Okay. ANC 3D?

9 MR. KRAVITZ: No.

10 CHAIRMAN HOOD: Spring Valley Neighbors? Citizens  
11 for Reasonable Development?

12 MR. DONOHUE: Mr. Chairman, Ed Donohue again.  
13 Joining me at the desk is Sheldon Repp with Citizens for  
14 Reasonable Development, CRD.

15 Just a couple questions for, first for the Office  
16 of Planning. I think Mr. Repp has some questions for DDOT.

17 Ms. Vitale, the question Mr. Smith asked earlier  
18 was a question that I had saved for you, because I found it  
19 rather intriguing when I saw the explanation that part of the  
20 reason for transferring development rights from Spring Valley  
21 Shopping Center to the development project was to help  
22 alleviate development pressures on Spring Valley Shopping  
23 Center.

24 So the question is, has Office of Planning been  
25 made aware of development pressures on the Wagshal's

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1 property, Spring Valley Shopping Center?

2 MS. VITALE: No, I'm not aware of any pending  
3 applications or immediate development pressures on that  
4 property.

5 MR. DONOHUE: Mr. Smith characterized the  
6 designations as both a D.C. landmark and a listing on the  
7 national register, is that correct?

8 MS. STEINGASSER: This is Jennifer Steingasser,  
9 I'll answer the question. Yes.

10 MR. DONOHUE: And Mr. Smith also characterized  
11 that as providing adequate protection under the auspices of  
12 the HPRB review, would you agree with that?

13 MS. STEINGASSER: I'm not sure that's how I heard  
14 what he answered.

15 MR. DONOHUE: The suggestion was that there was  
16 potential for redevelopment of the property. And I think Mr.  
17 Smith's question was, well, isn't it adequate to have the  
18 protections of landmark protections and the role of the HPRB  
19 in ruling on any proposed redevelopment?

20 MS. STEINGASSER: I'm not sure that's an answer  
21 that could be given without knowing that the proposal would  
22 be.

23 MR. DONOHUE: Okay. Let me ask you about the OP  
24 Report at page 3, when you're reviewing the comprehensive  
25 plan. There's a statement there that says, promote the

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1 creation of a locally owned non-chain establishments.

2           And you heard testimony tonight that the non-chain  
3 establishment we're looking at here is Balducci's, sort of  
4 a specialty market for the grocery amenity. Do you have any  
5 comments on that?

6           MS. VITALE: Can you point me to where you're  
7 looking again?

8           MR. DONOHUE: I think it's in your graphic.

9           MS. VITALE: I'm not in the, on page 3, the only  
10 graphic I see is the zoning tabulation.

11           MR. DONOHUE: I'm sorry, 23.

12           MS. VITALE: Oh, 23. I'm sorry, I didn't hear  
13 that.

14           MR. DONOHUE: 23, under economic development,  
15 elements ED 2.2.3. The last sentence there, promote the  
16 creation of locally owned non-chain establishments because  
17 of their role in creating unique shopping experiences.

18           MS. VITALE: I see that, yes. What's your  
19 question?

20           MR. DONOHUE: Do you think the project is  
21 consistent with your policy?

22           MS. VITALE: I think you're taking one sentence  
23 out of kind of the larger policy, which is create additional  
24 shopping neighborhoods in Washington's neighborhood  
25 commercial district to meet the demand for basic goods and

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1 services.

2           So I think certainly the project, which is going  
3 to provide a grocery store, that would be a neighborhood  
4 serving retail destination, that does fulfill that policy.

5           MR. DONOHUE: All right, so let's talk about the  
6 grocery store. I asked Mr. Lansing about the downsizing of  
7 the amenity from 55,000 or 56,000 square feet to  
8 approximately 13,000 square feet, and I also asked Mr.  
9 Lansing whether Wagshal's, which is a specialty market in the  
10 Spring Valley Shopping Center, was considered for the grocery  
11 amenity in the valid property. Do you have any reaction to  
12 those questions or the response from Valor?

13           MS. VITALE: No, I do not.

14           MR. DONOHUE: Okay. Let me ask Mr. Repp to ask  
15 the questions for DDOT again.

16           MR. REPP: The DDOT report, I think, assumes that  
17 of the 236 spaces that the owner of the property is supposed  
18 to, is required to make available on a nonexclusive basis to  
19 American University, it assumes that all but 56 of those will  
20 be given back to the site.

21           But we heard, didn't we hear tonight, I mean, what  
22 did they tell you as to whether or not those spaces would be  
23 available exclusively for residents as opposed to American  
24 University?

25           MR. ZIMMERMAN: So, the Applicant submitted a

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1 parking management plan, which is where we got that breakdown  
2 from. And our understanding is that a certain amount of the  
3 spaces for American University were going to be made  
4 available for the different land use components of this  
5 project.

6           So, for the purposes of the CTR we assumed, in a  
7 kind of the worst case, in terms of traffic generation that  
8 would come from that. I'm exactly not sure of the status of  
9 the legal agreement, if or how that would all be divvied up,  
10 but I'm going based off of the parking management plan that  
11 was provided on the record.

12           MR. REPP: But didn't we hear tonight that there  
13 may not be, there probably isn't? In fact, there isn't a  
14 factual basis. That's not a true, it doesn't reflect the  
15 actual situation today.

16           MR. ZIMMERMAN: My understanding is that's the  
17 best estimation at that time. And in fact, if that is, if  
18 that turns out not to be the case and there's fewer vehicles  
19 available, then that's actually less reason for there to be  
20 mitigation.

21           Which is, our argument throughout this is that all  
22 that extra parking that would be made available to these land  
23 uses would actually trigger the various pedestrian network  
24 improvements.

25           MR. REPP: But isn't this site a mile from the

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1 metro?

2 MR. ZIMMERMAN: Correct.

3 MR. REPP: And isn't it likely that people that  
4 live a mile from the metro will have vehicles?

5 MR. ZIMMERMAN: That is correct.

6 MR. REPP: As you know, you said you didn't take  
7 into consideration the comments that I provided to you over  
8 the phone, and thank you for talking to us, I appreciated  
9 that, or the comments that were in the traffic analysis that  
10 our traffic consultant, Joe Mehra from MCV, provided.

11 With respect to those comments, one of which is  
12 that you were obligated, he thought that you were obligated  
13 to take into consideration, because there's a grocery store  
14 here, the traffic counts, flows during the weekend. And the  
15 traffic counts that Gorove/Slade conducted were solely  
16 weekday counts.

17 So why isn't that the, why didn't you require the  
18 Applicant to do estimates for weekend traffic given the fact  
19 that we have a grocery store here?

20 MR. ZIMMERMAN: There's a couple of reasons for  
21 that. The first being, we usually only require Saturday  
22 counts, a Saturday analysis, when the dominant land use is  
23 retail or some special use. It's a pretty small component  
24 of this project.

25 And also, when you then combined the lower trip

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1 generation that would occur on a Saturday from this project,  
2 you then combine it with the traffic that's on the, say  
3 Massachusetts Avenue, those volumes are also lower. So  
4 really, we look at the absolute worst case study peak hour  
5 for the totality of the project. And that would be just your  
6 typical week day evening and morning peak hours.

7 MR. REPP: I went through with you what the, I  
8 expected the, all the parking, and I know this is something  
9 that you, that DDOT favors, the vehicular entrance for both  
10 the retail, the loading and the residents is through the  
11 alley that's behind the American University building.

12 That alley, the main entrance from that alley is  
13 on 48th Street. And I showed you, and it will be in our  
14 presentation, I showed you pictures, right there, where that  
15 alley dumps into, 48th Street is where the American  
16 University buses drop off passengers for the building.

17 And in fact there was, I've been out there two  
18 different mornings and there is, between 8:00 and 9:00, and  
19 there were ten, during that hour, there were ten different  
20 buses there. Each, one was 11 and one was nine during those  
21 two different counts I did.

22 The buses park right there. Frequently they're  
23 doubled parked. We're going to have a pretty dramatic  
24 picture of this in our presentation.

25 Why isn't, and frankly, it's a three-lane street,

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1 right? 48th Street is three lanes. And if one lane is taken  
2 up by buses that are parked there for three, four, five  
3 minutes as they drop off, pick up people on their regular  
4 routes, the cars coming up 48th Street or down 48th Street  
5 and coming across all the cars coming in the alley, they're  
6 going to have to go around that bus, right?

7           And the bus has a dogleg, the street has a dogleg  
8 on it, which means it's very difficult to see around those  
9 buses, today. And now there is going to be, according to the  
10 Gorove/Slade study, there's going to be 305 additional trips  
11 generated by this site during the p.m. peak hour around, I  
12 forget whether it is 200 or so during the a.m. peak hour.  
13 In addition to the already existing traffic.

14           Don't you think those buses will cause a problem?

15           MR. ZIMMERMAN: I mean, there is an existing bus  
16 stop there. We don't feel they're being impacted by this  
17 development.

18           Some traffic is going to use this. Some traffic  
19 is going to use that alley, but there are two other entrances  
20 to the alley that will be disbursed, so traffic will be  
21 disbursed across those and across the peak hour itself.

22           I mean, that's something, you know, we can look  
23 at how the signage should be when we review the Applicant's  
24 curb side management plan later on in the process. And  
25 that's something, adjusting the signage, that's certain

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1 something that we can do.

2           And our curb, at that time our curb side  
3 management team will be out reviewing the current  
4 restrictions out there, where signs should be, what the  
5 current and new land uses are and how that impacts the size  
6 and the shapes of the bus stops, et cetera, et cetera.

7           MR. REPP: I also discussed with you there is,  
8 both on Yuma Street and on 48th Street right now, the plan  
9 is to have two sides of the street parking. And right now,  
10 mostly, it's one side of the street parking.

11           The American University buses go up Massachusetts  
12 Avenue, they take a right on 49th, they take a right on Yuma  
13 coming back and they take a right on 48th Street. How are  
14 those buses, and they're big buses, they're not little buses,  
15 they're big regular buses, how are those buses going to be  
16 able to make those turns on 48th Street, 49th to Yuma, Yuma  
17 to 48th Street?

18           MR. ZIMMERMAN: I mean, it's a public road,  
19 they'll continue to use the public road. But if you're  
20 referring to specifically with on-street parking along there,  
21 we've had conversations with the Applicant that we don't, in  
22 all likelihood are not going to have parking on that side of  
23 that street, on the south side of Yuma, because the street  
24 is 30 feet, it's too narrow for that. We need at least 38  
25 feet.

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1           So, at this stage, what the Applicant provides in  
2 their CTR in terms of their proposed curb side management,  
3 it's just an initial proposal. There will be a number of  
4 factors that go into what actually happens out there, but  
5 that's about it on that.

6           MR. REPP: Are you aware that American University  
7 has informed Valor Development that they oppose the two sides  
8 of the street parking because of the impact on their buses?

9           MR. ZIMMERMAN: I have heard that they do oppose  
10 that on the southern end of 48th Street, correct. And we've  
11 had conversations with our curb side management team who will  
12 put out the signage, adjust the signage, et cetera.

13           MR. REPP: I think that's all I have.

14           MR. DONOHUE: Last question, Mr. Chairman, for the  
15 Office of Planning. The Chairman has suggested we do a one-  
16 pager on the legality of the transfer of development from  
17 Spring Valley to the Valor lot and we are certainly looking  
18 forward to that.

19           I want to know whether OP is going to provide a  
20 report along those lines.

21           MS. STEINGASSER: OP works through the Office of  
22 the Attorney General, who we worked with when we originally  
23 assessed the structure of the site, and we'll be providing  
24 something through the Office of Attorney General.

25           MR. DONOHUE: Great. Thank you.

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1 MS. STEINGASSER: Yes.

2 MR. DONOHUE: Thanks, Chairman.

3 CHAIRMAN HOOD: Thank you. All right, let's go  
4 to ANC's, let's bring up ANC 3E and why don't we just bring  
5 up 3D as well. Oh, I'm sorry, you know what, don't come up  
6 ANC 3E or 3D, let me go to Spring Valley Opponents.

7 Mr. Smith was not going to let me bypass them.  
8 My mistake.

9 MR. SMITH: Sorry, Mr. Chairman.

10 CHAIRMAN HOOD: No, I'm sorry. Sorry about that.

11 MR. SMITH: I just have a couple of questions.  
12 First, for the Office of Planning, I just want a little bit  
13 of clarification, did you ever, were you given access to the  
14 agreement between Valor and with respect to the Spring Valley  
15 Shopping Center transfer rights?

16 MS. STEINGASSER: No, we weren't, and nor would  
17 we normally inquire of such a thing. We look at this the  
18 same way we would look at a plan unit development.

19 You've got a broad zoning lot, a lot for zoning  
20 purposes, a project boundary, and when you -- The simplest  
21 way to describe this is it's multiple buildings within a  
22 project boundary and the density is being moved through the  
23 flexibility provided under Chapter 6, Subtitle X, within that  
24 site.

25 It's the same way we would look at a more

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1 complicated plan unit development that would have multiple  
2 buildings, multiple uses, multiple owners.

3 MR. SMITH: Can you help me, you just mentioned  
4 something about getting an opinion from the Office of  
5 Attorney General, I guess I am not sure, what is it that you  
6 are getting from the Office of Attorney General?

7 MS. STEINGASSER: The same -- We will work with  
8 the Office of Attorney General to provide the one-pager on  
9 basically what I just said --

10 (Simultaneous speaking.)

11 MR. SMITH: Which is geared to inform you of what?

12 MS. STEINGASSER: We confirmed with the Office of  
13 Attorney General that this flexibility provided through this  
14 project, through the design review, allowed for that movement  
15 of density throughout the project as flexibility.

16 MR. SMITH: Okay. Okay, I better understand.  
17 Thank you.

18 MS. STEINGASSER: Yes.

19 MR. SMITH: Is Spring Valley, you know, for  
20 purposes of transfer of development rights and the receiving  
21 zones and the like, does the Office of Planning look at  
22 Spring Valley as one of those receiving zones for --

23 MS. STEINGASSER: No, that's -- It's neither a  
24 transfer of development rights nor a receiving zone. That's  
25 a, it's an appropriate characterization of the project.

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1           Like I said, we look at this as one large project  
2 with multiple buildings within that project and that  
3 flexibility provided through the code allows for that  
4 movement of density.

5           MR. SMITH: Okay, okay. A couple questions for  
6 the Department of Transportation. The -- Oh, I'm sorry.  
7 Does DDOT automatically approve HAWK signals when they are  
8 proposed?

9           MR. ZIMMERMAN: We do not automatically approve  
10 but at this stage of the zoning process we do have a team of  
11 folks look at it and make sure that it is at least feasible  
12 and that it is something that could potentially be in a good  
13 spot to be approved later on.

14           So, you know, we still would have to find the  
15 exact location in public space or private space for, you  
16 know, the signal poles, et cetera, et cetera, the potential  
17 for altering the median, you know, adding the crosswalk and  
18 all that, you know, that will come through kind of an  
19 internal DDOT approval process later on.

20           MR. SMITH: In the Summer of '16 John Thomas from  
21 DDOT came out to look at the site and he had indicated, and  
22 at that point in time the assessment was that a HAWK signal  
23 would go in at the location of where the PNC Bank is, which  
24 is the location of that alley, is that what you have been,  
25 is that what the discussions have been up to now as far as

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1 the location of the HAWK signal?

2 MR. ZIMMERMAN: Yes, I mean the location that I  
3 am aware of is right around the alley entrance there. We  
4 haven't exactly pinned down what side of it or if it lines  
5 up with a certain median break.

6 I mean getting that refined into the specific  
7 location of the poles and crosswalks and things like that and  
8 that will be fleshed out, you know, the exact locations later  
9 on, but it's generally in that area, yes.

10 MR. SMITH: And is that location actually mid-  
11 block?

12 MR. ZIMMERMAN: Yes, I mean that's, I mean halfway  
13 between roughly between 48th and 49th.

14 MR. SMITH: Have you been out to the site?

15 MR. ZIMMERMAN: I have been out there, yes.

16 MR. SMITH: Okay. That's not halfway, but, okay.  
17 But how -- I don't care what that picture shows. But if you  
18 go out to the site that's not --

19 (Simultaneous speaking.)

20 MR. ZIMMERMAN: Fifty-five percent of the way, 45  
21 percent.

22 MR. SMITH: But here is my question, have you  
23 measured the distance between that location and the  
24 intersection of 48th and Mass?

25 MR. ZIMMERMAN: I have not. I have not

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1 personally measured that.

2 MR. SMITH: Okay. When you are looking at that  
3 do you take into account the fact that you are dealing with  
4 an already signalized but five-way intersection, not a four-  
5 way intersection, a five-way intersection?

6 MR. ZIMMERMAN: Correct, yes, we do.

7 MR. SMITH: You are taking that into account? Do  
8 you see that that having any additional impact on any of  
9 this?

10 MR. ZIMMERMAN: Well, so with this being a mid-  
11 block location we look at the land uses on each side and what  
12 the potential pedestrian demand could be and if that distance  
13 is too far to go up to the intersection of 48th or say back  
14 down Massachusetts towards, pardon me, to 48th or up to 49th,  
15 you know, pedestrians will decide just to jaywalk and cut  
16 across there and so we felt that this was a good candidate  
17 location and exactly the design of that will refined for  
18 sure.

19 MR. SMITH: Do you have any data that shows the  
20 number of pedestrians that are jaywalking in that location?

21 MR. ZIMMERMAN: We do not have any of that data.

22 MR. SMITH: Okay. And so is it the case that  
23 whenever anyone says to you that there is jaywalking in a  
24 block that you do a HAWK signal?

25 MR. ZIMMERMAN: No, but in this particular

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1 location related to this project there is enough anecdotal  
2 evidence to have the conversation get started during the  
3 zoning process and the applicant has proffered to funding  
4 construct this subject to DDOT approval.

5           And so after the applicant comes in with the  
6 appropriate analysis, appropriate design, et cetera, DDOT  
7 will have an approval process as to whether that should go  
8 in, should officially go in there.

9           MR. SMITH: Okay. So how is the community, if  
10 none of this information exists now but we are in the middle  
11 of a zoning hearing, how is the community supposed to weigh  
12 in on the impacts of things like this HAWK signal when there  
13 is no information that's been collected, no assessment that  
14 has been done, no data?

15           MR. ZIMMERMAN: So my understanding --

16           MR. SMITH: So what is --

17           MR. ZIMMERMAN: I mean you chime in right now, I  
18 mean that's what the public hearing is for, but also my  
19 understanding is that this was an idea that the applicant had  
20 been working with the community on to begin with and so we,  
21 you now, we took a preliminary look at it and said, hey, this  
22 actually might not be a bad location, you know, if the  
23 applicant wants to proffer to do it, great, and, you know,  
24 prior to their occupancy permit we will, you know, work with  
25 them to do an analysis to make sure it's warranted, to make

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1 sure the location is appropriate, et cetera.

2 MR. SMITH: So is it the kind of thing that if an  
3 applicant comes to you and they offer to pay for it that you  
4 automatically go for it?

5 MR. ZIMMERMAN: We automatically -- We will almost  
6 always automatically at least accept it as a proffer that you  
7 can put in your conditions subject to DDOT approval, and  
8 that's the key right there.

9 I mean we do, we don't, I mean we don't always  
10 take everything, but we do run it in-house and we do make  
11 sure that it does make some sense to begin with.

12 MR. SMITH: So what standards do you use within  
13 DDOT, and I am saying that because DDOT, I am asking this in  
14 particular because we have had recent experience with a HAWK  
15 signal in which DDOT said that the HAWK signal on Nebraska  
16 Avenue would have no impact on traffic and anyone who  
17 anecdotally or otherwise travels in that area knows that  
18 that's not the case.

19 So what standards are you using when you make the  
20 assessment for a HAWK signal at this location?

21 MR. ZIMMERMAN: Okay, so I think there is a  
22 distinction here between processes. At this point in time,  
23 you know, we have reviewed it, we have looked at it, it seems  
24 like a good candidate location.

25 It has not been approved yet. An analysis will

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1 need to be done later on to demonstrate pedestrian volumes,  
2 warrant it, or that there is some observable problem out  
3 there, and that will come later on after zoning.

4 MR. SMITH: Okay. I have another question though  
5 for you about the scope of the study that you, the scope that  
6 you worked on -- Oh, I know what I wanted to mention, John  
7 Thomas, I mentioned about John Thomas coming out and he  
8 looked at that site and he said there is no way that DDOT  
9 would ever approve a HAWK signal at that location because of  
10 its close proximity to the 48th Street intersection. So  
11 what's changed?

12 MR. ZIMMERMAN: I have heard none of those  
13 conversations. I have never heard anybody say that.

14 MR. SMITH: That was a meeting with the community.

15 MR. ZIMMERMAN: I have worked with our pedestrian  
16 planners who implement these around the city --

17 MR. SMITH: Okay.

18 MR. ZIMMERMAN: -- and they, I mean these are the  
19 legit experts in, you know, pedestrian infrastructure and  
20 this the recommendation coming from them.

21 MR. SMITH: Okay. Without any data?

22 MR. ZIMMERMAN: With anecdotal information at this  
23 stage of the process that there is an observable issue with  
24 jaywalking and pedestrians crossing there, and so that's a  
25 high enough level to warrant accepting a proffer that the

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1 applicant is putting up.

2 MR. SMITH: So I just want to be very clear, I  
3 just want to ask this very bluntly, are you recommending the  
4 HAWK signal?

5 MR. ZIMMERMAN: We are not -- You know, based on  
6 your wording and your, you know, attempts at various  
7 wordings, we are accepting the proffer that the applicant has  
8 proposed.

9 It has not been approved by DDOT, which is a  
10 different process later on. The applicant can proffer  
11 anything they want. They can include it but it's all subject  
12 to DDOT approval and that approval will come at a later date.

13 MR. SMITH: Okay. You haven't really answered my  
14 question, but that's okay. Let me move on. My next question  
15 has to do the scope of the transportation study.

16 Did you look at any neighborhood streets within  
17 Spring Valley as part of -- Did you require them to look at  
18 any of those streets as part of the scope of the study?

19 MR. ZIMMERMAN: We determined a scope for this  
20 study based on the amount of trips that are going to be  
21 generated, likely travel routes, et cetera.

22 So we looked at a number of them surrounding the  
23 site and then up and down Massachusetts Avenue, and that's  
24 the intersections that we felt would be primarily impacted  
25 by the traffic generated by this site?

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1 MR. SMITH: Did you look at 49th Street?

2 MR. ZIMMERMAN: I would have to go back and look  
3 exactly at the CTR, which I have a copy of --

4 (Simultaneous speaking.)

5 MR. SMITH: You did the intersection of 49th and  
6 Massachusetts, but did you look at 49th Street between  
7 Massachusetts and Glenbrook, or even between Massachusetts  
8 and Fordham? Did you go one block off of --

9 (Simultaneous speaking.)

10 MR. ZIMMERMAN: Yes, we did. We went down to  
11 Fordham down 49th Street --

12 (Simultaneous speaking.)

13 MR. SMITH: Okay. Did you go anywhere beyond  
14 Fordham?

15 MR. ZIMMERMAN: We did not go anywhere further  
16 south than Fordham or further north than Albemarle.

17 MR. SMITH: Right. Okay, so did you assess the  
18 impacts of cut-through traffic?

19 MR. ZIMMERMAN: We --

20 MR. SMITH: Did you assess the current state of  
21 cut-through traffic in neighborhood?

22 MR. ZIMMERMAN: No. That is not something that  
23 is related to this specific development so we did not --

24 (Simultaneous speaking.)

25 MR. SMITH: Okay. And why is that, why is not

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1 related to this specific development?

2 MR. ZIMMERMAN: Current community concerns about  
3 cut-through traffic is not related to this development. If  
4 somebody is using, you know, if a number of folks are using  
5 a certain residential street there is a whole process, you  
6 know, we would be happy to meet with the community outside  
7 of the zoning process to hear and address any cut-through  
8 traffic that is, you know, not related to this development.

9 MR. SMITH: Well you have been out to the  
10 community and you haven't addressed it, but let me ask this,  
11 have you assessed the potential impact of this project on  
12 increased cut-through traffic in the Spring Valley  
13 neighborhood?

14 MR. ZIMMERMAN: Well cut-through traffic is a  
15 loaded term and that's a term that is subject to various  
16 interpretations. We looked at the likely travel routes of  
17 traffic generated by this site.

18 Yes, sure, some traffic will drive through the  
19 community, but, you know, the vast majority of it will be  
20 focused on the major roads, like Massachusetts, 48th, Yuma,  
21 surrounding the site, and then as you get two or three  
22 intersections away traffic mostly disperses at that point.

23 MR. SMITH: Isn't it logical to conclude that if  
24 you have traffic backed up on Massachusetts avenue that in  
25 this day in age with access to the kind of technology in our

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1 cars that we have that people are going to be looking for and  
2 do actually use neighborhood routes to get from place to  
3 place?

4 MR. ZIMMERMAN: Perhaps, and those are public  
5 streets and cars can use them as they see fit. You know,  
6 what it sounds like you are referring to is as more of a pre-  
7 existing concern that the community may have about something  
8 not related to the action here tonight, so, you know, I mean  
9 if you --

10 (Simultaneous speaking.)

11 MR. SMITH: Actually, that's not it at all.

12 MR. ZIMMERMAN: I mean we get people all the time  
13 that, you know, come to us and have concerns about Waze  
14 directing traffic through the neighborhood, et cetera, and  
15 we would be happy to, you know, work with the community and  
16 the ANC on any of these concerns.

17 But for the purpose of this project that was not,  
18 that's outside of the scope of what the applicant should be  
19 required to do and outside of what, you know, we would ever  
20 be required --

21 (Simultaneous speaking.)

22 MR. SMITH: So let me make sure I completely  
23 understand this. What you are telling me is, and just tell  
24 me if I've got this right --

25 MR. ZIMMERMAN: Okay.

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1 MR. SMITH: -- that the only thing that matters  
2 when evaluating this project is the amount of traffic on  
3 Massachusetts Avenue?

4 MR. ZIMMERMAN: That's not correct. That is not  
5 what I am saying. I am saying we look at the study area that  
6 is in the immediate vicinity of the site, you know, say a  
7 couple intersections away in each direction, we don't  
8 evaluate current community concerns about cut-through.

9 We have folks at DDOT that do that, we have  
10 studies, and we have processes for handling that, but not  
11 related to this development, or any development for that  
12 matter we don't do studies on, you know, cut-through and  
13 traffic counting and all that typically unless it has  
14 something related to the actual development.

15 MR. SMITH: Have you looked at this project within  
16 the context of the traffic at Ward Circle?

17 MR. ZIMMERMAN: I have not looked at it in that  
18 context.

19 MR. SMITH: So you haven't looked at the residual  
20 impact along that, what is actually only a four block area,  
21 is that correct?

22 MR. ZIMMERMAN: The applicant's CTR looked at  
23 intersections up and down Massachusetts Avenue going up  
24 towards Ward Circle, but --

25 MR. SMITH: Did you go up to 46th Street? Did you

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1 go up to 47th Street?

2 MR. ZIMMERMAN: The study went up to 50th Street.

3 MR. SMITH: That's the other direction.

4 MR. ZIMMERMAN: And it went almost to 47th.

5 MR. SMITH: That's towards Westmoreland Circle.

6 I am talking about towards Ward Circle.

7 MR. ZIMMERMAN: Right. It went down to Van Ness  
8 Street.

9 MR. SMITH: To Ward Circle?

10 MR. ZIMMERMAN: Correct --

11 (Simultaneous speaking.)

12 MR. SMITH: So you went to the -- We're talking  
13 about -- Did you do 46th Street?

14 MR. ZIMMERMAN: It went several intersections  
15 south of the site on Massachusetts. I mean that's -- I am  
16 looking at the applicant's study and that's what is shown,  
17 that is what we scope with them and that's what they  
18 analyzed.

19 MR. SMITH: Well it's not too hard, you've got  
20 48th, you got 47th, you got 46th, so where did you go to?

21 MR. ZIMMERMAN: I just stated we went to Van Ness  
22 Street which is just before 47th.

23 MR. SMITH: So it would be at 47th --

24 (Simultaneous speaking.)

25 MR. ZIMMERMAN: Right, correct.

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1 MR. SMITH: Okay. Did you -- Was there something  
2 you wanted answered?

3 MR. KREBS: Yes. My name is William Krebs, I am  
4 also of Spring Valley-Wesley Heights Citizens Association.  
5 With respect to your parking analysis, first, has there been  
6 an analysis or a study done since the AU closed the law  
7 school and reopened, and put new --

8 COMMISSIONER SHAPIRO: Excuse me, can you make  
9 sure you speak into the mic so we can --

10 MR. KREBS: Oh, I'm sorry.

11 COMMISSIONER SHAPIRO: Thank you.

12 MR. ZIMMERMAN: You mean, you are referring to the  
13 AU building that is directly adjacent to this site, correct?

14 MR. KREBS: That's correct, the part of this  
15 application.

16 MR. ZIMMERMAN: There has not been a study done  
17 of that building because, you know, and I can let the land  
18 use expert chime in on this if necessary, but, you know,  
19 buildings can be refilled with, you know, I guess I don't  
20 want to speak out in that realm, but buildings can refill as  
21 necessary without certain zoning permits and things like  
22 that.

23 MR. KREBS: Okay. Have you -- But --

24 MR. ZIMMERMAN: Or having to do a study every time  
25 a tenant leaves and a tenant comes in.

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1 MR. KREBS: I understand that, but when you  
2 computed the potential parking availability is it with the  
3 assumption that a number of the AU spaces would be turned  
4 back down, turned back to the developer?

5 MR. ZIMMERMAN: Yes.

6 MR. KREBS: Have you checked to see whether the  
7 usage of that building and those parking places are still  
8 stable in light of the new uses at that building?

9 I mean what, let me hear what good does it do to  
10 shift 200 spaces back to the developer if AU is still using,  
11 still needs 200 spaces?

12 MR. ZIMMERMAN: You know, that just might come  
13 down to whatever arrangement the applicant has with AU and  
14 what the permission will be for using those spaces.

15 I am not sure exactly what their agreement is or  
16 when negotiations are going on between those two private  
17 parties, but like I said earlier just for the purpose of the  
18 study we assumed, you know, the worst case, the most  
19 available parking available for this project that would be  
20 shared with the American University Law School.

21 MR. KREBS: Why isn't the worst case the least  
22 amount of parking available?

23 MR. ZIMMERMAN: I mean there is varying opinions  
24 and philosophies on that. DDOT's philosophy is that the more  
25 parking you provide the more likely it is to encourage

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1 driving, you know, and I have chatted with different folks  
2 in the community about this and, you know, and I understand  
3 that other folks kind of take a different approach to that,  
4 that more available parking means less opportunity for  
5 parking on the street and keeping cars out of the community.  
6 I get that, but that's what our philosophy is.

7 MR. KREBS: There is no other additional large  
8 parking space available for these two buildings, the AU  
9 building and the new project, is that correct?

10 MR. ZIMMERMAN: Not onsite that I am aware of.  
11 Presumably that would have been taken into account in the  
12 study, but perhaps you can refine the question a little more.

13 MR. KREBS: Certainly. There is no place -- If  
14 there is not a place to park either for the American  
15 University people or for the new tenants of the new mixed-use  
16 or for the customers of the grocery store then they have to  
17 park on the street?

18 MR. ZIMMERMAN: Well we believe that there is more  
19 parking than they actually need, that is what we stated in  
20 our report that a development program like this should have  
21 roughly 200 to 260-ish, in that ballpark, they are providing  
22 something in the order of 370, so that's a bit more than we  
23 would expect this far, you know, in this distance from Metro  
24 and given the context of the neighborhood.

25 MR. KREBS: I understand that, but that's assuming

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1 that they are able to borrow from AU and that AU is not  
2 bringing in hundreds of people for seminars and usage in that  
3 building that would park in that building otherwise, is that  
4 correct?

5 MR. ZIMMERMAN: You know, I think some of these  
6 questions are more for the applicant. On how they are  
7 dividing up the parking that's not really, I can't speak to  
8 that.

9 MR. KREBS: But would the answer to that impact  
10 your decision with respect to or your recommendations with  
11 respect to that?

12 MR. ZIMMERMAN: I mean if all those parking spaces  
13 were, if they were all exclusively for American University  
14 only and, you know, the grocery store couldn't use it and the  
15 residential portion couldn't use those spaces, the parking  
16 ratio would be much lower to what we would expect and in that  
17 case there then would not, that would likely not trigger a  
18 mitigation, which, you know, the applicant has agreed to  
19 mitigate this over-parking condition, so if actually those  
20 spaces weren't available that would then mean that there is  
21 no, potentially less of a need for actual mitigation.

22 MR. KREBS: I have just one more question and it  
23 has to do with the HAWK.

24 MR. ZIMMERMAN: Sure.

25 MR. KREBS: And that is in the place where the

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1 HAWK is currently being considered, which is near the mouth  
2 of the alley on the east side of Massachusetts Avenue, on the  
3 west side of Massachusetts Avenue there is a service road and  
4 there is breaks in the service road that would allow cars to  
5 pull off into the service road and pull out of the service  
6 road onto Massachusetts Avenue --

7 COMMISSIONER SHAPIRO: Can we ask you to speak  
8 into the mic.

9 MR. KREBS: I'm sorry, I apologize. What is it  
10 that would prohibit somebody from using the HAWK light as an  
11 entrance light to cut across the service lane and go onto  
12 Massachusetts Avenue?

13 MR. ZIMMERMAN: I mean I suppose they could use  
14 it but it would not be triggered by traffic on the road, it  
15 would be triggered by pedestrians.

16 So unless somebody has triggered that signal  
17 presumably it would stay green all the time, so it wouldn't  
18 really benefit a driver too much that I could see turning  
19 left through that median break or a future median break.

20 MR. KREBS: Okay. But the HAWK signal cuts on  
21 because it's green, it's red, then it goes through a period  
22 with flashing to residual people?

23 MR. ZIMMERMAN: Yes, correct.

24 MR. KREBS: Okay. Thank you.

25 MR. SMITH: Actually just two quick questions

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1 follow-up, I promise quick. When you are assessing the HAWK  
2 signal do vehicle traffic impacts figure into the mix?

3 MR. ZIMMERMAN: You know, I would say I mean we  
4 all kind of understand that traffic, you know, would be  
5 impacted by that, but I would defer to, you know, Mr.  
6 Andres's explanation earlier that, you know, the signals can  
7 be coordinated in such a way that, you know, you are not  
8 stopping at every, you're not stopping at one light and then  
9 five seconds later once you start it up again you're starting  
10 at the next light and then having to stop again at the next  
11 light.

12 There is a certain way to keep traffic flowing in  
13 a reasonable way because of that.

14 MR. SMITH: Okay. But do you -- What I am just  
15 trying to ask you is do you include that as part of your  
16 assessment?

17 MR. ZIMMERMAN: You know, it's different for every  
18 single one, you know, I can't say for certain that we always  
19 include some kind of traffic analysis or capacity analysis.

20 MR. SMITH: Okay. Then just as a follow-up to Mr.  
21 Krebs's question about the AU parking, the 200 and some  
22 spaces that AU has right now isn't it true that those are  
23 full-time guaranteed spaces that AU now has as part of the  
24 current site, at the current site?

25 MR. ZIMMERMAN: That's not my realm, that's the

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1 legal realm as to who, what previous approval requires what.

2 I can't --

3 (Simultaneous speaking.)

4 MR. SMITH: I am not asking it then correctly  
5 because I -- Let me try again. The issue that Mr. Krebs was  
6 asking you about was, you know, about the number of, if the  
7 parking spaces were committed full-time to AU how that might  
8 impact your assessment of the parking situation.

9 MR. ZIMMERMAN: Right.

10 MR. SMITH: What I am saying to you is aren't  
11 currently, not what it will be with this project, but  
12 currently the AU isn't it the case that AU has full-time  
13 access to 230-some parking spaces on that site?

14 MR. ZIMMERMAN: I'll defer to the applicant on  
15 that. I don't know the status of those. I don't --

16 (Simultaneous speaking.)

17 MR. SMITH: You don't know that?

18 MR. ZIMMERMAN: I don't know the status of the  
19 legal negotiations that are going on with the applicant  
20 between private parties, that's not my realm.

21 MR. SMITH: I'm talking about right now. I am  
22 talking about current, currently --

23 MR. ZIMMERMAN: Right.

24 MR. SMITH: -- do you know or do you not know  
25 that?

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1 MR. ZIMMERMAN: Our -- I do not know that, that's  
2 not my realm.

3 MR. SMITH: Okay.

4 MR. ZIMMERMAN: We are focused on the proposed  
5 development north of the AU law building. So whatever  
6 agreements they have, whatever negotiations that's not our  
7 realm.

8 MR. SMITH: Okay.

9 MR. ZIMMERMAN: I'm sorry, I can't answer those.

10 MR. SMITH: All right. I am just asking for the  
11 current conditions. Don't you look at current conditions in  
12 order to compare them with future conditions?

13 MR. ZIMMERMAN: I will defer to the attorneys on  
14 exactly how to interpret those agreements. I don't --

15 CHAIRMAN HOOD: Okay, I think he has answered that  
16 question. I think that's his answer.

17 MR. SMITH: Okay.

18 CHAIRMAN HOOD: All right. Any other questions?

19 MR. KREBS: Thank you, Chair.

20 CHAIRMAN HOOD: Okay, thank you. I can tell you  
21 right now we are not going to get to the parties in  
22 opposition and the persons in opposition and the undeclared,  
23 but I do know that the party in opposition probably needs to  
24 be here for cross but I just wanted to make sure those folks  
25 if they wanted to leave they could.

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1 I want to see how the ANC goes, we have two ANCs,  
2 I'm going to see how that goes with cross and then I'll make  
3 another assertion there to see how much further we can go  
4 depending upon how much longer that takes.

5 Well, you can always submit in writing, right.

6 Yeah, yeah, I want to be fair to everyone, and I  
7 apologize but if I keep going we'll be here a third night and  
8 you'll back and to do it then.

9 So let's see if we can get through it, and I  
10 assure you that you can come up with a way to memorialize  
11 that for us. But let me keep it going, let's go to --

12 MS. SCHELLIN: Chairman Hood, did you announce the  
13 dates of it? If they leave they'll know the dates.

14 CHAIRMAN HOOD: Yes, oh, thank you, thank you.  
15 January 22nd at 6:30. January 22nd at 6:30 is the next  
16 available date for us. That's actually the very next  
17 available date for the Zoning Commission.

18 So does that work for everybody? Well, let me not  
19 ask that question.

20 (Laughter.)

21 MS. SCHELLIN: It's important for the parties.  
22 Does it work for the parties and the applicant?

23 CHAIRMAN HOOD: The parties, does it work for all  
24 the parties and the applicant?

25 Okay --

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1 MR. COLLINS: Excuse me, Mr. Chair?

2 CHAIRMAN HOOD: Yes?

3 MR. COLLINS: We're just checking now.

4 CHAIRMAN HOOD: The 22nd, that's the first  
5 available date that we have.

6 MR. COLLINS: It's a Monday?

7 CHAIRMAN HOOD: Yeah, that's a Monday. Is that  
8 okay with everybody? Okay. That's not okay?

9 MR. LANSING: I mean, it's going to have to be.  
10 Yeah, that's fine, I'll move it.

11 CHAIRMAN HOOD: Is that okay? If not, I probably  
12 shouldn't even do this, what about next, the next --

13 MS. SCHELLIN: The 25th is the next one.

14 CHAIRMAN HOOD: No, what about next Wednesday?

15 MS. SCHELLIN: No, we can't --

16 CHAIRMAN HOOD: Okay, I just put that out there.  
17 All right, so the 22nd, you'll be back by --

18 MR. LANSING: You said next, is there any  
19 possibility of next week or is that too quick of a  
20 turnaround?

21 CHAIRMAN HOOD: I said Wednesday and I almost got  
22 beat up up here, so --

23 MR. LANSING: Okay.

24 MS. SCHELLIN: No, nothing next week.

25 CHAIRMAN HOOD: So we don't have anything next

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1 week?

2 MS. SCHELLIN: Nothing next week.

3 CHAIRMAN HOOD: Oh, we don't have anything open.

4 MS. SCHELLIN: We don't have anything. He asked  
5 next week, no.

6 CHAIRMAN HOOD: Okay, nothing next week. What  
7 about the week after, that was the 22nd?

8 MS. SCHELLIN: We have the 22nd or the 25th.

9 CHAIRMAN HOOD: So the 22nd doesn't work, what  
10 about the 25th, does that work for everybody?

11 (Simultaneous speaking.)

12 MS. SCHELLIN: You have to be on the mic or you  
13 need to come tell me.

14 CHAIRMAN HOOD: At this point if you're not on the  
15 mic just talk loud enough because I want to get through it.

16 (Simultaneous speaking.)

17 CHAIRMAN HOOD: Okay, here's the problem. We  
18 can't get to that point and I've got everybody telling me  
19 what to do. I've got 12 people telling me one thing to do  
20 but I'm getting ready to start doing my own thing.

21 So, let's see, what date is it? Let's do the  
22 date. The 25th works for everybody? Okay, so the 25th works  
23 for everybody, that's on a Thursday?

24 MS. SCHELLIN: It's a Thursday.

25 CHAIRMAN HOOD: So we'll go for the 25th at 6:30.

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1 So let's go to the ANC, ANC 3E. Yeah, ANC 3E and ANC 3D if  
2 you both could come up at the same time, if that's not a  
3 problem.

4 Mr. Collins, if you all could step back and give  
5 them some room and let's see how the cross goes with that and  
6 we'll know how much further we can go.

7 Okay. Commissioner McHugh, you are first because  
8 this is in your area. You may begin.

9 MR. MCHUGH: Well, I have a presentation. Do you  
10 mind? I have to get the presentation up.

11 CHAIRMAN HOOD: Okay, well --

12 (Simultaneous speaking.)

13 CHAIRMAN HOOD: Is it okay if he goes first?

14 MR. MCHUGH: The problem is it's on a Mac format.

15 MS. SCHELLIN: Oh, not going to work.

16 MR. MCHUGH: No.

17 CHAIRMAN HOOD: So you're going to have to come  
18 back on the 25th, too, right?

19 MR. MCHUGH: I'll be back the 25th no matter what.

20 CHAIRMAN HOOD: Okay. But I'm saying that Mac is  
21 probably not going to work.

22 MR. MCHUGH: Well, I can get it to work but it  
23 will take me a second.

24 CHAIRMAN HOOD: Oh, okay. Well let's go to your  
25 colleague first then.

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1 MR. MCHUGH: Okay. You can go and then I'll --

2 CHAIRMAN HOOD: All right, you may begin. And  
3 that's Commissioner Kravitz.

4 MR. KRAVITZ: That's right. Greetings. Thank you  
5 again for having me. I'm here tonight on behalf of the ANC  
6 3D as the ANC's sole officially designated representative  
7 before the Zoning Commission on this matter.

8 My first order is to describe the key exhibits  
9 submitted by ANC 3D. Exhibit 109, submitted in December  
10 2017, is ANC 3D's letter in support of Valor's proposal.

11 This is our position. ANC 3D voted against an  
12 earlier and quite different proposal by Valor 13 months ago.  
13 That resolution was formally rescinded last month in Exhibit  
14 108.

15 Exhibit 153 contains the ANC's response to the  
16 submissions of Alma Gates and Holmes Whalen. It is a  
17 resolution passed last night explicitly reaffirming our  
18 December 2017 position contained in Exhibit 109 in light of  
19 all of the comments by Ms. Gates and Mr. Whalen.

20 Finally, Exhibit 154 describes the Commission's  
21 treatment of Zoning Case 1623 during our meeting last night  
22 and includes a letter from the Attorney General specifically  
23 addressing the statements of Ms. Gates and Mr. Whalen in  
24 their submissions.

25 Commissioners Gates and Whalen were instructed by

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1 the Commission to replace their submissions in light of the  
2 OAG determination, but to my knowledge that has not happened  
3 yet.

4           With that business disposed of, I'm here to talk  
5 about Valor's proposal in Zoning Case 16-23, the so-called  
6 Ladybird. I would like to begin with a metaphor.

7           My family spent the holidays visiting our friends  
8 out west. They're professors at the University of  
9 California. Late one night after several glasses of wine we  
10 got to talking about death.

11           My field is often referred to as the dismal  
12 science, so the topic was natural. The discussion wasn't so  
13 much about mortality per se. One of my friend's appointments  
14 is in the physics department. He shared how stars die.

15           All celestial objects, no matter how bright and  
16 powerful, eventually die. Sometimes the process is slow and  
17 unremarkable. The star shucks its outer layers and becomes  
18 invisible over time. The star disappears peacefully,  
19 admirably even, from the scene. It is a quiet passing but  
20 it is an honorable one, too.

21           Other times, for bigger stars, the process is much  
22 more violent. The star swells, assuming an outsized mass.  
23 Despite oblivion being just around the corner, the star takes  
24 on a more imposing appearance, but then it blows apart and  
25 all that's left is a tiny, dense, all-consuming black hole.

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1 Objects, light, information, fall into the orbit of the black  
2 hole, once a brightly shining star, never to reemerge.

3           Reading the submissions from this zoning case I  
4 am struck by the parallels to a star's dissent into oblivion.  
5 Commentators, finding the gravitational pull of their  
6 argument is unable to convince others to join their side,  
7 collapse into smaller and smaller groups.

8           This similarity to the behavior of stars is  
9 perhaps unsurprising. After all, just about every element  
10 on our planet, including those that constitute our human  
11 form, came from the explosion of a star. We are stardust.

12           The creation of black holes, whether in the sky  
13 or here on earth, have consequence. The black holes consume  
14 everything nearby, including light.

15           There is a quote I used to have on my nightstand  
16 as kid, it's from Omar Bradley, the great field general of  
17 World War II, "Set your course by the stars and not by the  
18 light of every passing ship."

19           But once the black hole forms there is no light  
20 to guide you after you're inside, no bearings to direct your  
21 course. The black hole doesn't just consume matter, it pulls  
22 into its singularity everything. Information disappears,  
23 never to emerge again.

24           Some of the submissions in this case are like a  
25 black hole. Decisions, deliberations, actions -- truth, if

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1 you will -- disappear from the narrative as if they never  
2 existed.

3           Observers like you, the Zoning Commission, hear  
4 the cacophony of competing voices and read the descriptions  
5 of competing narratives and you cannot remotely ascertain  
6 what actually took place on a matter.

7           A constituent of Commissioner Whalen, a retired  
8 lawyer who has argued before this very Commission in the  
9 past, wrote to me yesterday upon reading the Gates/Whalen  
10 submission, Exhibit 151. I imagine he is listening, too.

11           "If the law doesn't support you, argue the facts;  
12 and if the facts don't support you, argue the law; and if  
13 neither supports you, try to confuse everyone."

14           And that's what we have here, the black hole  
15 becomes a rabbit hole. ANC 3D voted 8-to-1 to support  
16 Valor's application in Zoning Case 16-23. It was a recent  
17 decision reflecting many community meetings, including being  
18 on the ANC agenda for three separate meetings.

19           In December 2017, ANC 3D's decision -- in its  
20 December 2017 ANC 3D decision in support of Valor's proposal,  
21 the Commission included specific instructions for the  
22 reconsideration of this matter.

23           The two conditions were simple. There had to be  
24 a material and significant change to Valor's proposal from  
25 what they presented before ANC 3D on December 6th and what

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1 they submitted to the Zoning Commission on December 21st.  
2 And three commissioners had to write that the case should be  
3 placed on our agenda again.

4           Neither condition was met. Commissioners Gates  
5 and Whalen still have never written to the Commission what  
6 material and significant changes took place, and despite  
7 their best efforts they failed to convince a single other  
8 commissioner to join them in even requesting that the matter  
9 reappear before us.

10           The facts don't support the claims in their  
11 submissions. And as an opinion from the Attorney General  
12 issued yesterday makes it unequivocally clear, the law  
13 doesn't support their claims either. So we are left with  
14 "try to confuse everyone."

15           ANC 3D read the Gates and Whalen submissions. The  
16 Commission's response last night to formally reaffirm our  
17 resolution of December 6, 2017, this is in Exhibit 153. Let  
18 there be no confusion: the December 6, 2017, resolution of  
19 ANC 3D in Exhibit 109 is the opinion of ANC 3D at this very  
20 moment as much as it was when it was overwhelmingly supported  
21 last month.

22           Our reasons for supporting Valor's proposal are  
23 clear. The project is supported by a broad swath of  
24 neighbors in ANC 3D, including those nearest in Spring  
25 Valley. Many neighbors, young and old, came to their first

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1 ANC meeting to vocally and publically express their support  
2 for Valor's proposal.

3           Is it perfect? Of course not, and no one should  
4 tell you otherwise. But, overall, it's a good addition to  
5 a community craving for it. The commercial center where this  
6 is being proposed is vacant. The grocery store that was  
7 there closed four years ago. The grocery store that was  
8 immediately there before that also closed.

9           It is attributed to Albert Einstein, the man  
10 perhaps most knowledgeable about the death of celestial  
11 objects, that the definition of insanity is doing the same  
12 thing over and over again and expecting different results.

13           ANC 3D believes the Valor proposal represents  
14 superior design to a by-right development. The key features  
15 of the proposal, to us, are the return of a full-service  
16 grocery store to the site and significant pedestrian  
17 improvements, including funding a HAWK signal connecting the  
18 two commercial centers on Massachusetts Avenue.

19           This HAWK signal has been requested by neighbors  
20 young and old. Older neighbors belonging to the Osher  
21 Lifelong Learning Institute on Lot 806 of Record Lot 9 have  
22 asked for help for their members already crossing  
23 Massachusetts Avenue at this site.

24           Other benefits include a reorganized and expanded  
25 public alley between the Valor site and the Spring Valley

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1 Shopping Center; publically available space, such as Windom  
2 Walk; increased affordable housing for an area of the city  
3 starved for it; the proposal's courtyards and setbacks that  
4 serve to reduce the bulk and massing of construction; and  
5 reduced height and massing along the sides of the site  
6 adjacent to neighborhood homes.

7           We believe the planned parking is adequate for the  
8 proposal and we do not believe the project will impose  
9 significant adverse effects in terms of traffic.

10           Finally, we thank Valor for hosting roughly one  
11 dozen community meetings to discuss their proposal and work  
12 with the community, albeit not to the extent that some people  
13 may have wished throughout the project's evolution.

14           Not everyone got what they wanted from the process  
15 but that doesn't mean that serious and significant changes  
16 were not made at the behest of the concerned neighbors.

17           We have reviewed the legal precedent dealing with  
18 the comprehensive plan. We are well informed about Durant  
19 III and related cases, some of which are cited in our  
20 resolution of support in Exhibit 109, and we find no obvious  
21 flaw in Valor's analysis of the project's consistency with  
22 the comprehensive plan.

23           Nonetheless, I'd like to explicitly reiterate that  
24 the ANC does not believe it is well positioned to declare the  
25 proposal consistent or inconsistent with the comprehensive

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1 plan. Despite how others may feel, that simply is beyond our  
2 level of expertise.

3 All in all, ANC 3D believes this is a sound  
4 proposal that will benefit our community. We believe Valor's  
5 request to undergo voluntary design review is appropriate and  
6 we support the request for minor rear yard setback relief.

7 Likewise, we thank our colleagues in ANC 3E,  
8 within whose jurisdiction this project actually lies, for  
9 their collegiality and working alongside and in consultation  
10 with ANC 3D. And we ask that the Zoning Commission  
11 memorialize the memorandum of understanding signed by ANC 3E  
12 and Valor Development when the Zoning Commission votes to  
13 approve this application.

14 Stars, humans, we all die. Our lives and our  
15 careers have an arc. Local elected office is no different,  
16 it's just less adorned, free of the sparkle and flicker that  
17 initially draws your eye. But eventually time catches you  
18 and your arguments no longer have the gravitational pull they  
19 once possessed.

20 Unlike stars, though, humans have a choice in how  
21 they respond. They can go gently, fading elegantly, or they  
22 can collapse into an ever smaller body, becoming more insular  
23 and more intense in the process, a few core supporters and  
24 nothing more.

25 The black hole that results distorts reality.

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1 Whatever gets close, no matter how resolute and lasting, is  
2 annihilated. But even when you keep a safe distance from the  
3 event horizon, the black hole warps the fabric of the  
4 universe so much that it distorts your arguments from the  
5 outside in.

6           A spectator like the Zoning Commission coming upon  
7 them sees little more than the tattered fringes and pieces  
8 of detritus floating about unanchored to the core they once  
9 helped form.

10           And that's how the black hole functions. It  
11 obliterates without regard. And what it can't annihilate it  
12 manipulates and obfuscates and contorts and distorts until  
13 it is unrecognizable.

14           You can't see the black hole. Matter, light,  
15 truth, enter but never reemerge. But even though you cannot  
16 see it, you can still tell it's there. Reality has become  
17 warped. That's the goal of the black hole. Either the  
18 spectator can no longer see the truth or they cannot  
19 recognize it even when they see it.

20           When you approach the black hole the gravitational  
21 field gets stronger and stronger, bending space-time. Time  
22 literally slows down and it probably feels like we're doing  
23 the same thing with the same people over and over and over  
24 again. That's how the black hole works. We really are just  
25 stardust. Thank you.

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1 CHAIRMAN HOOD: Thank you. I think what we'll do,  
2 Commissioners, if you don't mind, we'll ask questions, we'll  
3 do our questions and cross to you both if that's okay with  
4 both of --

5 MR. KRAVITZ: That's fine.

6 CHAIRMAN HOOD: Okay. All right, Commissioner  
7 McHugh?

8 MR. MCHUGH: I will not be anywhere near as  
9 eloquent and I will undoubtedly be a little shorter.

10 It's really a statement that ANC 3E is supportive  
11 of the Valor Development's proposal for the development of  
12 the Super Fresh site. We believe the applicant has been  
13 responsive to the community's concerns and have adapted the  
14 proposed development to address those concerns.

15 The following pages, which I am going to show  
16 here, are a brief synopsis of our resolution, our MOU, which  
17 you have on record, so I don't need to dwell on that.

18 I do want to walk you through the arc of this  
19 project and where it started and where it has ended up, and  
20 that's what I am going to be showing you on these from the  
21 presentation.

22 So just to walk you through, notes on the  
23 resolution, the evolution of it, and then particular issues  
24 we had researched with ANC 3E when we looked into this.

25 Obviously, we supported this with a resolution.

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1 The resolution was 4:1. The one in opposition really wanted  
2 a much larger grocery store and he thought that that's what  
3 would fit better at the site.

4 The rest of the proposed development he was not  
5 in opposition to, so really what he wanted was what I am  
6 going to show you similar to the original proposal.

7 The MOU that we've referenced, and I'll run  
8 through it quickly, because, again, it's in the record, but  
9 a guarantee to reserve 13,000 square feet of retail space,  
10 that is a guarantee, it's not an aspiration, to a full-  
11 service grocer, agree to set aside no less than 10 percent  
12 of the residential GFA to IZ, agreed to fund and study the  
13 HAWK light, which I'll just get a little off track on that,  
14 was something that we were interested as an ANC. All five  
15 of us thought that was a good idea.

16 We heard plenty of people who had been crossing  
17 Massachusetts Avenue, especially with the advent of the  
18 Middle East restaurant, and the easiest way to do that was  
19 cross right in the middle versus go to the ends and we  
20 thought maybe a HAWK light would make that a much safer  
21 passage, with DDOT's approval, of course, and study.

22 They also agreed to implement the pedestrian  
23 infrastructure and traffic calming, reorganizing, clean the  
24 existing public alley, which was, if you have seen the  
25 pictures, is really a mess.

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1           There is probably ten dumpsters in there. It's  
2 just a -- It's not a good thing for the community and that  
3 is mostly -- These are all coming from the Spring Valley  
4 Shopping Center.

5           So that had to be worked out between the two  
6 parties and it appears it has been. Obviously, we wait and  
7 see that we get an actual agreement signed.

8           We did push back a little on the lead silver and  
9 like very much would like to see them go to lead gold. In  
10 response to many of the residents we asked them to do a no  
11 RPP plan. That has a little bit of controversy with it, but  
12 essentially they agreed to do that with some very strong  
13 enforcement mechanisms.

14           And the last part is they agreed to guarantee the  
15 370 parking spaces. We were ambivalent about how they got  
16 there and with the recognition that that is a lot of parking  
17 for a building of this size, a development of this size.

18           But, again, in response to community opposition  
19 a lot of these things were done and to ensure that there was  
20 parking onsite versus parking in the neighborhood.

21           In terms of the community engagement, which we  
22 recognized with them, they have meet with us nine times and  
23 have come to our meetings. They have met with the  
24 Commissioners themselves 13 times, they have gone to 3D three  
25 times. I think that's correct. They have had general --

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1           So four times. General community meetings, five  
2 times, meeting with opponents, four times, meetings with  
3 supporters, four times.

4           What I wanted to do is walk through what we  
5 originally saw in 2015. This was from, essentially it was  
6 articulated through 2015 until they decided to go a different  
7 direction with the design review.

8           The original proposal was large. I might even go  
9 so far as to say massive, which is an inside joke in our  
10 neighborhood now because that's what characterizes most of  
11 this, but it is a large development.

12           It is incompatible in our mind with the  
13 neighborhood and it probably would have faced some resistance  
14 from our ANC. To Valor's credit they went back and pretty  
15 much swapped out the entire design team and started anew.

16           Again, I am just going to walk through this. This  
17 is what we think was appropriate, this is what we think is  
18 not appropriate. This, in particular, that massing diagram,  
19 looks a lot like two warehouses plugged together with a "t"  
20 on the end.

21           So this was not something we were thrilled about.  
22 We do like what they did in response to those concerns. The  
23 floor plans, much better, they were working up the facade,  
24 all the things that they had mentioned.

25           I won't have to go into detail about that, but

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1 were in response to many of the problems that we saw coming  
2 from the community and just following through that.

3 I wanted to go through the calculations of how  
4 they got here and what we see now. Again, the opposition  
5 disagrees and I say I am waiting for one-page memo to see how  
6 this FAR works out, but I am going with what is in front of  
7 us and that's how we as the ANC went.

8 So we look at this as what they originally  
9 proposed was a very large development in that sense with  
10 about 120,000 extra square FAR on it, 76,000 more  
11 residential, and 39,000 for the non-residential.

12 That's a lot of extra stuff, and 100 spaces extra.  
13 So they've, in our mind, reduced it. At least to one  
14 Commissioner's dismay that they reduced it too much because  
15 he would have really liked to have seen a Safeway replacement  
16 like the one that we had on Davenport that is now gone.

17 So the last thing, just the way to occupy the  
18 massing. I am going to fly through these, but you can see  
19 this. This is not pretty and this is not what we would  
20 really want to see in the neighborhood and all these changes,  
21 so I am just flying through these just to get you a rough  
22 idea, and then what it has come back to.

23 So what the design we saw as an ANC we thought was  
24 an acceptable development for our neighborhood and would  
25 address a lot of the residents' concerns that we had heard.

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1           So I am just going to fly through one more time  
2 and I think that's about it. I'm not sure what size the  
3 Super Fresh is. I heard it was 16, but it could be 20, 24.

4           It's somewhere around there, someone has the  
5 number. The last part of this is I am going through some of  
6 the issues that we researched, and I am sure the applicant  
7 might be able to support this, may not, but there was some  
8 underground streams that we had heard about so we went  
9 through and looked up where they might be and how they would  
10 affect the site.

11           We saw that at least from some plans this could  
12 be debated but if the others have data that suggests  
13 otherwise, but it looks like the Murdock Mill Creek seems to  
14 run just past the site, not under the site.

15           I am also familiar with architects who have no  
16 problems dealing with water -- water tables any which way.  
17 So we thought that wasn't going to be an issue.

18           The parking, as I said, we went through a number  
19 of ways of addressing that and we think that that's how, it  
20 was responsive to what the community concerns were with the  
21 RPP and the number of parking spaces to DDOT's chagrin, too.

22           Alley and traffic, like I said we didn't, that  
23 alley is one of the big things we wanted to have cleaned up  
24 and it was messy, dirty, disorganized, pedestrian unfriendly,  
25 we think that they presented a plan that would solve that

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1 problem, would address the things that we thought were an  
2 issue.

3           The mass transit, this is of particular interest  
4 to me. As a Commissioner who rides a lot of the mass  
5 transit, I rode the Metro down here, I rode the M buses down  
6 to Dupont and down to Farragut.

7           It was suggested that there is non-existent public  
8 transportation. That is entirely untrue. There is a vibrant  
9 bus transportation going up Massachusetts Avenue and like you  
10 said a mile away there is the Tenley Metro center, that's  
11 about how far I walked to get to the Metro, so I'm not too  
12 worried about getting to it.

13           I don't think there is a mass transit, and if they  
14 have they can add more buses, so, no, we were not worried  
15 about that.

16           The grocery store impacts, many of the things that  
17 I have looked at, and I have gone through the petitioners,  
18 were based on a store that was 55,000 square feet.

19           Very little seems to have been reflected in the  
20 fact that 39,000 square feet of this grocery store are now  
21 gone, which would be a dramatic reduction in its impact on  
22 the neighborhood, which we believe, frankly, some of us  
23 thought it was too small, but we were fine with the impact  
24 of a 13,000 square foot grocery store and that shouldn't  
25 cause too many problems.

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1           That's about the size of -- I didn't want to take  
2 too much of your time, but other than we have resolution, we  
3 have an MOU, we would like to be assured that the MOU is  
4 incorporated into whatever zoning order might come out of  
5 this and ensure that we can enforce its provisions.

6           CHAIRMAN HOOD: Okay. Let's see if we have any  
7 questions up here. I do want to respond, typically we don't,  
8 our orders do not include the MOU, we just point to it, okay.

9           MR. MCHUGH: That's fine as long as it's pointed  
10 at --

11           CHAIRMAN HOOD: All right. We just point to --  
12 (Simultaneous speaking.)

13           MR. MCHUGH: Yes, I think in a resolution, in the  
14 MOU it says how --

15           CHAIRMAN HOOD: Okay.

16           MR. MCHUGH: You know, you've done it with other  
17 cases, so --

18           CHAIRMAN HOOD: Right, okay.

19           MR. MCHUGH: -- it's the exact same language we  
20 use.

21           CHAIRMAN HOOD: All right, okay. Let's see, any  
22 other questions up here?

23           VICE CHAIR MILLER: I just wanted to thank both  
24 ANCs for all of their work on this issues over a long period  
25 of time.

1 CHAIRMAN HOOD: Okay. I also want to thank you  
2 both, and, Commissioner Kravitz, we really had to sit here  
3 and think about your testimony.

4 No. But, let's see, let's see if we have any  
5 cross. No questions up here. Okay, let's go to, Mr.  
6 Collins, do you have any cross?

7 MR. COLLINS: No, sir.

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER TURNBULL: I just want to say I'm  
10 really worried about black holes now.

11 (Laughter.)

12 CHAIRMAN HOOD: Okay. Mr. McHugh, do you have any  
13 cross of Mr. Kravitz?

14 MR. MCHUGH: Oh, me?

15 CHAIRMAN HOOD: Yes. Do you have any cross of  
16 him?

17 MR. MCHUGH: No.

18 CHAIRMAN HOOD: Okay. Mr. Kravitz, do you have,  
19 Mr. McHugh?

20 MR. KRAVITZ: I don't think I could possibly get  
21 away with it after he was so gracious to me.

22 CHAIRMAN HOOD: Okay, all right. Mr. Wheeler, do  
23 you have any cross?

24 MR. WHEELER: No cross.

25 CHAIRMAN HOOD: Mr. Clarkson?

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1 MR. CLARKSON: No cross.

2 CHAIRMAN HOOD: Mr. Donohue?

3 MR. DONOHUE: A couple quick questions.

4 CHAIRMAN HOOD: Sure. Mr. Smith, are you going  
5 to have any cross?

6 MR. SMITH: No, sir.

7 CHAIRMAN HOOD: Okay.

8 MR. DONOHUE: I don't know about black holes, but  
9 earlier in the week I was worried about black ice certainly.  
10 Just a couple of questions here for Jonathan.

11 You mentioned that one of the ANC Commissioners,  
12 actually the Chair, voted against the resolution because of  
13 the grocery store, actually he wanted a different, a bigger  
14 grocery store, wasn't there also widespread among the ANC  
15 Commissioners who voted for it widespread concern and  
16 disapproval of the selected grocery, Balducci's?

17 MR. MCHUGH: It was not our first choice. With  
18 that said, I think I also mentioned this when I spoke about  
19 this is that we can't deal with what we would like to see  
20 there we deal with what is.

21 Some people did like Balducci's. We got a number  
22 of comments that they didn't like Balducci's. What we did  
23 in the MOU is we specified keep a, put a grocery in there,  
24 we did not specify which grocery, and we hope that, I think  
25 we said this, we hope that you think, work harder at maybe

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1 addressing the thoughts that a lot of people had about that.

2           So in terms of the grocer we didn't specify which  
3 one so we can't tell which one we wanted but we did express  
4 some dismay in that.

5           MR. DONOHUE:       And didn't you, wasn't the  
6 assumption when you passed your resolution that American  
7 University had given back, leased back, parking spots to  
8 roughly, you know, 200 or 180 parking spots -- Yes.

9           MR. MCHUGH:       That was an assumption, but, frankly,  
10 I think we decided that we didn't really care how they got  
11 to what the numbers they put in their parking plan.

12           So what we said we would like to see, the split  
13 on their parking of 370 broken down by residential, grocery,  
14 and retail, and then the 56 leftover, and we said that's what  
15 we expect you to provide.

16           If you do that through a third-party agreement,  
17 that's fine, but according to our interpretation of what we  
18 put in this MOU that's what you are going to give us however  
19 you get there.

20           MR. DONOHUE:       Finally, didn't you base your  
21 decision on the assumption that Valor could build a building  
22 of roughly the same size as a matter of right?

23           MR. MCHUGH:       I think we didn't actually make the  
24 decision based on what they could build matter of right other  
25 than saying that we could do this matter of right and did

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1 that figure in.

2           We did I think at one point or another we would  
3 say that we don't have enough information to make a  
4 determination what is matter of right and we would expect  
5 that, and we did ask the OAG to give us an opinion, which  
6 they declined to do.

7           So we said it is, like I said, it's what is in  
8 front of us, so if this works out, if it doesn't work out I  
9 think I was quoted in the meeting of saying there are going  
10 to be some unhappy lawyers and they going to come back to us  
11 anyway.

12           So we said this is what you can build according  
13 to you, if you can't build it someone is going to tell you  
14 to come back to us anyway.

15           MR. DONOHUE: Yes, I mean the resolution says that  
16 your understanding is that they can construct a building with  
17 the following measurements, maximum height of 50 feet plus  
18 12-foot to 15-foot penthouse, a FAR ratio of 2, a live  
19 occupancy of 75 percent. That is exactly what their current  
20 proposal is --

21           MR. MCHUGH: Right, exactly.

22           MR. DONOHUE: -- despite the fact that they are  
23 limited by, as we heard before, roughly 90,000 square feet  
24 less as a matter of right due to prior transfers.

25           MR. MCHUGH: Right. What we didn't address was

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1 the actual FAR transfers in the things. We did look at the  
2 zoning that allowed the heights and the setbacks and  
3 everything else.

4 We said well that looks, even if you built a thin  
5 wall all around the site that looks about what a matter of  
6 right might look like, but we didn't decide that based on the  
7 FAR.

8 The FAR is whatever the FAR comes out. So, again,  
9 the applicant showed what could possibly be a matter of right  
10 if they did absolutely no design decisions.

11 We said okay, well you can say that, that could  
12 be true, that probably won't be what it looks like, but we  
13 can't -- We only went with exactly what is in the zoning code  
14 in terms of heights and other things.

15 MR. MCHUGH: Thank you. Now for Mr. Kravitz one  
16 question. I mean you mentioned, you testified that ANC 3D  
17 had reviewed the arguments of Valor Development about the  
18 project's consistency with elements of the comprehensive plan  
19 and found no obvious flaw in them.

20 Didn't you also say in your resolution that the  
21 ANC had reviewed the arguments of the Citizens for  
22 Responsible Development and had likewise found no obvious  
23 flaw in them?

24 MR. KRAVITZ: Absolutely. That was one of the  
25 reasons why we chose to remain agnostic on that, we didn't

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1 feel like we had the expertise to judge whether it was  
2 consistent or inconsistent with the comprehensive plan.

3 MR. DONOHUE: No further questions. Do you have  
4 any?

5 (No audible response.)

6 CHAIRMAN HOOD: Okay. Thank you. And, again, Mr.  
7 Smith said he didn't have any cross, okay. All right, let's  
8 go, Ms. Schellin, I need you to help me with the parties in  
9 support. How much time?

10 MS. SCHELLIN: They had listed in their party  
11 status request I think one needed ten minutes. I can't  
12 remember on the other one. I'm sorry? Less than five.

13 CHAIRMAN HOOD: All right. So we only have two?

14 MS. SCHELLIN: The two of them, yes. So they can  
15 come to --

16 (Simultaneous speaking.)

17 CHAIRMAN HOOD: Let me just ask, is there going  
18 to be a lot of cross examination? I'm not trying to rule it,  
19 I'm just trying to make sure, because if I don't hit 10:30  
20 on the dot I might have a problem up here.

21 Okay. Thank you, Commissioner Shapiro. He said  
22 let's go for it. So let's call up the -- Thank you,  
23 Commissioners. We thank you for all your work.

24 Let's call up Ward 3 Vision as well as Spring  
25 Valley Neighbors and I'm probably going to get in trouble,

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1 but I'm going to do it anyway --

2           Okay. Come up here and just have a seat and let's  
3 see if we can do, if I can make this happen. Okay, let's go  
4 with Ward 3 Vision first.

5           MS. KIMMEL: Okay. Is it on now?

6           CHAIRMAN HOOD: Yes.

7           MS. KIMMEL: Good evening, Chairman Hood and  
8 Commissioners. My name is Susan Kimmel and I am here tonight  
9 representing Ward 3 Vision. Thank you for granting us party  
10 status and the opportunity to voice our support for the  
11 Ladybird Project.

12           Ward 3 Vision is a grassroots neighborhood  
13 association formed to promote smart growth and transit-  
14 oriented development throughout Ward 3.

15           Our intent is to work with others to create  
16 greater urban diversity and vitality by encouraging more  
17 choices of housing, retail, and transportation.

18           We believe that the Ladybird project furthers  
19 these goals and that it increases residential density along  
20 a major corridor that is well supported by bus service and  
21 provides a small but full-service grocery store with possibly  
22 some additional commercial space in a mixed use development.  
23 This will improve the overall walkability of the Spring  
24 Valley neighborhood.

25           And following up on ANC 3D's testimony, I will say

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1 that while Ladybird may not be a perfect star, an empty Super  
2 Fresh is definitely a gaping hole, if not a black hole,  
3 sapping the energy and vitality from our neighborhood.

4           Ward 3 Vision submitted a letter of support for  
5 the project on January 2nd, which is in the record, and  
6 rather than read the entire thing and in the interest of time  
7 I will just list the positive attributes of the project and  
8 a few comments.

9           They highlight of the project from the standpoint  
10 of Ward 3 Vision is that the proposed mix of units greatly  
11 increases housing options by providing a majority of larger  
12 units with two to three bedrooms, which is perfect for empty  
13 nesters who may choose to move out of their single-family  
14 homes and into apartments.

15           In addition, the amount of inclusionary zoning is  
16 set at 10 percent which provides 22 of the new units offered  
17 at the lower rate of 60 percent median family income.

18           We feel it is wonderful to enable this many  
19 families to live in Ward 3 to take advantage of the excellent  
20 neighborhood schools.

21           It seems that the essence of this process tonight  
22 is really to evaluate how to aggregate the FAR and go through  
23 the design review process, but in doing so I think you should  
24 keep in mind the merits of the process and of the modified  
25 design and the many amenities that have been created during

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1 the years of working with the community.

2           The project now provides for that HAWK signal to  
3 cross Massachusetts Avenue mid-block to give safe pedestrian  
4 access to the shopping and dining facilities on both sides  
5 of this busy street and with more residents moving in to the  
6 Ladybird there will be people crossing to the Starbucks and  
7 Le Pain Quotidian that are both on the other side of  
8 Massachusetts Avenue.

9           There are major improvements to the public alley  
10 by fencing off the trash areas and installing a sidewalk.  
11 The pedestrian greenway to connect Windom Street through the  
12 site to the transportation points along Massachusetts Avenue  
13 provides a pleasant, permeate, bold edge to the project.

14           The facades, courtyards, setbacks, and lowering  
15 the roof lines which face the residential street along Yuma  
16 and 48th, even though they are in the historical vernacular  
17 are architecturally pleasing in their proportions.

18           It does not feel massive at all. They have  
19 reduced the scale to a much more residential appearance.

20           Other improvements such as the coordination with  
21 cabbie and bike parking areas, possibly changing the pattern  
22 of the exit of the Exxon station on 49th Street. The LEED  
23 Silver Certification and the restrictions of residential  
24 parking permits are all advantages that have been offered as  
25 part of the MOU.

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1           Ward 3 Vision commends Valor's persistence to  
2 achieve these compromises and the major improvements to their  
3 original design.

4           Although we welcome the addition of the greater  
5 residential density and the mixed-use development two aspects  
6 of the project are not necessarily in keeping with transit-  
7 oriented development, and that is the lack of shuttle service  
8 to the Tenleytown Metro and the vast number of parking spaces  
9 proposed to be constructed as part of the agreement with  
10 American University and as carried over by the terms of the  
11 original subdivision of the property with the former Super  
12 Fresh.

13           AU already provides shuttle to its site. Perhaps  
14 if Valor subsidized the shuttle they could be relieved of the  
15 obligation for such a large quantity of what are considered  
16 overflow parking spaces. This option I hope would be  
17 investigated further before construction begins.

18           In close, Ward 3 Vision urges the Commission to  
19 approve Valor's proposal for the Ladybird. Thank you for  
20 your time.

21           CHAIRMAN HOOD: Okay, thank you. Let's go to  
22 Spring Valley Neighbors.

23           MS. RANDOLPH: Good evening, Chairman Hood and  
24 Commissioners. My name is Gretchen Randolph and I am here  
25 as a resident of Spring Valley and also on behalf of the

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1 Spring Valley Neighborhood Association, or SVNA.

2           We greatly appreciate the Commission allowing SVNA  
3 not only granting us party status but also to testify in  
4 support of this project. I co-founded SVNA back in February  
5 of last year because William and I believed that there was  
6 a real opportunity to get more of our neighbors engaged in  
7 relevant community issues.

8           Since then hundreds of Spring Valley neighbors are  
9 now involved in our association and we have forged positive,  
10 collaborative relationships with other community  
11 stakeholders.

12           We do not claim to represent all Spring Valley  
13 residents. We do, however, represent an active and engaged  
14 group of neighbors who support responsible development and  
15 positive growth.

16           That bring us to the Valor Ladybird development  
17 proposal and the potential impact that this project will have  
18 on the surrounding area.

19           As previously noted SVNA represents residents of  
20 the Spring Valley neighborhood, including residents in the  
21 Spring Valley West and those along Massachusetts Avenue.

22           While the impacts of the project on our side of  
23 Massachusetts Avenue may differ somewhat from those in AU  
24 Park we believe that Spring Valley residents, including  
25 homeowners -- excuse me.

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1 We believe that the Spring Valley neighborhood  
2 residents, including homeowners represented by SVNA, are  
3 likely to be affected by various impacts of this proposed  
4 project.

5 SVNA has worked hard to reach out to neighbors and  
6 get the reaction to the proposed project. We were clear that  
7 people should talk to us candidly about their concerns and  
8 that we were collecting personal statements from them on  
9 their opposition and/or support of the project.

10 We reached out to over 200 of our neighbors and  
11 we received nothing in opposition. In addition to the  
12 numerous support letters emailed from separate households  
13 directly to the Zoning Commission in the last three months  
14 I have ten additional support letters which I would like to  
15 submit for the record.

16 While we understand that the petitions from over  
17 a year ago have been submitted to the Commission we feel it  
18 is critically important to considers neighbors' views on the  
19 modified and current project proposal.

20 Just to quote a few of the statements that we  
21 received, "We live in the neighborhood across Massachusetts  
22 Avenue and are very much in favor of a grocery store that we  
23 can walk to. We have attended nearly all of Valor's  
24 informational meetings and have been very impressed with how  
25 Valor incorporated input from the community into their

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1 plans." John and Helen Lyons.

2 "I find the renderings of the buildings  
3 aesthetically pleasing and do not find the scale of the  
4 buildings proposed to be "massive," as they are currently  
5 being characterized by detractors. Rather than a negative  
6 impact on the neighborhood having a grocery store will  
7 actually improve home values." Linda and Jerry Stevens.

8 "The traffic and parking implications seem well  
9 thought out and manageable for the neighborhood." The Gumau  
10 Family.

11 The most important takeaway for the Commission is  
12 that while there is opposition to this project there is also  
13 a great deal of community support.

14 Thank you for your time and we hope to see this  
15 project through.

16 CHAIRMAN HOOD: Mr. Undeclared -- Everybody else  
17 has already gone. Mr. Undeclared, let me get you right  
18 quick. We've --

19 MR. BAND: Thank you very much, indeed, Mr.  
20 Chairman, and I appreciate also the courtesy of my colleagues  
21 here who may not be altogether pleased with what I am going  
22 to say, but here we go.

23 My name is Steven Band. I live in the 4800 block  
24 of Van Ness Street, Northwest, which is just on the other  
25 side of the Massachusetts Avenue from this project.

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1           Please don't be deceived by my accent, I have  
2 lived there 30 years. I try not to belong to any  
3 organizations, I try not to sign any petitions, I try to be  
4 strenuously independent in looking at projects.

5           I have supported some development projects that  
6 have come up recently, including the project on the other  
7 side of Massachusetts Avenue.

8           I try to support all projects that I can. I am  
9 not yet in a position to support this project, which is why  
10 I am undeclared.

11           Here are just four of the things that strike me  
12 when I look at this project. I accept that some of these you  
13 may feel are outside zoning considerations, but the bottom  
14 line is that zoning, the whole zoning system is designed to  
15 support the healthy and excellent development of our  
16 neighborhoods in our city, and I think, therefore, that what  
17 I have to say is going to be relevant to your business. I  
18 hope you will agree.

19           First of all, just to emphasize, this is huge for  
20 our community. This is an absolute game changer. This is  
21 not a routine project. This will transform our community.

22           So I think it is very important that as you make  
23 your decision on this you should understand that this will  
24 change the whole of Spring Valley as a community completely,  
25 it's a very, very important decision.

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1           Secondly, I fear that the early support for this  
2 project was built on a total mistake or misunderstanding.  
3 There was never going to be a major grocery store on this  
4 site.

5           Why? Because there are nine major grocery stores  
6 within a 10-minute drive of this site. There is going to be  
7 a tenth within a 10-minute walk up on Wisconsin Avenue very  
8 soon.

9           We are now speaking about a small grocery store.  
10 Will there be a small grocery store? I don't know. I hope  
11 so, I'd like to see one. I don't think small grocery stores  
12 really operate any longer to be honest, I think they are  
13 going out of business.

14           So what are we going to be left with? We are  
15 going to be left with an upscale deli. Balducci's is that.  
16 How will that end? Again, I don't know, but I don't think  
17 Wagshal's and Balducci's can survive side-by-side, one of  
18 them or both of them will go out of business.

19           So I think the bottom line is that all of the  
20 support offered to this project, because it was going to  
21 bring a grocery store, I would love to see a grocery store,  
22 don't get me wrong, it's not going to happen.

23           My third point, please, is that I, and here I have  
24 little more expertise, I certainly have no expertise in  
25 zoning issues, I have never understood the basic business

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1 case for this building.

2 I understand the need for affordable housing,  
3 totally, but I also see that 87 percent of these units are  
4 for rent, or maybe even more we heard this evening.

5 Well, I think younger, millennials, and these  
6 kinds of people who want one and two bedroom efficiencies  
7 they don't want to live in Spring Valley, they want to live  
8 downtown, they want to live in more urban areas, they want  
9 to live where there is more activity. I don't think they are  
10 going to flock here.

11 Older people downsizing in place, I agree with  
12 people who say that these people are going to want to remain  
13 invested to some extent even if they are downsizing in the  
14 real estate market, they are not going to want to go into  
15 rental units.

16 So who is going to come here? I don't know. I  
17 think it will quickly risk becoming an AU dorm. I love AU,  
18 I love having them in the neighborhood, but they don't want  
19 a dorm here as far as I know and I think other people don't  
20 want a dorm either.

21 I only have one more point. I apologize for  
22 overrunning my time. Secondly, although I am very  
23 appreciative of all the effort that is being put in by the  
24 ANCs, it has not been a very good process that has got us to  
25 this point.

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1           And for somebody like myself who is an outsider  
2 trying to follow it, it has been horrendously difficult. We  
3 now have a situation where the Chair of 1 ANC is opposed to  
4 the project.

5           We have a split and arguments about, you know, by-  
6 laws and where the comma is in a particular sentence in the  
7 other ANC. This is not a good way, although they have tried  
8 hard for the ANCs, to support this project and support our  
9 community.

10           So I regret very much the way we have got to where  
11 we are. One example, 170 pages, 1-7-0 pages, of new material  
12 was presented to you and to the community on the 21st of  
13 December. That is exactly three weeks ago, just before the  
14 Christmas holiday.

15           Well I couldn't digest it all in that period, I  
16 know that. So that ruled me out of this process which is a  
17 pity.

18           My last point, what am I therefore asking you to  
19 do. I think it's too early to approve this project. There  
20 is too much risk as it stands that it will be a failed  
21 project, and none of want a failed project in our community.

22           Would I invest it, no. Would I lend to it, not  
23 on the basis of what I know now without knowing a lot more  
24 about the business case.

25           And all the money that is going to have to be

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1 raised, I believe that Valor, the splendid people they may  
2 be, but I think if they are merchant builders they are going  
3 to have to raise all the money for this project.

4           Would I ask you to nix the project, no, I wouldn't  
5 ask you to do that either. There may be a good project in  
6 here but it needs more work.

7           So my request to you, my final comment, is in  
8 spite of the length of time that has already been involved,  
9 I am sure Valor are very, very impatient with that, this is  
10 not ready I submit for approval.

11           I hope you will send everybody away and say keep  
12 at it, do it better. Sometimes we have to work not only five  
13 times harder and five times longer than we wanted to, but ten  
14 times hard and ten times longer.

15           Maybe we can get something good out of it but it  
16 needs more work. Thank you, Mr. Chairman, and sorry to have  
17 overrun my time.

18           CHAIRMAN HOOD: Okay, thank you. Let's see if we  
19 have any questions up here. Do either one of the parties or  
20 the undeclared gentleman?

21           (No audible response.)

22           CHAIRMAN HOOD: Okay. No questions here. Mr.  
23 Collins, do you have any cross of either one of those  
24 parties?

25           MR. COLLINS: No.

1 CHAIRMAN HOOD: No, okay. Mr. McHugh, do you have  
2 any cross of either one of the parties?

3 Is there somebody who was supposed to speak that  
4 didn't speak? I assume you were -- Mr. Wheeler, you were  
5 letting the lady speak, right?

6 MR. WHEELER: That's right.

7 CHAIRMAN HOOD: You've been helping me until we  
8 get -- You've been helping me out a lot tonight, you're  
9 starting to fail me now. I just wanted to -- Okay, let's go  
10 to Commission Kravitz, do you have any cross?

11 (No audible response.)

12 CHAIRMAN HOOD: Okay. Mr. Wheeler, do you have  
13 any cross of anybody?

14 (No audible response.)

15 CHAIRMAN HOOD: Okay. Mr. Clarkson, any cross?

16 (No audible response.)

17 CHAIRMAN HOOD: Okay. Mr. Donohue, any cross?

18 (No audible response.)

19 CHAIRMAN HOOD: And, Mr. Smith, any cross?

20 (No audible response.)

21 CHAIRMAN HOOD: Great. We have finished.  
22 Commissioner May, it's 10:19. So we are going to stop at  
23 this point. Ms. Schellin, could you tell us where we are  
24 going to start.

25 MS. SCHELLIN: It is 10:19. There is actually

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1 only, I only have a list of two proponents if you wanted to  
2 do them.

3 CHAIRMAN HOOD: Are the two proponents still here.

4 MS. SCHELLIN: Mr. Nussdorf --

5 CHAIRMAN HOOD: Or did I mess up?

6 MS. SCHELLIN: -- and Cheryl Cort.

7 CHAIRMAN HOOD: The two proponents can come  
8 forward and they can speak. Any other proponents?

9 MS. SCHELLIN: Mr. Nussdorf and Ms. Cort.

10 CHAIRMAN HOOD: Okay, so we have two -- So we are  
11 going to start, obviously, since we are going to hear from  
12 the two who are here tonight in support.

13 Starting on the 26th we're going to hear from the  
14 party in opposition. Well, there's two parties. We're going  
15 to start, I don't know which one we start with first, but  
16 I'll leave that up to Ms. Schellin.

17 We're going to start with the parties in  
18 opposition first on January 26th at 6:30.

19 MS. SCHELLIN: And no more individuals in support?

20 CHAIRMAN HOOD: No, no more -- oh, did I say the  
21 wrong date? Don't listen to me.

22 The 25th. The 26th is a Friday. I am sure nobody  
23 -- I'll be here by myself then. Okay.

24 Okay, great. I thought it was two people that  
25 were -- Where is the other person?

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1 MS. SCHELLIN: Mr. Nussdorf was one who had put  
2 in for party status but he submitted a letter in support so  
3 maybe he decided not to testify.

4 CHAIRMAN HOOD: Okay. Okay, Ms. Cort, you may  
5 begin.

6 MS. CORT: Thank you, Chairman. I am Cheryl Cort.  
7 I am with the Coalition for Smarter Growth. We are the  
8 leading organization in the Washington D.C. region dedicated  
9 to making the case for smart growth.

10 Our mission is to promote walkable, inclusive, and  
11 transit-oriented communities and the land use and  
12 transportation policies and investments needed to make those  
13 communities flourish.

14 We are pleased to express our support for this  
15 case for the Ladybird project at the former Super Fresh  
16 grocery store site. We support the mixed-use development  
17 that will include 219 rental apartments, a small grocery  
18 store, and a number of pedestrian improvements at this  
19 neighborhood commercial node.

20 The project is sensitively designed to respect the  
21 single-family home neighbors and contributes to the vibrancy  
22 for this neighborhood shopping node.

23 In addition to increasing the supply of housing  
24 with 219 rental apartments we recognize that a majority of  
25 the units are larger two and three bedroom units, this is an

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1 additional benefit as D.C.'s household size is growing.

2 Further, 22 of the new apartments or 10 percent,  
3 will be affordable at 60 percent of the median family income,  
4 presuming that all of them are rental.

5 The project offers to enhance the amenities of the  
6 Spring Valley Shopping Center with new retail and improved  
7 connectivity and walking conditions.

8 These are all good benefits for the neighborhood  
9 and make this part of the city a more sustainable place  
10 through increased walkability.

11 While not a transit hub the site is a ten to 15-  
12 minute walk from the Tenleytown Metro Station and in addition  
13 to being served by bus service. This all adds up to a good  
14 place to offer multi-family housing opportunities.

15 We support the project and encourage its  
16 advancement because it will deliver more than 200 homes in  
17 an area that has seen little increase in housing  
18 opportunities even as the city has grown rapidly.

19 D.C. has returned to 1970 population levels and  
20 added 110,000 people since 2006. The city is projected to  
21 continue to grow by another 57,000 people by 2020. This  
22 means we need to build more housing.

23 Ward 3 and the Rock Creek West Planning Area where  
24 the project is located substantially lagged behind the rest  
25 of the city in terms of accommodating new housing adding only

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1 3 percent of the city's growth since 2006.

2           While we don't expect Rock Creek West to absorb  
3 the level of growth of the central parts of D.C., we expect  
4 Rock Creek West to do better than 3 percent. This part of  
5 the city hosts many affluent and desirable neighborhoods.

6           The project addresses a great concern, the  
7 availability and distribution of affordable housing  
8 opportunities. The project offers improvements of the  
9 lagging performance in Rock Creek West by providing a  
10 commendable 10 percent of the 219 units as IZ affordable at  
11 the 60 percent median family income, assuming they are all  
12 rentals.

13           This project will be one of a few offering new  
14 housing and new affordable housing opportunities in this  
15 area. Since 2015 only 0.6 percent of the city's new  
16 affordable housing units, that's 53 units, have been built  
17 in the Rock Creek West or Ward 3 area and all of these units  
18 are IZ units in market rate developments.

19           By comparison, Ward 4, that is similar to Ward 3  
20 in land use, has produced 13 percent of the city's affordable  
21 housing since 2015.

22           The 22 affordable IZ units from the Ladybird  
23 project offers compared to the recent affordable housing  
24 production would represent 42 percent of all affordable homes  
25 built west of Rock Creek Park.

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1           Clearly, without more market rate residential  
2 developments like this there will be no more opportunities  
3 to utilize IZ and bonus densities to create greater access  
4 to these sought-after neighborhoods.

5           Just in closing I will say that we are  
6 disappointed that so much parking is being built. We don't  
7 really understand why there is this agreement with American  
8 University and supplying all of this parking will generate  
9 a lot more traffic than is needed and we would much rather  
10 save a little bit of money on the parking and expand, install  
11 and expand one or more capitol bike stations in the area.

12           But overall we are very excited to see this  
13 project move forward. Thank you.

14           CHAIRMAN HOOD: Thank you, Ms. Cort, and all the  
15 time that you all put in as well. Let's see if we have any  
16 questions or comments up here.

17           (No audible response.)

18           CHAIRMAN HOOD: Okay, not seeing any. Okay, Mr.  
19 Collins, McHugh, do you have any --

20           (No audible response.)

21           CHAIRMAN HOOD: Mr. Kravitz?

22           (No audible response.)

23           CHAIRMAN HOOD: Mr. Wheeler?

24           MR. WHEELER: No.

25           CHAIRMAN HOOD: Mr. Clarkson?

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1 (No audible response.)

2 CHAIRMAN HOOD: Mr. Donohue?

3 (No audible response.)

4 CHAIRMAN HOOD: And Mr. Smith?

5 (No audible response.)

6 CHAIRMAN HOOD: Okay. Thank you very much, we  
7 appreciate it. Okay, so we will not take any more persons,  
8 individuals, in support because we need to move forward with  
9 opposed and opposition.

10 So if someone is there I'm -- Well, we're not  
11 taking any more persons in support. We have dealt with the  
12 parties in support. So we are going to start with the  
13 parties in opposition, then we'll hear from the persons in  
14 opposition, and then Mr. Collins will have rebuttal and then  
15 we'll have closing.

16 Okay, so we should be able to finish on the 25th  
17 at 6:30.

18 MS. SCHELLIN: And just a reminder that the  
19 parties each have 15 minutes like the applicant.

20 CHAIRMAN HOOD: Okay, the parties, both of the  
21 parties in opposition each have 50 minutes, no 15 minutes.

22 MS. SCHELLIN: Yes, not 50.

23 CHAIRMAN HOOD: A total of 50?

24 MS. SCHELLIN: Fifteen. I thought you said 50.

25 CHAIRMAN HOOD: I was about to say 50. I was

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1 about to say 50.

2 MS. SCHELLIN: Yes.

3 CHAIRMAN HOOD: Each have 15 minutes, each party  
4 has 15 minutes.

5 MS. SCHELLIN: Yes.

6 CHAIRMAN HOOD: Okay, so we are all on the same  
7 page, the 25th at 6:30. Anything else? Ms. Schellin,  
8 anything else tonight?

9 MS. SCHELLIN: No.

10 CHAIRMAN HOOD: So with that we will reconvene on  
11 the 25th. Thank you and good night.

12 (Whereupon, the above-entitled matter went off the  
13 record at 10:31 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Valor Development

Before: DCZC

Date: 01-11-18

Place: Washington, DC

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



-----  
Court Reporter

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