

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission

Public Hearing

Case No 17-07 [JW Capital Partners, LLC and Geolo  
Capital, II, LLC - SEFC-2 Design Review of Parcel L1  
in The Yards (Square 771, Lot 800).]

6:30 p.m. to 7:13 p.m.  
Thursday, June 1, 2017

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

OLENDER REPORTING, INC.  
1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 202-898-1108 • Baltimore: 410-752-3376  
Toll Free: 888-445-3376

1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JOEL LAWSON

13

14 Department of Transportation:

15 RYAN WESTROM

16

17

18

19

20

21

22

23

24

25

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

2 CHAIRPERSON HOOD: Good evening, ladies and  
3 gentlemen, this is a public hearing of the Zoning  
4 Commission of District of Columbia. Today's date is  
5 June 1st, 2017. The time now is 6:30 p.m. We're  
6 located in the Jerrily R. Kress Memorial Hearing  
7 Room.

8 My name is Anthony Hood. Joining me are Vice  
9 Chair Miller, Commissioner Shapiro, May, and  
10 Turnbull. We're also joined by the Office of Zoning  
11 staff, Ms. Sharon Schellin, as well as the Office of  
12 Planning staff, Mr. Lawson, the District Department  
13 of Transportation, Mr. Westrom.

14 This proceeding is being recorded by a court  
15 reporter. It's also webcast live. Notice of today's  
16 hearing was published in the D.C. Register, and  
17 copies of that announcement are available to my left  
18 on the wall near the door. The hearing will be  
19 conducted in accordance with provisions of 11-Z DCMR  
20 Chapter 4 as follows: preliminary matters,  
21 applicant's case, report of the Office of Planning,  
22 report of other government agencies, report of the  
23 ANC, organizations and persons in support,  
24 organizations and persons in opposition, rebuttal and  
25 closing by the applicant.

1           The following time constraints will be  
2 maintained in this meeting. The applicant has up to  
3 60 minutes, but I don't really think we need much. I  
4 think the record is complete. We're leaning more  
5 toward standing on the record, but if you want to --  
6 I don't want to mess up your presentation. If you  
7 want about five minutes, you can have that.  
8 Organizations, five minutes. Individuals, three  
9 minutes.

10           All persons wishing to testify before the  
11 Commission in this evening's hearing are asked to  
12 register at the kiosk. Ms. Schellin will be  
13 available if you need assistance.

14           The decision of the Commission in this case  
15 must be based exclusively on the public record. The  
16 staff will be available throughout the hearing to  
17 discuss procedural questions.

18           Please turn off all electronic devices at  
19 this time. Would all individuals wishing to testify,  
20 please rise to take the oath?

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

23           MS. SCHELLIN: Yes. I believe there's two  
24 people signed up to testify. If they'd stand and  
25 raise their right hand.

1 [Oath administered to the participants.]

2 CHAIRPERSON HOOD: Okay, at this time the  
3 Commission will consider any preliminary matters.  
4 Does the staff have any preliminary matters?

5 MS. SCHELLIN: The applicant has proffered  
6 two experts. Both have been accepted by the  
7 Commission previously. Just ask that you would  
8 accept them in this case also.

9 CHAIRPERSON HOOD: No objections, I don't  
10 believe. And we will continue that status. Anything  
11 else?

12 MS. SCHELLIN: I have nothing else.

13 CHAIRPERSON HOOD: I will ask this question.  
14 I have a preliminary matter. Is there anyone here  
15 who is in opposition of this case? Okay. All right.  
16 So, you may want to give us a few minutes and hit the  
17 highlights, Mr. Lewis, of the presentation. That  
18 will be good. Okay? Thank you. You may begin.

19 MR. LEWIS: Good evening. Thank you,  
20 Commissioners. My name is Dave Lewis, land-use  
21 counsel to the applicant from law firm of Goulston  
22 and Storrs. With me tonight we have Irwin Andres  
23 from Gorove Slade as traffic consultant, Brian Pilot  
24 from Studios Architecture as the architect, and Will  
25 Adams from J.W. Capital on behalf of the applicant.

1           Just one preliminary matter to note in terms  
2 of the applicant. There's a couple places in various  
3 of the agency reports that sort of conflate this  
4 application with the application you all saw in  
5 December for the Parcel L2 building, which was Zoning  
6 Case 16-16. That application was led by Forest City.  
7 Forest City is not the applicant tonight. The  
8 applicant tonight is J.W. Capital and Geolo Capital.  
9 We do have members of the Forest City team here if  
10 you have questions about how the two buildings will  
11 work, or more particularly about the public space  
12 surrounding the building.

13           Forest City, rather than the applicant is  
14 responsible for the public space process for  
15 construction of Tingey Square and the streets and the  
16 landscaping, that sort of thing around the building.  
17 So, we have members of Forest City here if you have  
18 questions. But I just want to be clear, from the  
19 outset, who the exact applicant is tonight. They're  
20 not affiliates. They're arm's length contractual  
21 relationship entities.

22           So, just with that preliminary matter out of  
23 the way, you know, I'll start with tonight's  
24 presentation. We're here seeking design review and  
25 approval of the hotel use and the design of the

1 building on the parcel known as Parcel L1 in The  
2 Yards. It's a 227-key hotel building. We're seeking  
3 design review, we're seeking variance relief from the  
4 side-yard setback requirement on Tingey Square, and  
5 we're seeking special exception relief with respect  
6 to two items on the penthouse, penthouse use, and the  
7 penthouse setback. Happy to address questions on any  
8 of those items if they come up. Just want to take a  
9 minute to talk about some of the things in the agency  
10 reports.

11 GSA submitted a report. As you may know, the  
12 GSA process is a predicate to this. This building  
13 was under review by a number of federal and district  
14 agencies that culminated at the 35 percent design  
15 level that culminated in a report by GSA. And GSA  
16 approved the design of this building.

17 We submitted a letter from GSA. That's at  
18 Exhibit 12B in the record.

19 NCPC also submitted a report which is at  
20 Exhibit 11. NCPC was generally supportive. The OP  
21 report is also generally supportive. Happy to answer  
22 any questions you all might have as a matter arising  
23 out of that.

24 The DDOT report was generally supportive.  
25 DDOT asked us to commit to providing a transit screen

1 in the building. We have made that commitment. The  
2 DDOT report also asked about the number of electric  
3 vehicle parking spaces in the garage serving the  
4 building. The garage is shared with the L2 portion  
5 of the building, but the shared garage will contain  
6 eight electric vehicle charging stations that will be  
7 shared among the users of the garage. So, I think  
8 that addresses the items from the DDOT report.

9           And then finally, the ANC report. We met  
10 with the ANC twice, once in February, once in April.  
11 I think it's fair to say the ANC report was generally  
12 positive. One thing I would note is because the  
13 design team for tonight's project is the same as the  
14 design team for Parcel L2, we were sort of able to  
15 get out ahead of some of the ANC's comments and just  
16 as a, for instance, in the L2 proceeding, one of the  
17 items that the ANC was concerned about was making  
18 sure the building was designed to the Audubon  
19 Society's bird-safe glass standards. And so, rather  
20 than wait for the ANC to raise that in their comment  
21 letter to us, we addressed it in our initial  
22 application.

23           But more substantively, on the ANC report,  
24 you know, they had some design recommendations, some  
25 very good ideas that we were able to take into

1 consideration. We're happy to show additional  
2 drawings tonight that respond to that. And there  
3 were some things that because of the Historic  
4 Preservation guidelines, we just could not respond  
5 to. But Brian Pilot can address that more fully.

6 So, I think that concludes our presentation.

7 CHAIRPERSON HOOD: Yeah. Okay.

8 MR. LEWIS: I'm happy to take questions.

9 CHAIRPERSON HOOD: Okay. I'm glad. I should  
10 have waited a minute because I was going to cut you  
11 off, because I think the record is complete for us.  
12 What I would like to know is, we have someone here in  
13 opposition and unless I missed it, I didn't know  
14 that. But do you know -- I saw you all talking when  
15 I came out. Do you know what the issues are right  
16 off? I know she's here, but I just want to know if  
17 you knew what the issues were.

18 MR. ADAMS: Hi. My name is Will Adams, and  
19 thank you to the Commission.

20 Debra and I spoke earlier today. I don't  
21 want to put words in her mouth, but I believe it's to  
22 added congestion into the neighborhood.

23 CHAIRPERSON HOOD: Okay. Okay. All right.  
24 And this is a design review case for us, right?  
25 Yeah, okay. Okay. All right. Anything else?

1 MR. LEWIS: No, sir. Thank you.

2 CHAIRPERSON HOOD: All right. I want to  
3 thank you all for your presentation. I think, for  
4 me, the record is complete. I'm not avoiding hearing  
5 testimony, but let's open it up. Any questions or  
6 comments?

7 Commissioner Shapiro, I see, are you going  
8 for your mic?

9 MR. SHAPIRO: Yeah, I can go for my mic.

10 CHAIRPERSON HOOD: Okay.

11 MR. SHAPIRO: I imagine there will be some  
12 questions around the design in the brick, but I'm  
13 going to leave that to my architect colleagues.

14 The one question I had, actually, was related  
15 to the use of the penthouse, and just looking for a  
16 little bit more detail around what you expect there.  
17 The reasons, what I'm mostly thinking about is  
18 related to noise. And you know, you're building an  
19 apartment building will, I assume, come after the  
20 hotel.

21 MR. ADAMS: Essentially, at the same time  
22 they'll be delivered.

23 MR. SHAPIRO: So, what are you all thinking  
24 that's going to take care of this issue, because this  
25 is going to be at the level of some of the units? Or

1 almost at the level of some of the units.

2 MR. ADAMS: Well, true. That's a point that  
3 we've discussed with Forest City. They're actually  
4 excited that we're bringing a full-service hotel to  
5 the neighborhood. You know, three-meal restaurant.  
6 The rooftop is intended to be more of a lounge type  
7 area. It's not a club. It's not a bar. It's not a  
8 big function event space, but more of a high-end  
9 restaurant bar, seating type area.

10 MR. SHAPIRO: I mean, it looks -- it's not so  
11 much around -- I mean, it actually looks great from  
12 my perspective.

13 MR. ADAMS: Thank you. Yeah.

14 MR. SHAPIRO: I'm just concerned about, it's  
15 a big space. You could have a lot of people there,  
16 and I'm just wondering how you were thinking about  
17 this issue of the noise that would be right across  
18 from the apartments. And now, if there's any  
19 forethought that's going into this, anything around  
20 you know -- it kind of steps out of our purview a  
21 bit, but issues around restrictions on the hours of  
22 the use or --

23 MR. ADAMS: Well, we haven't gone through the  
24 ANC licensing process yet, which we'll be going into  
25 probably in the coming months, assuming we're happy

1 here. And then, again, the neighbors are mostly  
2 Forest City buildings, so that's a relationship that  
3 Forest City and us need to work through. And they  
4 chose us to develop this into the full-service hotel.  
5 So, they're excited about that. They view it as a  
6 nice complement to the neighborhood, and something  
7 that benefits the entire community, not just the  
8 hotel guests.

9 MR. SHAPIRO: Are you looking at having the  
10 glass walls being sliding glass doors? Are you  
11 looking to the --

12 MR. ADAMS: Absolutely. The idea is that  
13 they can open up in nice weather and close off at  
14 times, and to your point, maybe that's when certain  
15 hours come into event, where they need to be closed,  
16 et cetera.

17 MR. SHAPIRO: Right. I wouldn't discourage  
18 that, I'm just, I think this is definitely something  
19 to be mindful of.

20 MR. LEWIS: I mean, Brian, maybe you can talk  
21 about the design of the roof a little bit in terms of  
22 you know, the back of house spaces is on the  
23 apartment building side as opposed to the restaurant  
24 space being on the street side facing the DOT  
25 building.

1 MR. PILOT: Sure. Yeah, and I think that was  
2 something that as we began to look at the preliminary  
3 layout, and you can see that the back of house space  
4 is towards the southern end of the building, which  
5 faces the residential building.

6 MR. SHAPIRO: So a bit of a buffer, a noise  
7 buffer too.

8 MR. PILOT: It is. And most of the  
9 residential spaces there's not a large residential  
10 rooftop. That's actually the exposed part of the  
11 hotel rooftop, is over towards the east. And that's  
12 where the residential building begins to step down.

13 MR. SHAPIRO: Okay.

14 MR. PILOT: So, there is a greater distance  
15 between the two, and we really looked at the space  
16 between the two buildings and this goes back to the  
17 prior zoning submission. We're 55 feet from the two  
18 buildings at the top, which we felt was a generous  
19 distance to be able to maintain the sort of noise  
20 separation that you would want, especially if you are  
21 one of those, you know, upper units of residential.

22 MR. SHAPIRO: Okay. All right. That's  
23 helpful to hear. Thank you.

24 MR. LEWIS: We would just further add, when  
25 we were going through the ANC process we had a sort

1 of informal conversation with Ms. Coralie Farlee, who  
2 is the ANC's liquor license representative, for lack  
3 of -- I'm not sure exactly what her title is, but she  
4 manages the ABC process for ANC 6D. And we talked  
5 with her, with the promise that we'd come back when  
6 we had an operator in hand who was going to, you  
7 know, go through the licensing process. So, that  
8 conversation has started. It will be continuing.

9 MR. SHAPIRO: All right. Thank you. Thank  
10 you, Mr. Chair.

11 CHAIRPERSON HOOD: Okay, thank you. Any  
12 other questions or comments? Mr. Turnbull?

13 MR. TURNBULL: Yeah, thank you, Mr. Chair.  
14 Just continuing on with the same line of questioning  
15 that Commissioner Shapiro had raised. You do mention  
16 in Exhibit No. 2 it talks about what you're planning  
17 to do up there as far as lighting. We didn't really  
18 see, I don't really think we had any diagrams of  
19 lighting in the package that we got. But you talk  
20 about illuminate the terrace with low lighting levels  
21 to allow for views from the roof to provide a  
22 comfortable residential ambiance. Lighting is  
23 largely integrated into architectural elements,  
24 linear LED fixtures are concealed within the parapet  
25 wall, and planter walls to illuminate pavers. Small

1 scale shielded trees, et cetera, et cetera, et  
2 cetera.

3 So, are you saying there's no up-lighting in  
4 this building, there's nothing that somebody could  
5 see from the residential units?

6 MR. PILOT: The intent of the design for the  
7 lighting up there is that it's providing ambient  
8 lighting for the guests at the hotel rooftop. It's  
9 not meant to illuminate the penthouse as a beacon or  
10 a lantern by any means.

11 MR. TURNBULL: So, it's all down-lighting?

12 MR. PILOT: It's really, it's meant to be  
13 down-lighting and ambient lighting just for that  
14 rooftop experience.

15 MR. TURNBULL: How about a television screen?

16 MR. ADAMS: I would foresee that there would  
17 be several, whether they're -- I don't think they'd  
18 be outside on the roof decks themselves. They would  
19 probably be inside.

20 MR. TURNBULL: Well, that's my concern.  
21 There's going to be outside television screens --

22 MR. ADAMS: No.

23 MR. TURNBULL: -- on this rooftop?

24 MR. ADAMS: No.

25 MR. TURNBULL: So, all right. So, no

1 television screens. Okay. I guess the other thing  
2 is, since it's a special exception to get habitable  
3 space up on the roof, one of the objectives is to,  
4 for the -- get the square footage on the housing  
5 trust fund, do you have that? I mean, it's not  
6 mentioned anywhere and I'm just curious.

7 MR. LEWIS: Sure. Right. No, we talked with  
8 OP about this a little bit with some caveats I'll  
9 give you in a second. The number that we're sort of  
10 estimating right now is \$225,000 as the Housing  
11 Production Trust Fund fee.

12 The reason we have to add some caveats to it  
13 is, that number is based on the assessed value of the  
14 land, and right now GSA owns the property so there is  
15 no assessed value. So, when we go through the  
16 building permit process, the applicant will own the  
17 property and there will be an assessed value and  
18 we'll work with DCRA on, you know, determining that  
19 fee at that point.

20 But right now, based on our sort of best  
21 estimate of the assessed value, we're coming up with  
22 \$225,000 as the penthouse fee, which we think is  
23 fairly in line with what we're seeing, you know,  
24 around the city otherwise.

25 MR. TURNBULL: Okay.

1 MR. ADAMS: And we'll commit to not using  
2 zero as the denominator.

3 MR. TURNBULL: Okay. I guess, the only other  
4 question I had was, getting back and maybe you're --  
5 the ANC's comment upon the brick work on the ground  
6 floor, and I don't know if you were going to show  
7 something or --

8 MR. PILOT: I'm going to go to this one  
9 slide, which is the street scape. And it's one thing  
10 that we -- and we've developed these renderings. We  
11 wanted to be able to articulate that visual a bit  
12 better than our prior renderings. We've really  
13 worked hard in our detailing. You see some of that  
14 here, where we have an eight-inch setback from where  
15 the glass is to the vertical brick pilasters.  
16 There's an integral brick. I'll refer to it as a  
17 reveal, that runs along the lower three levels.  
18 We've created an additional level of sort of detail  
19 and texture at the base of the building, as well as  
20 extruding a six-foot volume out along the Tingey  
21 Street side, for a number of reasons.

22 One, to delineate the base from the top, but  
23 also to have a scaled relationship to Building 170,  
24 which is across the street. Also, you see here that  
25 we have operable windows here in that industrial

1 historic nature. We have balconies on the fourth  
2 level, so those hotel guests can come out and be part  
3 of that street scape experience. The goal with the  
4 retail was that that's really porous as well, really  
5 trying to create this great active streetscape here  
6 along Tingey. So, you know, we believe that this  
7 shows that greater level of articulation that we  
8 intended in the design, while keeping with those  
9 historic guidelines which tie back to industrial  
10 history that really calls for the repetitive  
11 structural bays, the rigor that you see in the  
12 elevation design, the expressed structural grid and a  
13 bold simple massing, which is all directly out of the  
14 Southeast Federal Center guidelines for this  
15 neighborhood.

16 MR. TURNBULL: Okay, yeah. I have no issues  
17 with your -- I think it's simply sort of elegant in  
18 its own way. So, I'm fine with it.

19 MR. PILOT: Right.

20 MR. TURNBULL: So, thank you.

21 MR. PILOT: Thank you.

22 CHAIRPERSON HOOD: Okay, any other questions  
23 or comments, Commissioner May?

24 MR. MAY: Yeah. So, I have to ask about the  
25 penthouse setback relief. Well, actually, I don't

1 have to ask. I'm going to just comment on it because  
2 it's you know, it's one of those things that I like  
3 to talk about. And I think I wasn't understanding it  
4 fully until I understood the area of influence around  
5 the sewer pipe, and how you can't shift the freight  
6 elevator. But it's essential that the freight  
7 elevator go all the way up. There's no way to do  
8 double-duty off of -- because you're servicing the  
9 restaurant, right?

10 MR. PILOT: Yeah. We have two elevators that  
11 go to the top. One is passenger. This is the one  
12 that accommodates a stretcher.

13 MR. MAY: Right.

14 MR. PILOT: The one that's going up there is  
15 the one that it goes to the basement, as well as up  
16 to the penthouse.

17 MR. MAY: Right.

18 MR. PILOT: And there's only that one and  
19 it's the stretcher elevator.

20 MR. MAY: Right. Okay. Yeah. So, I can  
21 understand why that's necessary and the little bit of  
22 relief that's needed. I appreciate the fact that it  
23 looks like you've gone to some lengths to minimize  
24 that, and of course it's centered within the -- or  
25 it's toward the center and facing the court, rather

OLENDER REPORTING, INC.

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

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 than facing the street.

2 Did you actually look at whether it's at all  
3 visible from the street, given the limited view you  
4 would have into the court from the sidewalk, or  
5 across the street?

6 MR. PILOT: We did, and you know, we have  
7 everything built in three dimensions and you know,  
8 from the model here --

9 MR. MAY: And I would stick my face right in  
10 there, if I could.

11 MR. PILOT: Yeah. We could not find --

12 MR. MAY: Yeah.

13 MR. PILOT: From the rooftop and the  
14 penthouse units of the residential building,  
15 obviously you'll be able to see it, and maybe some of  
16 that sort of higher density that's to the west. But  
17 we couldn't find any views, even where it begins to  
18 step down.

19 MR. MAY: Yeah.

20 MR. PILOT: It was very difficult to ever get  
21 a glimpse of it.

22 MR. MAY: Okay.

23 MR. PILOT: From the street level.

24 MR. MAY: All right. Well, I think I'm  
25 satisfied on that. I mean, you know, I'm the Grinch

1 of penthouse setback relief, so, I think that's okay.

2 Now, I saw it referenced somewhere, I  
3 thought, to submission to the Commission of Fine  
4 Arts. Did they actually review it and comment on it,  
5 or did they just -- what did they have to say?

6 MR. ADAMS: They reviewed it as part of the  
7 GSA process. It was a number of federal agencies. I  
8 wasn't at the meeting, but --

9 MR. MAY: So, was it a staff review at CFA,  
10 or actually the Commission reviewed it on the consent  
11 calendar or something?

12 MR. ADAMS: It did --

13 MR. MAY: Somebody is nodding their head in  
14 the back there.

15 MR. ADAMS: Yeah, it did go in front of the  
16 Commission.

17 MR. MAY: It did go in front of the  
18 Commission.

19 MR. ADAMS: Yeah.

20 MR. MAY: But on consent, or did they get a  
21 presentation?

22 MR. ADAMS: They got a presentation.

23 MR. PILOT: They got a presentation, yeah.

24 MR. MAY: The full Commission.

25 MR. PILOT: Yes.

1 MR. MAY: Yeah. Okay. And what did they  
2 say?

3 MR. ADAMS: They liked it.

4 MR. MAY: Oh.

5 MR. ADAMS: Sorry, I'm a layman.

6 MR. MAY: Okay.

7 MR. PILOT: Yeah, it was generally positive.

8 MR. MAY: Tom Luebke is --

9 MR. ADAMS: It was positively received.

10 MR. MAY: -- has a lot more words than that.  
11 Yeah, we liked it. I wish I got one of those reviews  
12 from them. All right. That's fine. I'm sure it was  
13 fine. I mean, the GSA wouldn't have signed off on it  
14 if there were problems at CFA.

15 Now on the LEED question, LEED Silver but not  
16 LEED Gold. Can you explain why you can't do LEED  
17 Gold? Or, could you do LEED Gold?

18 MR. PILOT: It's very difficult in a hotel  
19 building. I'll defer to Brian a little bit, but just  
20 given --

21 MR. MAY: We've heard that before. We always  
22 like to have it articulated why it's such a problem  
23 here.

24 MR. PILOT: I think it really, bottom line,  
25 gets down to water use and green roof area and all of

1 those items. We want to have an active roof --

2 MR. MAY: Right.

3 MR. PILOT: -- and a nice terraced roof and  
4 put mechanical equipment up on the second penthouse  
5 so it just becomes too busy to do that.

6 MR. MAY: Right. Anything else you want to  
7 add?

8 MR. PILOT: You know, I think we are trying  
9 to incorporate as much sustainability as we can. We  
10 do have a VRF system. There's a lot of piping that  
11 goes along with that, and it's really --

12 MR. MAY: You might want to --

13 MR. PILOT: -- it's the water usage is the --

14 MR. MAY: You might want to say what VRF is.

15 MR. PILOT: The variable refrigerant volume,  
16 I think is actually the generic term. The VRF I  
17 think is a proprietary.

18 MR. MAY: Okay.

19 MR. PILOT: But it's about, for anyone who  
20 doesn't know, it's about moving water versus pushing  
21 a lot of air through the building that's already been  
22 cooled. So, it's a more efficient way to utilize  
23 air, but you still have fresh air requirements that  
24 have to go and meet the environmental and code  
25 guidelines. But it is a more efficient use of

OLENDER REPORTING, INC.

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

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 energy, but also requires a lot of a complexity, and  
2 sometimes additional cost. But that, I think we're  
3 trying to achieve as many of the sort of sustainable  
4 goals as we can, but once again, as Will said, to get  
5 to Gold is difficult, especially given the water use  
6 requirements.

7 MR. MAY: Right. I mean, we've heard this  
8 before for hotels. We have occasionally seen hotels  
9 that have gone for Gold and that's always a  
10 remarkable thing, I think. But I understand why it's  
11 not always possible.

12 And then there was a question that the Office  
13 of Planning had raised about whether you were  
14 actually going to seek certification under LEED or  
15 not.

16 MR. ADAMS: Right now, we're planning not to  
17 seek certification. That's something we took the  
18 lead from Forest City on, as we've been told that  
19 their buildings adjacent -- please, speak up, that  
20 they go for certifiable, and that's what we're  
21 intending to do here.

22 MR. MAY: Okay. I mean some -- I should  
23 voice my inner Marcie Cohen, right, and talk about  
24 the importance of certification, but I won't do that.  
25 Maybe somebody else wants to. That's it for my

1 questions. Thank you.

2 CHAIRPERSON HOOD: Vice Chair, you have any  
3 questions, comments?

4 MR. MILLER: Just I think most of the  
5 questions have been asked, Mr. Chairman, but thank  
6 you. I just want to thank you for your presentation.  
7 I think it's a very attractive project, and it will  
8 be the only hotel use in The Yards area.

9 MR. ADAMS: In The Yards. Yes.

10 MR. MILLER: And, do you --

11 MR. ADAMS: But, I can't speak for Jason for  
12 the next 10 years, but.

13 MR. MILLER: You're in talks with hotel  
14 potential operators?

15 MR. ADAMS: So, we do have a brand. We're  
16 not ready to divulge the name yet, as we haven't  
17 finalized the management agreement, but it's a very  
18 nice four-and-a-half-star lifestyle boutique type  
19 hotel.

20 MR. MILLER: And they'll operate the -- or,  
21 they'll select the operator of the rooftop?

22 MR. ADAMS: Correct.

23 MR. MILLER: And the ground floor --

24 MR. ADAMS: That's right. The food and  
25 beverage, which will be the first-floor restaurant,

1 the lobby bar, and the function space, as well as the  
2 rooftop will all be managed by one company.

3 MR. MILLER: And the fitness, there's a  
4 fitness --

5 MR. ADAMS: There is a small fitness center  
6 in the basement, about 750 square feet.

7 MR. MILLER: And that will be the hotel  
8 operators running that --

9 MR. ADAMS: Yes. Uh-huh.

10 MR. MILLER: -- and sort of selecting that as  
11 well.

12 Well, I like the brick and the glass and I  
13 think it's very attractive. And I like that you can  
14 open the windows there. Where is that, on the second  
15 and third floors, or is that throughout the --

16 MR. ADAMS: The operable windows?

17 MR. MILLER: Yeah.

18 MR. ADAMS: In every room.

19 MR. MILLER: In every room.

20 MR. ADAMS: Yeah.

21 MR. MILLER: And the balconies. So, that's  
22 all very attractive. I have no other questions.  
23 Thank you.

24 MR. ADAMS: Thank you.

25 MR. SHAPIRO: Thank you, Mr. Chair. Did you

1 all consider solar panels on the mechanical roof?

2 MR. PILOT: We did, but given the very small  
3 footprint in achieving our green area ratio across  
4 the entire site, it was very sort of difficult to  
5 make anything sort of cost effective or viable. It  
6 just was, it's a difficult footprint.

7 MR. SHAPIRO: Did you talk to DOEE at all,  
8 staff, about that? I would encourage you to have a  
9 conversation because there's just, we have the best  
10 incentives in the country for solar, and there may be  
11 a way to make it work, given the incentives. So, if  
12 you could have that conversation?

13 MR. PILOT: Okay.

14 MR. MAY: Sorry, I had one other question.  
15 Back to the rooftop use. In looking at the plan, the  
16 vast majority of it, of course, is facing north.  
17 There's a little bit that's facing south. And then  
18 the terrace, it's undefined what the extent of the --  
19 I mean, would you be able to walk all the way around  
20 it, or as far as the --

21 MR. ADAMS: You won't be able to walk all the  
22 way around, but you should be able to walk from the  
23 sort of southeast corner around to the north and back  
24 down.

25 MR. MAY: Uh-huh.

1 MR. ADAMS: Along 3rd Street. You won't be  
2 allowed to walk along the back, which is where the  
3 back of house backing up towards the Forest City  
4 residential building.

5 MR. MAY: Okay. All right. But  
6 theoretically people could be on the sides, and that  
7 would be the closest that you might hear  
8 conversations and things like that?

9 MR. ADAMS: Correct. Yes. Yeah.

10 MR. MAY: Okay.

11 MR. ADAMS: And we do envision outdoor  
12 seating.

13 MR. MAY: Yeah.

14 MR. ADAMS: Out on the terraces as well.

15 MR. MAY: Right. Yeah. And I mean, that  
16 sounds all great. It is the -- you know, even though  
17 there's a distance of 50-some feet, you only need to  
18 have a few people talking.

19 MR. ADAMS: Understood.

20 MR. MAY: Especially if it's, you know --

21 MR. ADAMS: Late at night.

22 MR. MAY: -- young people on cell phones or  
23 something like that, like the ones who are across  
24 from my backyard in the group house. You can hear a  
25 lot and it's, you know, it's not great at 11:00 --

1 MR. SHAPIRO: More than you want to hear.

2 MR. MAY: Yeah, more than you want to hear.  
3 And it's not great at 11:00. It's fine at 9:00, but  
4 you know, and I just, obviously you need to be  
5 sensitive to that. But, I'm sure you'll figure it  
6 out. It helps that they're not -- it's not an  
7 existing apartment building to which this is being  
8 introduced. So, hopefully anybody moving into that  
9 building is going to know that there's that  
10 restaurant use across the way. So, thanks.

11 CHAIRPERSON HOOD: Okay. I'm just going to  
12 say, being a young person myself, we don't talk that  
13 loud on the cell phone. I think adults and everybody  
14 does it. But, I'm just --

15 MR. MAY: As I get older, my hearing gets  
16 worse.

17 CHAIRPERSON HOOD: Right. I'm just  
18 defending --

19 MR. MAY: I'm talking louder.

20 CHAIRPERSON HOOD: -- defending us young  
21 folks.

22 I will say, I think this is really complete  
23 for me. I'm just glad that you all have incorporated  
24 some of the ANC's comments. And I think you  
25 mentioned that earlier, Mr. Lewis, in your comments

1 as well. Okay. Any other questions up here?

2 All right. Let's go to the Office of  
3 Planning and DDOT. Mr. Lawson, and then Mr. Westrom.

4 MR. LAWSON: Good evening. Office of  
5 Planning is recommending approval of this  
6 application. We're happy to stand on the record.

7 CHAIRPERSON HOOD: Thanks. Next. Mr.  
8 Westrom.

9 MR. WESTROM: Good evening, Commissioners.  
10 Thank you. And also thank you to the applicant who  
11 worked with us extensively on some of the public  
12 space designs surrounding this, along with the Forest  
13 City, obviously.

14 DDOT as well, supportive of the project. We  
15 appreciate the addition of the transit screen, and  
16 with that, would rest on the record. Happy to take  
17 any questions.

18 CHAIRPERSON HOOD: Okay. Let me do this as a  
19 whole. Do we have a representative from ANC 6D? I  
20 don't see Mr. Litsky. I actually forgot to cross-  
21 examine the applicant. But let me just do -- we have  
22 a representative from the ANC, from 6D? Not seeing  
23 anyone, that was the opportunity to cross-examine the  
24 applicant as well as Office of Planning and DDOT.

25 Okay. Any questions of either Office of

1 Planning or DDOT?

2           Okay. Let's go to the ANC report, and I  
3 think we've talked about this, our Exhibit 4, which  
4 has already been mentioned. They mention a few  
5 things that they wanted to see, or wanted at least  
6 the applicant to look at. I think we've heard the  
7 response from the applicant on that. I don't know  
8 how much more we needed to -- the vote was seven to  
9 zero to for their comments, and some of their  
10 comments have been incorporated into this project.  
11 It's already been testified to that some of the  
12 considerations have been dealt with in this project.

13           Any other reports that I may have missed?

14           [No audible response.]

15           CHAIRPERSON HOOD: Okay. I do know, we do  
16 have an -- I think you mentioned that NCPC report  
17 already, right, Ms. Schellin?

18           MS. SCHELLIN: Yes.

19           CHAIRPERSON HOOD: Okay. And that was no  
20 adverse impacts.

21           MS. SCHELLIN: Right.

22           CHAIRPERSON HOOD: Okay. Let's go to any  
23 organizations or persons who are here to testify in  
24 support. Any organizations or persons who are here  
25 to testify in opposition? You can come forward. If

1 we can just get one seat? I think she can sit there  
2 because she may have some questions. I mean, we may  
3 be able to --

4 Okay. If you could identify yourself, you  
5 may begin.

6 MS. FRAZIER: My name is Debra Frazier, I --

7 CHAIRPERSON HOOD: Ms. Frazier, you want to  
8 turn your mic on.

9 MS. FRAZIER: My name is Debra Frazier. I am  
10 the D.C. Community liaison for Time Banks USA, and  
11 also a housing community activist. I note also that  
12 I am a resident of the Lofts at Forest City, and my  
13 unit will directly face this new development.

14 I take the liberty to speak on behalf of my  
15 fellow residents at the Forest City property who I've  
16 discussed some of this with, as well as the residents  
17 across M Street at Capitol Quarters, who make great  
18 use of this facility.

19 So, oh, fait accompli. So, my first  
20 objection, my cards are out of order. I generally  
21 oppose this development for the reasons that are as  
22 follows. We talked about relief of the penthouse  
23 setbacks. I'm not quite clear what that means. Some  
24 of the folks tried to describe that to me. My  
25 concern is that my building here, at Forest City,

OLENDER REPORTING, INC.

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

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 this building will be taller than that. So, we have  
2 penthouses on the top of the Forest City Lofts  
3 building. I am in agreement and concerned about the  
4 ANC comments, and I don't want them to have a  
5 penthouse relief because the setback, if there's  
6 going to be a setback, the setback will change the  
7 character of the building so that it is not  
8 monolithic and a big square thing, which is not in --  
9 which is kind of in keeping with the character  
10 already. Forest City has many buildings that are  
11 tall and shiny, and tall and shiny. There's some  
12 changes in the building, but I would like there to be  
13 some setbacks for penthouse relief. So, I'm  
14 concerned about that and I object to that.

15           And it is more vision friendly, more  
16 community friendly, and more in keeping with the  
17 character of the neighborhood. I am secondly, the  
18 penthouse relief, and it would be likened to a Lego  
19 building. Now that I see it, I understand the ANC's  
20 comments that changing some of the coloring, I'm not  
21 understanding where that coloring would be. I see  
22 from the pictures that it's a little bit better. So,  
23 I would also like it to -- we would also be concerned  
24 that it's not a gray, bland kind of building. If  
25 there's color relief, reds or greens were discussed.

1 I'm not quite sure what that is, but I would like to  
2 see some color, some uniqueness to the building that  
3 distinguishes it from the regular property and from a  
4 10-story monolith.

5           Generally, I do understand that this is a  
6 design hearing only. However, I must be on record  
7 and comment, because our community did not have good  
8 notification about the Forest City's request and PUD,  
9 we are generally concerned about the density in the  
10 neighborhood. I do understand that the density is  
11 already included in this. There's nothing we can do  
12 about it, but we have great concern about what that  
13 density looks like, and what that's going to be,  
14 already.

15           In my tenure at the Loft it -- we began as a  
16 small unique kind of community and area, and now it's  
17 becoming like a little Georgetown/New York kind of  
18 city place. And I'm concerned that, about whatever  
19 the developers and builders can do to make this a  
20 more unique space, rather than just a set of tall  
21 buildings where transitional people go in and out.

22           I'm concerned that some of this development  
23 is reducing our green space, which we are proud of in  
24 that community, and people flock from all over D.C.  
25 to enjoy. I'm concerned that this lot will reduce

1 the amount of green space we have there, which we  
2 currently enjoy and makes this a unique space.

3 I was concerned about LED certification, but  
4 I see that they are working on that. That, we agree,  
5 is a good thing.

6 We do have concerns, there are concerns,  
7 although this is design review. We must be on record  
8 for the community about the concerns about the water  
9 treatment plant that is there. What will be the  
10 impact of this increased density on our water  
11 treatment facilities as new buildings go up, as new  
12 people move on. The layperson thinks that will be  
13 more taxing on our sewage and water treatment.

14 I'm going to keep going. This wonderful  
15 headline hit me as I was coming in, Border Agents  
16 Infected by Sewage Spill from Mexico. Not near  
17 Mexico, but sewage spills could be an issue.

18 When I lived, 12, 14 years ago at Capitol  
19 Quarters, which was then called Arthur Capper  
20 Carrollsburg Public Housing, we regularly experienced  
21 terrible smells from that plant. And even today, we  
22 still get periodically, smells from that plant.  
23 That's a concern, knowing also that there are  
24 challenges on the other side of M Street around the  
25 proposed site of the soccer stadium, and that

1 toxicity. What will happen if there's sewage  
2 spillage, if there's areas?

3           Already, at my unit, I am -- I have  
4 experienced some light flooding on heavy -- on days  
5 of consistent rain. I'm on the bottom ground floor,  
6 and I am getting flooding. That's a concern for all  
7 of the garden apartments 1 through 10 on that bottom  
8 level.

9           And, oh, I understand there is a clause in  
10 this proceeding that allows us to comment on our  
11 concerns about access and what is the relationship of  
12 residents to the open spaces and the water. I look  
13 forward to better opportunities for my community and  
14 residents to discuss what that will look like, our  
15 access to the water, how we can share that, and how  
16 this new building doesn't impede on that.

17           And lastly, I want to not exactly admonish,  
18 but challenge the Zoning Commission to do better at  
19 notifying residents in all communities of D.C. about  
20 when there is a zoning hearing affecting their  
21 neighborhoods, whatever that is. All of us do not go  
22 to ANCs. We're in the District of Columbia, a lot of  
23 us don't even know where the ANCs are. I, myself,  
24 community activist that I am, only slightly and  
25 recently last week noticed a little green sign about

1 the zoning hearing. As a part of other things that  
2 Forest City has done, we'll have a separate  
3 conversation about how they can do better about  
4 notifying the residents, transient as some of us may  
5 be, about what challenges are coming to their  
6 neighborhoods. But I ask that you all consider at  
7 some point, how you can make a better notification of  
8 zoning hearings, absent the ANCs.

9 That's what I have to say right now. Thank  
10 you.

11 CHAIRPERSON HOOD: Okay. Thank you very  
12 much, Ms. Frazier. And what you just said let me  
13 know that what we've done over the years to notify  
14 residents works, because everybody doesn't go to the  
15 ANC. And you noticed a green sign. And I think we  
16 even changed the color of the signs --

17 MS. FRAZIER: Yes, I do notice, that is good.

18 CHAIRPERSON HOOD: -- to make sure that it  
19 really stands out. So, what you said, even though I  
20 understand what you meant, that your question about  
21 making sure that we notify, and I think this office  
22 has done a yeoman's job, and we've been known for  
23 doing that because if you don't go to ANC, which we  
24 recognized years ago, that's why those signs have  
25 changed. They used to be a dark green. But I think

1 as it -- neon green so you really, if you just take  
2 the time, you see. I see them all over the city,  
3 those green signs.

4 MS. FRAZIER: I do too.

5 CHAIRPERSON HOOD: And when I do that I say,  
6 oh, I know we've got a hearing coming up. So, that  
7 just let me know that what we're trying to do, does  
8 work. But anyway.

9 MS. FRAZIER: Consider making them bigger,  
10 maybe.

11 CHAIRPERSON HOOD: They're already 24 by --  
12 then we'll be breaking the signage rules if we make  
13 them too much more bigger than that.

14 MS. FRAZIER: I'll work on that part.

15 CHAIRPERSON HOOD: Oh, you'll take care of  
16 that. Okay. Well, work on that part first before we  
17 make them bigger.

18 MS. FRAZIER: Okay. Okay.

19 CHAIRPERSON HOOD: Okay. All right. Let's  
20 open it up, because we have enough signs of ourselves  
21 on U Street.

22 But let's open it up for any questions or  
23 comments. Any questions or comments of Ms. Frazier?

24 Okay. Is there any cross, Mr. Lewis, of Ms.  
25 Frazier?

1 [No audible response.]

2 CHAIRPERSON HOOD: And again, not seeing the  
3 ANC, so what I will ask, even though this is a design  
4 and we have specific requirements that we go by, I'm  
5 not going to say this is not in our purview, but she  
6 brings up some concerns and points. So, if you all  
7 can continue to have the conversation that I saw you  
8 all having?

9 MR. LEWIS: Absolutely.

10 CHAIRPERSON HOOD: Okay. Okay. All right.  
11 Thank you very much, Ms. Frazier. Appreciate it.

12 Okay. Mr. Lewis, you have any rebuttal or  
13 any closing?

14 MR. LEWIS: No, sir. Thank you, very much  
15 for the opportunity to present to you. We believe  
16 the record is full and we satisfy the relevant  
17 standards and with that, we hope you would consider  
18 taking a vote on this action tonight if it seems  
19 appropriate to you.

20 CHAIRPERSON HOOD: Okay. Commissioners, what  
21 is your feeling? Any comments? Commissioner May?

22 MR. MAY: Yeah, you know, I appreciate the  
23 comments that we heard in opposition and I think even  
24 Ms. Frazier recognizes that much of the concern has  
25 to do with issues that have already been decided and

1 are not being reconsidered tonight. And, you know,  
2 in terms of our own questions, I didn't get the sense  
3 that there are open issues from our perspective. I  
4 certainly don't need to see any further information  
5 than what I have. So, I'd be comfortable going ahead  
6 and making a decision tonight.

7 CHAIRPERSON HOOD: Okay. Anybody else?  
8 Okay.

9 MR. TURNBULL: Yeah, I would agree with  
10 Commissioner May, and I appreciate Ms. Frazier's  
11 comments. And maybe she misunderstood about the  
12 penthouse relief, but penthouse relief is only for a  
13 very miniscule piece; very minor little piece of the  
14 penthouse. So, it's not really a significant issue  
15 for us. It's not really what we normally have to  
16 deal with. I mean, it's so minute it's de minimis  
17 that it's, you know, I'm not concerned about it at  
18 all.

19 CHAIRPERSON HOOD: Okay. Anyone else? I too  
20 would agree with the comments I've heard and I just  
21 would continue to ask, because I'm not going to say  
22 it's within our purview, or not within our purview.  
23 But what I am going to say is we can continue to have  
24 those conversations with Ms. Frazier and others, and  
25 the groups that she represents.

1           So, with that, Commissioners, I think the  
2 record is complete. I think as has been mentioned,  
3 this is very de minimis, especially with the setback  
4 relief which was mentioned. We've seen a lot more  
5 being asked for.

6           And with that, I would move that we approve  
7 Zoning Commission Case No. 17-07, with the caveat  
8 that you all continue to have conversations. Not  
9 that a whole lot is going to change, especially with  
10 the penthouse, but continue to have conversations.  
11 And I mean both developers, Forest City as well, with  
12 the neighbors in that area, and ask for a second.

13           MR. MILLER: Second.

14           CHAIRPERSON HOOD: It's been moved and  
15 properly seconded. Any further discussion? And you  
16 all continue to have the -- work together. Like, has  
17 been promised.

18           It's been moved and properly seconded. Any  
19 further discussion?

20           [Vote taken.]

21           CHAIRPERSON HOOD: Ms. Schellin, would you  
22 record the vote?

23           MS. SCHELLIN: Yes, sir. Staff records the  
24 vote five, to zero, to zero to approve final action  
25 in Zoning Commission Case No. 17-07, Commissioner

1 Hood moving, Commissioner Miller seconding,  
2 Commissioners Shapiro, Turnbull, and May in support.

3           If we could have the applicant provide a  
4 draft order? Does a summary order work in this case?  
5 So, okay. If you could provide that in a week or  
6 two? Thank you.

7           CHAIRPERSON HOOD: Okay, Ms. Schellin, do we  
8 have anything else?

9           MS. SCHELLIN: Nothing else.

10           CHAIRPERSON HOOD: I want to thank everyone  
11 for their participation tonight and this hearing is  
12 adjourned.

13           [Whereupon, the hearing adjourned at 7:13  
14 p.m.]

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25