

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

:

23 I, LLC - Design Review - :

M & South Capitol Streets : Case No. 17-25

Sub-Area, 950 South Capitol :

Street, SE :

:

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Monday,
February 5, 2018

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

The Public Hearing of Case No. 17-25 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
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

STEVEN COCHRAN
JOEL LAWSON

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

JONATHAN ROGERS

The transcript constitutes the minutes from
the Public Hearing held on February 5th, 2018.

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

	<u>Page</u>
Opening Remarks	4
Preliminary Matters	5
Applicant's Case	
Jessica Bloomfield	6
Report of the Office of Planning	
Steve Cochran	27
Report of other Government Agencies	
Jonathan Rogers, DDOT	28
DOEE	37
Report of ANC	
ANC 6D	38
Rebuttal and Closing by the Applicant	39
Adjourned	43

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

6:30 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen.

This is a public hearing of the Zoning Commission for the District of Columbia. Today's date is February 5th, 2018.

My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner Turnbull, Commissioner Shapiro, and Commissioner May. We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin, as well as the Office of Planning, Ms. Steingasser. And Mr. Cochran will be joining us shortly.

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

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

The hearing will be conducted in accordance with provisions of 11Z DCMR Chapter 4, as follows: Preliminary Matters, Applicant's Case, Report of the Office of Planning, Reports of Other Government Agencies, Report of the ANC, Organizations and Persons in Support, Organizations and Persons in Opposition, Organizations and Persons who are Undeclared, as well as Rebuttal and Closing by the Applicant.

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1 The following time constraints will be maintained
2 in this meeting. The Applicant has up to 60 minutes.
3 Organizations, five minutes. Individuals, three minutes.

4 All persons wishing to testify before the
5 Commission in this evening's hearing are asked to register
6 at the witness kiosk to my left and fill out two witness
7 cards.

8 The decision of the Commission in this case will
9 be based exclusively on the public record. The staff will
10 be available throughout the hearing to discussion procedural
11 questions.

12 Please turn off all electronic devices at this
13 time, so as not to disrupt these proceedings.

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

17 (Witnesses sworn.)

18 CHAIRMAN HOOD: Okay. At this time, the Commission
19 will consider any preliminary matters. Does the staff have
20 any preliminary matters?

21 MS. SCHELLIN: The Applicant has proffered some
22 expert witnesses, all of whom have been previously accepted:
23 Eric Colbert, Morris Adjmi, Rick Parisi, Shane Dettman,
24 Daniel VanPelt. Actually, is Shane here?

25 MS. BLOOMFIELD: No, he's not here.

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1 MS. SCHELLIN: Okay. So, we'll mark him off. All
2 of the others are here for questions if needed?

3 MS. BLOOMFIELD: Yes.

4 MS. SCHELLIN: Okay.

5 CHAIRMAN HOOD: If questions arise?

6 MS. SCHELLIN: Yes.

7 CHAIRMAN HOOD: Okay.

8 MS. SCHELLIN: So I just need the Commission to
9 accept them in this case.

10 CHAIRMAN HOOD: We will continue our status of
11 expert witnesses. Anything else?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: Okay. Also, we have Mr. Rogers
14 from the District Department of Transportation. I will make
15 a correction. It's not Ms. Steingasser, it's Mr. Lawson and
16 Mr. Cochran from the Office of Planning. Okay. All right.
17 Anything else, Ms. Schellin?

18 MS. SCHELLIN: No.

19 CHAIRMAN HOOD: Okay. Ms. Bloomfield, are you
20 taking the lead tonight?

21 MS. BLOOMFIELD: Yes, sir.

22 CHAIRMAN HOOD: Okay. You may begin. Now, we
23 don't need 60 minutes. I don't even think we need five, but
24 I'll let you figure it out.

25 MS. BLOOMFIELD: Wonderful. Well, I'll start by

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1 saying, good evening, my name is Jessica Bloomfield from the
2 law firm of Holland & Knight. I'd like everyone introduce
3 themselves at the table before we begin.

4 MR. GLASGOW: Norman M. Glasgow, Jr., Holland &
5 Knight, here to assist Jessie.

6 MR. SASSON: Good evening, Jordan Sasson with the
7 Related Companies.

8 MR. ADJMI: Morris Adjmi, architect, here to answer
9 questions.

10 MS. BLOOMFIELD: Thank you. We also have our whole
11 team here. So if anything comes up, they're ready for you.

12 Good evening, Commissioners. We're here this
13 evening requesting approval for a new residential building
14 at 950 South Capitol Street, Southeast.

15 The site has frontage on South Capitol between I
16 and K Streets, and is subject to design review pursuant to
17 Subtitles X and I of the Zoning Regs. The site is located
18 within the D-5 Zone District and is within M and South
19 Capitol Streets sub-area.

20 The proposed project will be the second phase of
21 a two-phase project that will be a single building for zoning
22 purposes. Phase One, delivered in 2017 as a matter-of-right,
23 with frontage on Half Street, and now contains 383
24 residential units and approximately 22,000 square feet of
25 ground floor retail. Phase Two will be a residential-only

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1 building with active ground floor amenity spaces that are
2 designed to convert to retail in the future.

3 The Applicant's pleadings and the Office of
4 Planning's report set forth the project's compliance with all
5 zoning and design review standards and no zoning flexibility
6 is requested or needed in this case.

7 We are pleased to have support from the Office of
8 Planning, DDOT, and DOEE. As recent as this morning, we
9 confirmed with OP that we have addressed each of the
10 conditions listed in their hearing report, and the PowerPoint
11 that we submitted this afternoon reflects the refinements in
12 the plans that we made in response to their recommendations.

13 DOEE also had several comments and submitted a
14 report. They supported our proposal to achieve LEED Silver
15 Certification under Version 4. And also our inability to
16 construct solar on the building at this time, but our proffer
17 to construct the building as being solar-ready, if it happens
18 in the future.

19 Finally, we also believe that we've addressed all
20 of DDOT's comments related to the streetscape along South
21 Capitol Street. We added electric vehicle charging stations
22 in the garage, as requested. We also provided a direct
23 connection between the loading dock and the future retail
24 space on the ground floor. And we have agreed to what we
25 believe is a mutually acceptable transportation demand

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1 management plan.

2 With that, we believe we've address all of the
3 outstanding items that are currently in the record and we
4 would otherwise ask to rest on the record, noting that we are
5 all here to answer any questions that you may have on what
6 I just did a brief overview on.

7 So, please let us know what you'd like us to do,
8 but otherwise, that concludes our direct presentation.

9 CHAIRMAN HOOD: Okay. We appreciate your succinct
10 presentation. We have read the materials, but we may have
11 a few questions up here.

12 Commissioners, any questions or follow-up
13 comments? Anybody? Okay. Vice Chair Miller?

14 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
15 thank you for the information that you've provided in the
16 record and your presentation. Why no ground floor retail for
17 this project? Because you had the retail in the Phase One.

18 MR. SASSON: Yeah, so, when we master planned the
19 overall site for the Square 697 North, we looked at the
20 overall site and the proximity to the various landmarks on
21 South Capitol and Half Street and the baseball stadium and
22 everything that was happening around the neighborhood.

23 And we decided to include 22,000 square feet of
24 ground floor retail at the first phase, which obviously
25 fronts I, Half, and K. To date, we've been unsuccessful in

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1 renting any of that retail space, to date, despite our best
2 efforts.

3 Obviously, we're trying every single day to do
4 better about that, but have yet to succeed in signing a
5 tenant for any of those spaces.

6 VICE CHAIR MILLER: Where does that retail front
7 on?

8 MR. SASSON: It fronts on all three. So, K, Half,
9 and I.

10 VICE CHAIR MILLER: And none of it's --

11 MR. SASSON: None of it's leased, to date. And in
12 addition, given the difficulty of -- given the heavy
13 vehicular traffic on South Capitol Street today, we don't
14 believe, given how much struggle we've had on Phase One, that
15 we'll be able to successfully lease, at least in the near-
16 term, any retail in Phase Two.

17 However, with that being said, we have designed
18 the amenity space on the ground floor of Phase Two to include
19 an active co-working amenity that will be open to both
20 residents in Phase One and Phase Two so that the street-front
21 is active.

22 It's approximately 4,000-5,000 square feet of
23 total area. And that would also be convertible to retail,
24 should the streetscape and the landscape of South Capitol
25 change in the near-term, or in the long-term, right, as the

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1 South Capitol Street Redevelopment Plan progresses.

2 Obviously, with Phase One seeming to happen,
3 hopefully, in the short-term, as the future plans -- as the
4 budget evolves and those plans happen and I think our curb-
5 line gets expanded as DDOT is anticipating and I think it
6 becomes more of a boulevard street, obviously, hopefully
7 there's more of a retail opportunity.

8 And we're certainly ready to take advantage of
9 that, should that happen. But in the near-term, I think
10 having some sort of active amenity at that part of the -- on
11 South Capitol, with the co-working spaces, I think better for
12 everyone, more so than just leaving it as a cold, dark shelf
13 for the foreseeable future.

14 VICE CHAIR MILLER: The co-working space is -- what
15 is the co-working space?

16 MR. SASSON: So, in our first phase, we have many
17 amenities, of which one is basically a workspace. So, we
18 have conference rooms and kind of an open space for people
19 to work. And today, we've successfully leased up and
20 stabilized that building, and it's probably one of our
21 busiest amenities. People go down early in the morning and
22 reserve space and it's really not big enough for 383
23 apartments. So, there's a lot of work-from-home residents
24 in our building, and I think across D.C., and in particular,
25 this neighborhood as well.

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1 So, this is meant to -- it's a lot of office
2 space, open work space, basically allows people to come down
3 at 8:00 a.m. every single day and basically go to work within
4 the building, should they not have a place to do that, you
5 know, a central office. Or there's a lot of companies that,
6 a lot of start-ups and things like that, that people have and
7 they're looking for space and they're really doing it out of
8 the amenities. So, we want to give them a place to actually
9 do that.

10 VICE CHAIR MILLER: Is the co-work space for this
11 building, for this phase of the building, does it occupy all
12 of the ground floor retail or do you have other amenities?

13 MR. SASSON: It's the only ground floor, street-
14 front retail that we have. So, we have other amenities that
15 are on -- that front our courtyard that's on the interior
16 private driveway. So, on K Street, we have the lobby
17 entrance. And then, it wraps around, you basically have this
18 co-working space that I talked about, and then that extends
19 up through South Capitol Street. And then there's some base-
20 building mechanical and loading dock and service and trash
21 up on the I Street side.

22 VICE CHAIR MILLER: And it's just for the
23 residents, not for the --

24 MR. SASSON: Right now, just for the residents.
25 Obviously, if it evolves -- and, again, if it's for more than

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1 just the residents, I think it's a sign that the market is
2 there for potentially a retail concept or whatever it may be.

3 So, I think, again, the future-proof idea is,
4 should the market evolve and should the streetscape improve
5 and South Capitol Street be redeveloped, obviously, and
6 22,000 feet of retail gets absorbed in the first phase,
7 there's an opportunity to, obviously, add more. And we'll
8 be ready for that should that need to be.

9 VICE CHAIR MILLER: Okay.

10 MR. SASSON: And we've addressed DDOT's concerns
11 too, about -- they were concerned about the need to load for
12 future retail off the street. And so our loading dock will
13 have a direct connection to that retail space. And to the
14 extent that it is sub-divided in the future, we would extend
15 that corridor along, within our retail space, so that, again,
16 every single storefront would be accessible via the loading
17 dock.

18 VICE CHAIR MILLER: Okay. Thank you. Do you all
19 have any response to both the Office of Planning's and the
20 ANC's comment that some color should be added, particularly
21 -- well, I guess, the ANC said the vertical elements and the
22 OP said, I think, the ground floor area. Do you have any
23 response to that, to enliven the pedestrian experience?

24 MR. SASSON: Sure. So, when we received that
25 feedback, obviously, the ANC, I think the phrase they used

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1 was "heavy," the building seemed heavy to them. So, after
2 receiving the feedback from the ANC and then, obviously, the
3 Office of Planning as well, we went back and looked at our
4 submission.

5 In particular, in reading OP's comments, they had
6 highlighted what they thought was a very strong storefront,
7 ground floor design on South Capitol, felt that it was a good
8 design, with respect to the monumental boulevard intent of
9 South Capitol Street and the importance of the Capitol Dome.

10 So, we went back and we looked at the rendering
11 that we provided for South Capitol Street, because there was
12 a very up-close shot of the materials. And I think we felt
13 like that particular rendering did a great job of showing the
14 various depths of the facade, the color palette, which is
15 kind of a medium gray vein stone, marble, granite at the
16 ground floor. And then you have a lighter stone up top, with
17 kind of a charcoal-gray metal. And so, I think that
18 rendering in particular did a good job.

19 So, then we went back and we looked at what we did
20 on the K Street side and also on the I Street side and
21 realized that the renderings were definitely further back and
22 did not do a good enough job.

23 Also, the glass was very opaque and frosted in the
24 initial renderings that were submitted as part of the
25 original record.

1 So, we, last week, improved those renderings. And
2 in our presentation tonight, and in the materials that were
3 submitted earlier today, included updated renderings, to help
4 show that there is no hierarchy of street. It's not that the
5 design -- the design is not that South Capitol gets higher
6 quality materials and more variation. In fact, those
7 materials wrap around to all three main elevations.

8 So, the rendering you see here is of the K Street
9 lobby entrance. You can see, now there's a double-height
10 lobby behind, with, obviously, a lot of nice interior
11 materials being used. You can understand the double-height
12 space and the light that's coming through there.

13 Also, you can see the granite pilasters that were,
14 I think, well-illustrated on South Capitol are brought around
15 and I think clearly showed on K Street. And I think that
16 helps tremendously to show the importance of how we're
17 treating the overall facade.

18 Again, we're not trying -- in a building of this
19 size, while it is a large building, it is not meant to be,
20 I think -- it's not meant to have many different materials
21 on, maybe, I Street versus South Capitol. I think it's
22 important that you don't see this building only from one --
23 from just I Street or just from K Street or just from South
24 Capitol. I think it's meant to be read altogether.

25 And then, on I Street, we also improved the ground

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1 floor rendering, which I think we improved the ground floor
2 rendering here as well, to show the importance of, again, the
3 materials at the ground floor relative to the overall. And
4 we brought those materials here tonight to show you guys.

5 Again, I think, renderings, of course, are helpful
6 illustrations, but I think feeling and seeing the physical
7 materials, there is actually a vast amount of difference in
8 the color palette being proposed, both at the ground floor
9 and also the variation in the overall facade.

10 The kind of lighter beigeish-gray stone and how
11 that relates to the charcoal metal at the overall main
12 facade. And then, obviously, how the ground floor kind of
13 medium-gray granite with all the white veins, I think it's
14 a pretty rich palette that I think speaks loudly to the
15 importance of South Capitol Street and, obviously, the
16 boulevard.

17 So, that's how we specifically addressed OP's
18 comments with respect to -- and, again, also ANC's comments
19 with respect to the color palette, and also I Street and K
20 Street in particular.

21 And then, with respect to the heaviness comment
22 that was provided by ANC, we developed this up-close
23 rendering of the facade. And we had two meetings with the
24 ANC. And in the first meeting, they had made a comment
25 about, they used also the word "flat," the building seemed

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1 flat to them, in particular on South Capitol Street. I think
2 they, during the first meeting, didn't understand that there
3 was a very strict street wall requirement here on South
4 Capitol Street, so we were limited in how much variation.

5 Obviously, on the first phase, we utilized the bay
6 projection window, which is not permitted on South Capitol
7 Street. So, our ability to create variation was really with
8 fins and pilasters, the stone pilasters and the fins, the
9 metal fins, on the windows.

10 And so what we did is we went back and we really
11 studied the amount of depth that each one of those unique
12 building elements needed to have in order to really provide
13 good variation, depth, shadow, and all the, I think,
14 important details that this facade needed.

15 And so we prepared this as part of finishing with
16 ANC, and also in our resubmission of our materials back in
17 the middle of January to OP. And I think, in OP's memo that
18 they prepared on I think the 25th, I think they correctly
19 kind of pointed out the goal of creating the shadows and the
20 depth. I think they appreciated it in that memo.

21 So, hopefully, with this increased level of detail
22 and specification, we've properly addressed that concern as
23 well.

24 VICE CHAIR MILLER: I appreciate that explanation.
25 I think the design and the materials and the recesses and the

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1 fins and the curves are all very attractive.

2 Although, when I first saw the rendering, before
3 I read anything about the case, I thought it was an office
4 building, because I always like balconies on my residential
5 buildings. So, you don't have any balconies in the courtyard
6 even?

7 MR. SASSON: We don't have balconies, we have the
8 terraces, because we have the setbacks.

9 VICE CHAIR MILLER: You have the terraces on the
10 top two floors.

11 MR. SASSON: Yeah.

12 VICE CHAIR MILLER: And that'll be nice, if you can
13 afford those.

14 MR. SASSON: You know, especially on the exterior,
15 with the street wall requirement and trying to have -- with
16 how the corners turn from I and K and wrap around, and South
17 Capitol, keeping the reading consistent on South Capitol
18 Street, holding that rhythm in the facade that Morris and
19 team designed, I think it's really important to wrap that
20 around and not break it up with the balconies.

21 Obviously, working within the massing, the
22 prescribed massing, is difficult, too, to create balconies
23 in this particular context. But, yes, as designed, we just
24 have terraces on 12 and 13 on South Capitol Street.

25 VICE CHAIR MILLER: With the updated renderings

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1 that you've provided, did you answer the question about
2 whether the artwork that's included at one of the entrances
3 is definitely part of the submission?

4 MR. SASSON: Yes. So, the short answer is, yes,
5 it is part. Again, after receiving OP's comments, we went
6 back. It was originally intended to be illustrative and
7 that's probably our fault for not being more clear on that.

8 But with that being said, based on OP's comments
9 and follow-up with them, we understood the importance of
10 including something there. And we looked at it both with and
11 without and we think it's important too.

12 The revised rendering you see here changes the
13 illustrative artwork, because when we, again, master planned
14 the overall site, we decided to include -- kind of working
15 with DDOT, too, to put all of our vaults in private space.
16 By doing that, we have to keep a 40-foot opening for future
17 Pepco -- to the extent that Pepco has to change out a
18 transformer, there's a 40-foot, basically, no-fly zone.

19 So, with that being said, from basically top of
20 vaults to underside of the soffit here, we have about 48 and
21 a half feet. So that gives us about eight and a half feet
22 of space to design a decorative art, light fixture, whatever
23 it may be, in this space.

24 So, we are committing as part of this to
25 commission, hopefully, a piece of art/light -- or it's really

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1 going to be a decorative light that will serve as art as
2 well, that will go in this opening and I think, hopefully,
3 make a nice statement for that space.

4 VICE CHAIR MILLER: Thanks. My last question. I
5 think your statements, your submission, your pre-hearing
6 statement said that, and I think DDOT even said that, you're
7 exceeding the minimum zoning requirement for bicycle parking
8 spaces, both long-term and short-term. But did you provide
9 a specific number to DDOT in response to their comment that
10 they didn't see a specific number of spaces identified?
11 Maybe they'll address it in their comments.

12 MR. SASSON: So, on long-term, I think our current
13 plan is -- if you'll bear with me for one second. I think
14 the short-time requirement is 15 and the long-term is 75, I
15 think, on this site. I think, as of now, what our bike room
16 is planned for has, I want to say, approximately 20 percent
17 more than that long-term number. I want to say it's around
18 90 spaces, if not more.

19 And our short-term requirement is, those are the
20 U-rings typically on the street, but I think it's two or
21 three bikes per U-ring, but I want -- it's definitely more
22 than the 15. If you'd like an exact number, I can get you
23 that.

24 VICE CHAIR MILLER: No, if it's more, that's --
25 we'll probably see what DDOT --

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1 MR. SASSON: Sorry, we committed to a minimum of
2 100 long-term and a minimum of 16 short-term.

3 VICE CHAIR MILLER: Okay. Thank you.

4 MR. SASSON: Yeah, absolutely.

5 VICE CHAIR MILLER: I think that's it, Mr.
6 Chairman. Thank you for your responses and your
7 presentation.

8 CHAIRMAN HOOD: Okay. Any other questions or
9 comments up here? All right. And I think we covered the ANC
10 letter. The only thing I have is -- our Vice Chair did
11 mention that. Oh, okay. I'm sorry, I didn't see you.

12 COMMISSIONER TURNBULL: That's okay.

13 CHAIRMAN HOOD: Commissioner Turnbull?

14 COMMISSIONER TURNBULL: I just wanted to go back
15 and confirm some things with the OP and the Department of
16 Transportation report. Well, first of all, you're going to
17 go for LEED certification? Is that confirmed?

18 MR. SASSON: Correct.

19 COMMISSIONER TURNBULL: Okay. LEED Silver?

20 MR. SASSON: Correct. In discussion with DOEE, we
21 changed -- we had originally committed to LEED Gold Version
22 3 under self-certification.

23 COMMISSIONER TURNBULL: Okay.

24 MR. SASSON: And in working with Jay Wilson at
25 DOEE, he had requested that we pursue LEED Version 4 Silver,

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1 but certify with USGBC. And after discussion with him, we
2 agreed to do that.

3 COMMISSIONER TURNBULL: Okay.

4 MR. SASSON: And so our revised submission today
5 includes an updated LEED Scorecard, under Version 4 Silver,
6 and a commitment to certify as well.

7 COMMISSIONER TURNBULL: Okay. Thank you. You had
8 a clarification on the signage?

9 MR. SASSON: Sure. So, OP had specifically
10 identified two comments with respect to signage. One was
11 clarification as to where on the building the signage would
12 be located; in particular, not locating it above the first
13 floor.

14 So, the commitment, again, for -- and this is
15 showing the South Capitol Street frontage. Again, the
16 signage is really specific and relevant for the future
17 retail, because, obviously, we're not intending to have
18 signage on the South Capitol Street frontage without a
19 retailer to be there.

20 But, again, there's intended to be a sign band at
21 the ground floor, right above the storefront windows, below
22 the second floor. It is shown, again, for illustrative
23 purposes, to extend along the entirety of the South Capitol
24 Street frontage.

25 Again, depending on how many retailers are there,

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1 the need for louver bands, they can be interchanged with
2 signage, again, tenant signage and with louver bands. But
3 the overall depth is specified -- the overall height, I'm
4 sorry, of the sign band is specified.

5 COMMISSIONER TURNBULL: Was that a two-foot band?

6 MR. SASSON: Yeah, I believe it's two feet exactly.
7 Yes.

8 COMMISSIONER TURNBULL: And on K Street, there is
9 a sign about the address at 14 K. There's no height given
10 of that. Is that two feet? Or will it be two feet? Can
11 that be clarified?

12 MR. SASSON: Yeah, I believe it's a very small
13 note, and I apologize for maybe not making it as clear as
14 needed, but it, again, will be no bigger than two feet.

15 COMMISSIONER TURNBULL: Two feet? Okay.

16 MR. SASSON: Correct.

17 COMMISSIONER TURNBULL: Getting back, Department
18 of Transportation had a comment that they believe the canopy
19 exceeds the --

20 MR. SASSON: So, in our original submission, many
21 months ago -- again, this came out of preliminary discussions
22 with OP -- we included a plan to show the desired depth and
23 width of the canopy for Phase Two. Given that it's on K
24 Street and adjacent to the lobby of Phase One, which has a
25 similar canopy in terms of depth, that was approved through

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1 the public review process with DDOT when Phase One was
2 permitted.

3 We had requested a similar depth for consistency
4 across buildings. In light of DDOT's comments in their memo,
5 we've agreed with them to not pursue that approval as part
6 of this zoning submission and to deal with it directly with
7 DDOT via the public space review process.

8 COMMISSIONER TURNBULL: So, as far as we're
9 concerned, you're at five feet then?

10 MR. SASSON: Correct, for now, yes.

11 COMMISSIONER TURNBULL: Okay. Although, I don't
12 know if it shows that on the drawings.

13 MR. SASSON: I don't believe we've submitted a
14 revised drawing. It would almost be -- and I'll defer to
15 Chip and Jessica -- but be stricken from our -- as if we
16 never requested anything with respect to the canopy. We have
17 no intent to pursue any approvals as part of this process for
18 that.

19 COMMISSIONER TURNBULL: Okay. Getting back to the
20 Department of Transportation, the mitigations, are you
21 complying with everything in their report on Page 3?

22 MR. SASSON: For the TDM mitigations?

23 COMMISSIONER TURNBULL: Yes.

24 MR. SASSON: So, with DDOT and our traffic
25 consultant, Gorove/Slade, we prepared a -- we went through

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1 the listed TDM mitigants and agreed on a slightly modified
2 list that differs -- and I can go through them, if you'd like
3 me to, and how they differ from what was listed in DDOT's
4 original memo.

5 COMMISSIONER TURNBULL: Well, maybe they can
6 comment on what's not being provided, then. Okay. I had one
7 question on the rooftop, which was on your drawing L204,
8 which is showed fronts on I Street.

9 MR. SASSON: Okay. L204?

10 COMMISSIONER TURNBULL: No, it's on the penthouse
11 plan.

12 MS. BLOOMFIELD: I'm sorry, we don't have it in
13 our PowerPoint. Do you want us to pull it up? Because we
14 have another slide deck in the back.

15 COMMISSIONER TURNBULL: Yeah, because you're
16 calling for recovering over the dining area, and I don't know
17 if I ever saw a section that shows that it's got the one-to-
18 one setback, whatever that covering is.

19 MR. SASSON: The dining area --

20 COMMISSIONER TURNBULL: Up on the penthouse on the
21 I Street.

22 MR. SASSON: Oh, so, this is designed to be a --
23 I don't believe we've provided a section showing that. The
24 intent is certainly to maintain the one-to-one setback.

25 COMMISSIONER TURNBULL: Yeah, I didn't see

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1 anything. It was just avoided, there was no cut-through or
2 section through there. But I see it and it's just a small
3 sign on the L drawing, landscape one, that showed a canopy
4 being -- a covering over that area. So, my comment was, is
5 that going to be at the one-to-one setback?

6 MS. BLOOMFIELD: Yes.

7 MR. SASSON: Yes.

8 (Pause.)

9 COMMISSIONER TURNBULL: Yeah, it was hard to tell
10 from your perspective there whether -- nothing really shows
11 up, but you can't tell. So I was assuming that it was, but
12 there's nothing that really shows that it's at a one-to-one
13 setback.

14 MR. SASSON: It is definitely intended to be at a
15 one-to-one setback.

16 COMMISSIONER TURNBULL: Okay. My only other thing
17 was in the Holland & Knight Exhibit Number 16, where you talk
18 about design flexibility. Number 6. Again, I don't want to
19 be picky, but that language, you need to talk with OAG and,
20 in particular, Jake Rittig, about the format.

21 You had mentioned about final selection of
22 exterior materials changing. It's not the materials that can
23 change, it's the color of the materials that can change.
24 Once you've picked your materials, you want to pick your
25 materials, and you can change the color variations within

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1 that. So, I think that language needs to be tweaked a bit
2 and I think OAG has better language for doing that.

3 MS. BLOOMFIELD: We'll work with them, thank you
4 for pointing it out.

5 COMMISSIONER TURNBULL: Okay. Thank you. Mr.
6 Chair, those are my comments.

7 CHAIRMAN HOOD: Comments or questions up here? All
8 right. Is anyone here representing the ANC? Okay.

9 Let's go to the Office of Planning and DDOT. Mr.
10 Cochran and Mr. Rogers.

11 MR. COCHRAN: Thank you, Mr. Chair. As Ms.
12 Bloomfield mentioned, we did have a conversation this
13 morning. And the applicant has addressed all of OP's
14 concerns, with the exception of that color on the ground
15 floor. And this is just something we thought one thing, they
16 thought another. We respect their opinion, but we would
17 encourage them to look at their landscape plan, at least, if
18 they're not going to do color in the building, and try to put
19 something that will have color more than the three weeks that
20 the lirioppe would.

21 If we want to bring people to South Capitol
22 Street, having something -- this is a very dignified
23 building. Having something that might be a little bit less
24 dignified, a little bit more fun in the plantings, might be
25 helpful to get people to feel like it's a street where you

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1 want to walk. We're not suggesting that it's a criticism
2 from OP, but the Commission may want to consider it as a
3 possible condition.

4 CHAIRMAN HOOD: Okay. Mr. Rogers?

5 MR. ROGERS: Good evening, Mr. Chair, members of
6 the Commission. For the record, Jonathan Rogers with the
7 District Department of Transportation. Just have a few minor
8 comments to go over this evening.

9 DDOT appreciates the close coordination that the
10 applicant has had with DDOT, and the Office of Planning, on
11 the public realm design for South Capitol Street.

12 The revisions that have been made I think will
13 make for a very nice streetscape consistent with the vision
14 for South Capitol Street Boulevard, and grow in along with
15 the future South Capitol Street project that DDOT will be
16 embarking in the future.

17 One note, in the setback area, DDOT would like to
18 see that six feet be left clear in that space for pedestrian
19 circulation, although we do very much encourage activation
20 of that space through things like tables and chairs and other
21 pedestrian-scale amenities.

22 In terms of the loading corridor, DDOT appreciates
23 the inclusion of a connection between the loading dock and
24 the future retail space. We do note that, if the retail
25 space is subdivided into multiple locations, that the

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1 corridor be extended throughout the space to connect to each
2 of the retail berths, which the applicant has indicated that
3 they would do this evening.

4 In terms of TDM, there is a significant amount of
5 parking for the site, particularly given the proximity to
6 transportation alternatives. Given that, our preference
7 would be for the parking to be contained and offered only to
8 people in the site, whether that be residents or future
9 retail employees or tenants. However, the overall TDM plan
10 is strong and would be able to largely support the traffic
11 assumptions that have been made for this project.

12 The canopy has been discussed this evening. Our
13 preference would be to see a plan be submitted to the record
14 that shows a code-compliant canopy. And if the applicant
15 wishes to pursue a non-code-compliant canopy in the future,
16 they can do that through the available process steps, which
17 would require a code modification and would be reviewed for
18 public space as well.

19 And there was a comment about the bicycle parking.
20 DDOT's understanding is that the zoning requirement would be
21 for 75 long-term spaces and 15 short-term spaces, which the
22 applicant has indicated tonight that they will be exceeding.

23 So, again, DDOT appreciates the close coordination
24 with the applicant and will rest at this point and take any
25 questions.

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1 CHAIRMAN HOOD: Okay. Well, thank you both, Mr.
2 Cochran and Mr. Rogers. Let's see if we have any follow-up
3 questions or comments. Commissioner May?

4 COMMISSIONER MAY: Yeah, one question for DDOT.
5 So, when it comes to the parking that's in the building, you
6 don't want them to bundle that with the units and you don't
7 want them to lease the spaces out to outside users. So, do
8 you want them -- this is just a way of discouraging people
9 from driving?

10 MR. ROGERS: Correct. So, the idea would be that
11 the spaces would be contained for onsite uses and an office
12 building or an office user nearby wouldn't be able to come
13 and use these spaces.

14 And that's just a way to, if the level of parking
15 is going to be provided at the level that's requested, that
16 it wouldn't contribute to nearby buildings and users using
17 those extra spaces and generating additional vehicle trips
18 sort of beyond this localized building.

19 COMMISSIONER MAY: All right. So, is that -- as
20 I recall, part of the parking strategy for the stadium was
21 that there would be garages replacing the vacant lots that
22 were parking lots. And, I guess, because this is an
23 apartment building, you don't have the benefit of that dual-
24 use, right?

25 Apartment building cars tend to stay, tend to be

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1 in the garage when there's a ballgame, as opposed to the
2 office buildings, which are often empty at that time. So,
3 that's why you're trying to keep non-building-users from
4 using those spaces?

5 MR. ROGERS: From an access management perspective,
6 it would be more difficult to open up a residential
7 building's parking for stadium use. It's not clear how the
8 spaces would be made available for retail and other sort of
9 offsite or non-resident uses. Presumably, there could be
10 some arrangement. I'll let the applicant speak to how the
11 spaces could be accessed differently for the different uses
12 that might serve the site.

13 COMMISSIONER MAY: Okay. But in any case, they've
14 agreed to this condition anyway, right?

15 MR. ROGERS: I believe they've agreed to offer the
16 spaces first to onsite users, but do not want to commit to
17 limiting the spaces to onsite only.

18 COMMISSIONER MAY: All right. And for the Office
19 of Planning, this is -- I feel like I have to go back in time
20 to the Zoning Regulation rewrite, because I'm trying to
21 understand -- and, I guess, maybe this predates the ZR, but
22 we don't do South Capitol Street design reviews very
23 frequently. Is this something that we would have ordinarily
24 wanted to get a referral to NCPC as well?

25 MR. COCHRAN: The D-Zone design review for three

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1 sub-areas is in the regulations directly because of NCPC.

2 COMMISSIONER MAY: Right.

3 MR. COCHRAN: The agreement was that, if they
4 couldn't review it, you were good enough for it.

5 (Laughter.)

6 COMMISSIONER MAY: I'm glad you're here to remember
7 for me, because I remember we had all those discussions, but

8 --

9 MR. COCHRAN: Right.

10 COMMISSIONER MAY: But they still -- they retained

11 --

12 MR. COCHRAN: They will not -- this won't go to
13 NCPC.

14 COMMISSIONER MAY: Right, but there are some areas
15 where NCPC will review, right?

16 MR. COCHRAN: Oh, absolutely.

17 COMMISSIONER MAY: And which ones are those again?

18 MR. COCHRAN: I'm sorry, I'd have to look at the
19 Regs again, but --

20 MS. BLOOMFIELD: We can pull it up for you in a
21 sec.

22 MR. COCHRAN: Certainly in the D-8 Zone, for
23 instance, I know that NCPC does review there.

24 COMMISSIONER MAY: And where is D-8? I have not
25 memorized them.

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1 MR. COCHRAN: That's the so-called -- that's the
2 area south of Independence where GSA was going to be.

3 COMMISSIONER MAY: Yeah, okay. Do they want to
4 do North Capitol, too?

5 MR. COCHRAN: I'd have to look back.

6 COMMISSIONER MAY: Okay.

7 MR. COCHRAN: They did want to do it. I'm not sure
8 which way it wound up, I'm sorry.

9 COMMISSIONER MAY: And they were doing the Capitol
10 Gateway stuff, right? Because they were providing -- I mean,
11 they provided a review on the last Capitol Gateway overlay
12 project we did. But that's the old zoning, right? I see
13 I've gotten everybody confused.

14 MS. BLOOMFIELD: If I may?

15 COMMISSIONER MAY: Ms. Bloomfield knows it all, so
16 we'll let her explain it.

17 MS. BLOOMFIELD: Well, no, but I know where it is
18 in the regulations. If you're at Subtitle Z, which is Zoning
19 Commission Referrals to and Reports of Public Agencies.
20 405.2 lists five different areas, properties, boundaries,
21 that are specifically referred to NCPC.

22 And we do not fall into any of those. There is
23 some design review. Subtitle I Section 618, for example,
24 falls under NCPC's review. We are 616. We're just not on
25 this list.

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1 MS. SCHELLIN: And, Commissioner May, just to
2 remind you, or just to confirm, the CG overlay reviews have
3 not changed. It's the same sections, it's like A and D.

4 COMMISSIONER MAY: Yeah, it's just applying
5 different zones --

6 MS. SCHELLIN: It's just in a different part of the
7 regulations now, but it's the same.

8 COMMISSIONER MAY: Okay.

9 MR. COCHRAN: Commissioner, the design review for
10 Downtown was intended to be slightly different than the
11 design review that you have for Capitol Gateway and other
12 areas, in that there were certain stipulations set on
13 setbacks, primarily, and build-tos.

14 COMMISSIONER MAY: Right.

15 MR. COCHRAN: And the idea was that, you checked;
16 as long as they met those, that was intended to be the sum
17 total of the design review. For various reasons, it's been
18 interpreted differently. And we'll be seeing if that's an
19 appropriate way to continue.

20 COMMISSIONER MAY: Okay. Thank you. It just all
21 got a little bit muddled. And, again, I think, largely, it's
22 due to the fact that these sorts of design reviews are not
23 that frequent. And we had done enough of the Capitol Gateway
24 ones where I was --

25 MR. COCHRAN: This is the first one for the

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1 downtown zones.

2 COMMISSIONER MAY: Yeah, but we did do other South
3 Capitol Street design reviews and they were --

4 MR. COCHRAN: Outside of the D-Zones.

5 COMMISSIONER MAY: Before they were D-Zones,
6 right? So, they're far enough in-between, and I spend some
7 time thinking about other things than zoning, so it's hard
8 to remember sometimes. So, I appreciate your education and
9 I thank the Chairman for his indulgence as I try to sort
10 these things out.

11 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

12 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just
13 a question for Mr. Rogers around this parking. I just want
14 to make sure I understand. So, you're saying that what you
15 would like us to condition for them is to not allow parking
16 to be available for retail users?

17 MR. ROGERS: Not exactly. It's for restrictions
18 of the parking for uses associated with the building. So,
19 that's, right now, residents. But in the future, there may
20 be retail tenants in the building, and so that would generate
21 trips from visitors as well as employees of that retail. And
22 so, that we would not have an issue with. Our main concern
23 is with --

24 COMMISSIONER SHAPIRO: That actually addressed it,
25 because when you first said it, you were talking about

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1 employees and residents and I didn't hear retail users.

2 MR. ROGERS: Got it.

3 COMMISSIONER SHAPIRO: So, you don't have a problem
4 with that?

5 MR. ROGERS: Okay. No.

6 COMMISSIONER SHAPIRO: Okay.

7 MR. ROGERS: No.

8 COMMISSIONER SHAPIRO: All right. Thank you,
9 that's all I had for that. And I had a couple quick
10 questions for the applicant. I just want to make sure, from
11 your perspective, a code-compliant canopy isn't a problem.

12 MR. SASSON: No.

13 COMMISSIONER SHAPIRO: And do you have an
14 understanding of where OP is related to the landscape
15 improvements and any concerns with that?

16 MR. SASSON: No. I mean, I think, to the extent
17 that OP and DDOT and any other agency that may oversee the
18 landscape and the streetscape for South Capitol Street is
19 okay with certain plantings, we certainly would be happy to
20 consider plantings that bring color or other ways to create
21 some vitality on South Capitol Street. So, if that's
22 important to OP, we can certainly do that.

23 COMMISSIONER SHAPIRO: And, Mr. Cochran, that's
24 good enough?

25 MR. COCHRAN: Yes, sir.

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1 COMMISSIONER SHAPIRO: Thank you. That's all I
2 have, Mr. Chair.

3 CHAIRMAN HOOD: All right. Any other questions or
4 comments? Commissioner Turnbull?

5 COMMISSIONER TURNBULL: Yeah, I just have one
6 question that I forgot when I was asking about the signage.
7 The signage is not going to have motion, correct?

8 MR. SASSON: Correct, no motion.

9 COMMISSIONER TURNBULL: Okay. So, it's basically
10 a backlit sign or something? It looks like you're trying to
11 do something fairly elegant with the signage and so it's
12 fairly simple and basic.

13 MR. SASSON: That's exactly right. It's simple,
14 it's basic, we're not trying to draw attention to the sign,
15 the street, in any way other than to call-out the address of
16 the building, the name of the building, the name of the
17 retailer. Again, it's very consistent with what we did in
18 the first phase as well. We're not trying to do anything
19 that would, I think, be confrontational at all.

20 COMMISSIONER TURNBULL: Okay, great. Thank you.

21 CHAIRMAN HOOD: Okay. Any other questions or
22 comments up here? Okay. ANC -- oh, no, let me back up.

23 We did have, as I think somebody alluded to, the
24 letter from DOEE. And basically what it says is, DOEE
25 recommends the applicant take advantage of financial programs

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1 and opportunities that would finance and increase commitments
2 to sustainability. DOEE is glad to serve as a technical
3 resource for the applicant as the project continues forward.

4 So, that's in the record. I don't want to read
5 their whole letter. I'm sure that you all will continue to
6 have discussions and I'm sure, with the financial programs,
7 everybody, I'm sure, will be looking for those. So, anyway.

8 Next, all the other government reports. Any
9 others? Okay.

10 Let's go to the ANC. Anyone here representing the
11 ANC? ANC 6D had a letter, and I think the Vice Chair really
12 hit most of the points that were outstanding. I think they
13 have been already dealt with and articulated from the
14 applicant back in the responses to him.

15 So, but they did vote in support of those
16 comments. It was 7-0-0 to send the following design review
17 comments for the residential building. I think that the Vice
18 Chair has discussed those thoroughly within their letter.

19 Next, do we have any organizations or person who
20 are here in support?

21 Any organizations or persons who are here in
22 opposition?

23 Any organizations or persons who are here
24 undeclared?

25 Okay. Ms. Bloomfield, we can have any rebuttal.

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1 I don't know, I think we talked all this through, but I'm
2 sure you have -- I don't think we have too much rebuttal.
3 But, anyway, any closing?

4 MS. BLOOMFIELD: We have no rebuttal. I would say
5 in closing that it sounds like there may be three items that
6 the Commission wants us to respond to.

7 The first would be the canopy, that it complies
8 with code.

9 The second -- and I don't know if it's necessary
10 or not -- to provide a section through the roof. We're
11 committed to having it setback one-to-one, but if it's
12 something you need, we can absolutely submit it.

13 And then the third is to add some more color and
14 activity and fun to the landscape plan, which also sounds
15 like something we'd be willing to do.

16 So, given that those three items are
17 straightforward and we are willing to do them, we would
18 respectfully ask you to consider taking action this evening
19 and we can submit them for the record following the vote.
20 And that is it, thank you.

21 CHAIRMAN HOOD: How many votes? I get confused.
22 This is one? I think what we'll do is schedule this, unless
23 you guys want to take action tonight. Wait and see it later?

24 COMMISSIONER MAY: I'm sorry, what were the three
25 issues again? I mean, one was the add color. The section?

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1 MS. BLOOMFIELD: The section through the roof. So,
2 Commissioner Turnbull asked, it looks like a canopy -- you
3 know what I'm talking about?

4 COMMISSIONER MAY: Yeah.

5 MS. BLOOMFIELD: Whether we should submit a section
6 that shows that it's one-to-one.

7 COMMISSIONER MAY: Okay. And then what was the
8 other one?

9 MS. BLOOMFIELD: The canopy at the ground level is
10 currently shown as not code-compliant on the plan. It's in
11 public space.

12 COMMISSIONER MAY: Okay.

13 MS. BLOOMFIELD: Yeah, we committed to provide a
14 code-compliant canopy.

15 COMMISSIONER MAY: Right.

16 MS. BLOOMFIELD: I don't know if you need a
17 submission on it. On either of those. And then the third
18 would be the landscaping. Which, again, is in public space.

19 COMMISSIONER MAY: So, can I ask you this: what
20 would happen if we didn't have code-compliant drawings in the
21 record for the canopy and you didn't get them approved?

22 MR. GLASGOW: Right, because it's all in Public
23 Space Committee anyway.

24 COMMISSIONER MAY: Right. But our approval of the
25 design doesn't go to canopies.

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1 MR. GLASGOW: No, it does not.

2 COMMISSIONER MAY: So, if there's a slight
3 difference, it wouldn't really make a difference. It's not
4 like you'd have to come back to us with a revised design.

5 MS. BLOOMFIELD: No. Commissioner Shapiro asked
6 for it, which is why I raised it. But, no, it's public
7 space, so it would have to be approved by the Public Space
8 Committee.

9 COMMISSIONER MAY: All right. Well, I don't know
10 what you guys have been discussing, but I don't know that we
11 really need to do anything more with this, why we need to put
12 it off and why we can't just vote on it. Because if they
13 have to fix the canopy, they have to fix the canopy. If it
14 doesn't meet the one-to-one setback, they'll have to fix it
15 so it meets the one-to-one setback.

16 The only question, in my mind, is livening things
17 up. And I mean, yeah, that's a legitimate question, but is
18 it -- if we get a promise that they're going to continue to
19 work with OP to liven up the streetscape, tweak the
20 landscape, whatever, I mean, I'm okay with what they
21 submitted is what it comes down to.

22 CHAIRMAN HOOD: I think everybody is. Let me help
23 you out with that.

24 COMMISSIONER MAY: All right.

25 CHAIRMAN HOOD: I think everybody is.

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1 COMMISSIONER MAY: Thank you. I guess I'm trying
2 to talk you guys into something you're already convinced of.
3 Sorry about that.

4 CHAIRMAN HOOD: Since everybody's okay, I will
5 entertain a motion. So, we don't want to deliberate.

6 VICE CHAIR MILLER: Yeah, I think we can get it
7 without the drawing, but the order can reflect the comments
8 that we're talking about.

9 CHAIRMAN HOOD: Okay. Would somebody like to make
10 a motion, since we all seem to be on the same page?

11 COMMISSIONER MAY: I will move that we approve
12 Zoning Commission Case 17-25, 23 I Street, LLC, Design Review
13 at Square 697N.

14 VICE CHAIR MILLER: Second.

15 CHAIRMAN HOOD: Okay. It's been moved and properly
16 second. Any further discussion? All in favor?

17 (Chorus of ayes.)

18 CHAIRMAN HOOD: Any opposition? Not hearing any,
19 Ms. Schellin will record the vote.

20 MS. SCHELLIN: Yes, Staff records the vote 5-0-0
21 to approval final action Zoning Commission Case Number 17-25.
22 Commissioner May moving, Commissioner Miller seconding,
23 Commissioners Hood, Shapiro, and Turnbull in support.

24 CHAIRMAN HOOD: Okay. Ms. Schellin, do we have
25 anything else before us?

1 MS. BLOOMFIELD: Well, do we have timeline for
2 submitting an order?

3 MS. SCHELLIN: I was just going to get to that.

4 (Laughter.)

5 MS. SCHELLIN: You're just so excited. If we could
6 have it within a week?

7 MS. BLOOMFIELD: Yeah.

8 MS. SCHELLIN: Okay. Thank you.

9 CHAIRMAN HOOD: Anything else?

10 MS. SCHELLIN: No.

11 CHAIRMAN HOOD: All right. I want to thank
12 everyone for their participation tonight. And with that,
13 this hearing is adjourned.

14 (Whereupon, the above-entitled matter went off the
15 record at 7:21 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: 23-I, LLC - Design Review
(Case No. 17-25)

Before: DC ZC

Date: 02-05-18

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

NEAL R. GROSS

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