

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: :

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CAPITOL GATEWAY OVERLAY : Case No.

DISTRICT REVIEW : 06-41

:

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Thursday,

February 22, 2007

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No.

06-41 by the District of Columbia Zoning

Commission convened at 6:30 p.m. in the

Office of Zoning Hearing Room at 441 4th

Street, N.W., Washington, D.C., 20001, Carol

J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

| | |
|---------------------|--------------------|
| CAROL J. MITTEN | Chairperson |
| ANTHONY J. HOOD | Vice-Chairperson |
| GREGORY JEFFRIES | Commissioner |
| MICHAEL G. TURNBULL | Commissioner (AOC) |

OFFICE OF ZONING STAFF PRESENT:

DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LORI MONROE, ESQ.

The transcript constitutes the minutes from the Public Hearing held on February 22, 2007.

C-O-N-T-E-N-T-S

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

(6:36 p.m.)

CHAIRPERSON MITTEN: Good evening,
ladies and gentlemen.

This is a public hearing of the
Zoning Commission of the District of
Columbia for Thursday, February 22nd, 2007.

My name is Carol Mitten. And
joining me this evening are Vice Chairman
Anthony Hood and Commissioners Greg Jeffries
and Mike Turnbull.

The subject of this evening's
hearing is Zoning Commission Case No. 06-41,
and this is a request by Camden Development
for review and approval of a new development
in the Capitol Gateway Overlay District for
property located at 1325 South Capitol
Street, S.W., and known as Lot 111 and
Square 653.

Notice of today's hearing was
published in the D.C. Register on November
24th, 2006, and copies of the hearing

1 announcement are available to you and
2 they're in the wall bin the door.

3 This hearing will be conducted in
4 accordance with the provisions of 11 DCMR
5 Section 1322, and the order of procedure
6 will be as follows:

7 Take up preliminary matters, and
8 then have the presentation of the
9 applicant's case; report by the Office of
10 Planning; report by any other government
11 agencies that are represented; report by the
12 affected Advisory Neighborhood Commission -
13 in this case it's 6D; organizations and
14 persons in support; and organizations,
15 persons and parties in opposition.

16 The following time constraints
17 will be maintained in the hearing: the
18 applicant will have 45 minutes;
19 organizations will have five minutes; and
20 individuals will have three minutes.

21 The Commission intends to adhere
22 to these time limits as strictly as possible

1 in order to hear the case in a reasonable
2 period of time.

3 The Commission reserves the right
4 to change the time limits for presentations
5 if necessary, and notes that no time shall
6 be ceded.

7 All persons appearing before the
8 Commission are to fill out two witness
9 cards. They look like this. Cards are on
10 the table by the door, and upon coming
11 forward to speak to the Commission, we ask
12 you to give both the cards to the reporter
13 who is sitting to our right.

14 Please be advised that this
15 proceeding is being recorded by the court
16 reporter, and also is being webcast live.
17 Accordingly, we ask you to refrain from
18 making any disruptive noises in the hearing
19 room.

20 When presenting information to
21 the Commission, we ask you to take a seat at
22 the table in front of us and turn on and

1 speak into the microphone, first stating
2 your name and address. Then when you are
3 finished speaking, please turn the
4 microphone off, because it tends to pick up
5 background noise.

6 The decision of the Commission in
7 this case must be based exclusively on the
8 public record. And to avoid any appearance
9 to the contrary, the Commission requests
10 that persons present not engage the members
11 of the Commission during a recess or at any
12 other time. And Ms. Hanousek will be
13 available throughout the hearing to answer
14 any procedural questions that you might
15 have.

16 We'd ask you to turn off any
17 beepers or cellphones at this time so as not
18 to disrupt the hearing. And I'd ask that
19 anyone who is planning on testifying this
20 evening, if you'd stand now, raise your
21 right hand, and direct your attention to Ms.
22 Hanousek. She will administer the oath.

1 (Witnesses sworn)

2 CHAIRPERSON MITTEN: Thank you.

3 So first we have a preliminary
4 matter. And that is we have a party status
5 request from a Mr. Carl Frazier (phonetic).
6 Is Mr. Frazier here? Is Mr. Frazier here?

7 (No response)

8 CHAIRPERSON MITTEN: Okay, well,
9 that takes care of that. Inasmuch as Mr.
10 Frazier isn't present, he really isn't able
11 to answer any questions that we might have,
12 or avail himself of the privileges of party
13 status. So I would move that we deny the
14 party status request for Mr. Frazier, and
15 just accept his letter into the record.

16 COMMISSIONER HOOD: Hold on for
17 one second. I have a discussion.

18 CHAIRPERSON MITTEN: Would you
19 second it first?

20 COMMISSIONER HOOD: No, I don't
21 think - I'm not sure - do we procedurally
22 deny him party status? Because I don't

1 think - because he's not here?

2 CHAIRPERSON MITTEN: That's I
3 think among the reasons why someone can be
4 denied party status.

5 COMMISSIONER HOOD: Can we just
6 not consider it? Because I was in favor of
7 supporting party status for Mr. Frazier, but
8 he's not here.

9 I just don't want the record to
10 reflect that we denied him party status.

11 CHAIRPERSON MITTEN: I understand.

12 COMMISSIONER HOOD: I think the
13 record needs to reflect that he just was not
14 here and just move on.

15 CHAIRPERSON MITTEN: Well, I do
16 want to emphasize a point, which is that one
17 of the most critical elements of being
18 qualified for party status is that you must
19 describe in your submission how you are more
20 uniquely affected by the application than
21 anyone else. And while Mr. Frazier talks
22 about the detrimental effects of the

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1 application that may accrue to his property,
2 he doesn't talk about how he's more uniquely
3 affected.

4 And I think if it makes you more
5 comfortable, I think there is a substantive
6 reason why he can be denied party status.

7 COMMISSIONER HOOD: I will second
8 the motion, and let the record reflect, the
9 only reason I'm seconding the motion is
10 because he's not here, so we can move
11 forward.

12 CHAIRPERSON MITTEN: Okay, thank
13 you, Mr. Hood.

14 Any other discussion?

15 (No response)

16 CHAIRPERSON MITTEN: All those in
17 favor, please say aye.

18 (Chorus of ayes)

19 CHAIRPERSON MITTEN: Those
20 opposed, please say no.

21 (No audible response)

22 CHAIRPERSON MITTEN: Ms. Hanousek,

1 would you record the vote.

2 MS. HANOUSEK: The motion to deny
3 party status is passed, Chairman Mitten
4 making the motion and Vice Chairman Hood
5 seconding, and Commissioners Jeffries and
6 Turnbull approving.

7 CHAIRPERSON MITTEN: Thank you
8 very much.

9 Okay, any other preliminary
10 matters that you are aware of, Ms. Hanousek?

11 MS. HANOUSEK: Just that the
12 applicant filed the affidavit of
13 maintenance.

14 CHAIRPERSON MITTEN: Terrific.

15 Did you have any preliminary
16 matters, Mr. Epting?

17 Okay, then we are ready for your
18 presentation.

19 APPLICANT PRESENTATION

20 MR. EPTING: Thank you, Madame
21 Chair.

22 My name is John Epting with

1 Pillsbury, Winthrop, Shaw, Pittman.

2 Christine Roddy is with me
3 tonight.

4 We represent Camden Development.
5 Camden filed this application for design
6 review pursuant to the pending regulations
7 to extend the Capitol Gateway Overlay, and
8 corresponding provisions authorizing the
9 Commission to grant variance and special
10 exception relief in matters otherwise before
11 it.

12 We are going to be brief tonight.

13 You've already mentioned the
14 location in Square 653. The site is
15 directly across the street from the new
16 baseball stadium.

17 At the time Camden purchased the
18 site it was subject to neither the pending
19 Capitol Gateway regulations, nor is it
20 included in the proposed mapping of IZ.

21 Camden had initially intended to
22 construct a matter-of-right project with BZA

1 approval.

2 The Zoning Commission considered
3 proposals to include this site within both
4 the Capitol Gateway Overlay and the IZ
5 overlay. Given the time constraints facing
6 the project, Camden filed this application
7 pursuant to the pending proposals, based
8 upon numerous discussions with the Office of
9 Planning.

10 We redesigned the building to
11 accommodate both overlays, and because of
12 our redesign we have special exception
13 relief request from the rooftop structure
14 regulations; various relief from the
15 courtyard, the height, and still pending,
16 still existing recreational space
17 requirements.

18 There are also certain nuances to
19 the Capitol Gateway which we will talk about
20 in terms of the 15-foot setback and the 60
21 percent facade requirement.

22 The Office of Planning supports

1 the proposal, as does ANC 6D. We have two
2 witnesses, Ginger Ackiss from Camden, and
3 Eric Liebmann of WDG. We've submitted his
4 resume yesterday and ask that he be
5 qualified as an expert. He's been qualified
6 before.

7 And with that, I'd like to go
8 ahead and turn it over to Ginger.

9 CHAIRPERSON MITTEN: Okay, let's
10 just deal with the question of the expert
11 qualifications.

12 That's in our supplemental, is
13 that right?

14 MR. EPTING: Yes, ma'am. It's I.

15 CHAIRPERSON MITTEN: I, thank you.

16 MR. EPTING: I think he was more
17 recently here for Charles E. Smith on 2021 L
18 Street.

19 CHAIRPERSON MITTEN: Sure.

20 It's at technicality.

21 Is there any objection to
22 accepting Mr. Liebmann as an expert in

1 architecture?

2 MR. EPTING: We have three other
3 architects if that one doesn't work.

4 COMMISSIONER HOOD: That's what I
5 call coming prepared.

6 (Laughter)

7 CHAIRPERSON MITTEN: Is there any
8 objection?

9 COMMISSIONER HOOD: No, no.

10 CHAIRPERSON MITTEN: Okay, then,
11 without objection, thank you.

12 MR. EPTING: Thank you, Madame
13 Chair.

14 MS. ACKISS: My name is Ginger
15 Ackiss. My address is 1420 Springhill Road,
16 Suite 400, McClean, Virginia 22102.

17 By introduction I'm with Camden
18 Development. We are a multifamily REIT
19 public company. We are one of the top five
20 largest multifamily REITs in the country.

21 And what we do as a main function
22 is develop and manage multifamily apartments

1 throughout the country.

2 Here in D.C. we currently have
3 two properties that are existing, Camden
4 Grand Park, which is at 15th and I, and
5 Camden Roosevelt, which is at 16th and V.

6 We are looking at building this
7 project on South Capitol. We're interested
8 in it as we learned more about the baseball
9 stadium coming and the area revitalizing,
10 and wanted to be part of that revitalization
11 down there.

12 By way of history of the project
13 we - John - Mr. Epting spoke earlier on - we
14 purchased the property when it was a matter
15 of right for 6 FAR as a C2C. We were down
16 the road designing the project when we were
17 told sort of at the last minute that it had
18 been put into both the IZ and the Capitol
19 Gateway Overlay District.

20 As a result we met with OP and
21 talked with them about how we could redesign
22 the project to fit within both of those, and

1 that's what we've done at this point.

2 This is a new redesign. We had
3 to go back probably four months and start
4 over again essentially. And we've come up
5 with what we think is a great project now.

6 At this point we meet the Capitol
7 Gateway requirements, but there is some
8 difficulty in meeting the IZ requirements
9 that are going to be enacted soon.

10 To date we've had quite a few
11 community outreach. We have met with the
12 community twice, and once with the ANC. And
13 then with OP we've met four times, as well
14 as had a teleconference with them.

15 We have also been coordinating
16 with DDOT (phonetic) regarding South Capitol
17 Street, and the makeup and redo of that
18 street to make sure that we can work with
19 them and put in the same sort of streetscape
20 and sidewalk that they are planning.

21 That's sort of the introduction
22 of the project.

1 MR. EPTING: With that, I'd like
2 to just point out that we did submit, as
3 Exhibits G and H yesterday, our construction
4 management plan proposed, which we talked to
5 the ANC about, and it's one of their
6 conditions. And they actually asked us, and
7 we haven't modified this part because we
8 only found out today, to raise the insurance
9 from \$5 million to \$10 million. We actually
10 went ahead and raised it to \$25 million. So
11 I think we have addressed all their
12 concerns.

13 We also included proposed
14 conditions which would affect primarily
15 construction type issues, because there are
16 adjacent residents there.

17 So those are in there, and the
18 ANC will be talking about them. So I
19 thought I'd go ahead and bring them up now.

20 And with that, I'd like to go
21 ahead and turn it over to Eric.

22 MR. LIEBMANN: Good evening, I'm

1 Eric Liebmann. I'm director of design with
2 WDG Architecture. We're at 1025 Connecticut
3 Avenue NW.

4 Hopefully you will be able to
5 hear me if I come over here.

6 CHAIRPERSON MITTEN: Actually, I
7 have a hand-held if you would like to use
8 it.

9 MR. LIEBMANN: Okay, so 1325 is -

10 CHAIRPERSON MITTEN: Just do me
11 one favor, though; hold it tighter.

12 MR. LIEBMANN: It's hard to do.

13 1325 is part of the expanded
14 overlay district. Here we are located right
15 over here. Just north of O Street, west
16 side of South Capitol, directly opposite the
17 stadium.

18 I think this larger site plan,
19 one of the interesting things about it is,
20 even though we are in a fairly sizeable
21 project, we're really dwarfed by the new
22 stadium, and I think that is notable.

1 We are an 11-story 110-foot-tall
2 building, along South Capitol. It steps
3 down in two-level increments in deference to
4 the lower neighbors to the west.

5 We are observing the 15-foot
6 setback line along our westernmost property
7 line.

8 I guess also of note is that this
9 here is the property line, so we are
10 observing the 15-foot setback line as
11 stipulated by the Capitol Overlay District.

12 Briefly looking at the
13 architecture, the architecture is modern in
14 character, and compatible with the stadium
15 across the street in terms of materiality.

16 We are very cognizant of the
17 intentions of the zoning to create a
18 monumental boulevard along South Capitol
19 Street.

20 The building is largely planar;
21 60 percent of the facade is along the
22 setback line.

1 In a modern way we're honoring
2 the classical tradition of Washington in
3 terms of still base, middle and top. We
4 have a central but somewhat eccentric
5 central tower which responds to the entry,
6 and it's sort of capped by a merging of a
7 vertical and a horizontal fin. And both of
8 these are held back along the setback line
9 and not projecting beyond that.

10 The balconies, we have balconies.
11 These are projecting three foot five inches
12 maximum beyond the setback line. Typically
13 in residential districts we are allowed to
14 project balconies four foot. In this case,
15 where we are asking for relief from a very
16 strict interpretation of this 15-foot
17 setback.

18 You are here to help? I was
19 wondering if I said something wrong.

20 Just quickly looking at the
21 materials, these are typical bays. We
22 brought some materials in.

1 We are trying to do a rich
2 palette of masonry, so it's compatible in
3 color with the stadium across the street.

4 The primary second plane back is
5 alternating courses of this tan brick. We
6 have a sort of a smoother wire cut, and then
7 sort of a rich texture. Which I don't think
8 is going to create a striping building.
9 It's going to sort of create a sort of a
10 rich texture, sort of a woven pattern.

11 The front bays are sort of an off
12 white oversized masonry unit. These are -
13 so again it's sort of a weaving of two
14 textures. Those units are - windows are a
15 bone white. We think it's going to be sort
16 of a rich dynamic palette.

17 The base is more animated, where
18 within that palette we are also weaving in
19 something which kind of resembles a
20 rustication of this black iron spot brick.

21 And the rear and side facades we
22 are going to be utilizing primarily a split

1 faced block, sort of the same general
2 tonality as the brick.

3 And we are going to articulate
4 that with, on every floor, a ribbon of a
5 ground faced block of the same basic
6 texture.

7 Looking back at the plan boards,
8 again, this is a ground floor plan. It's a
9 U-shaped configuration.

10 We have a major courtyard toward
11 the west, and it creates primarily a green
12 roof. It's not three levels of below grade
13 parking. This courtyard was designed to
14 align with the open space which you don't
15 see here, but the project to our west has a
16 large open space here.

17 So we are trying to generally
18 align that.

19 A second courtyard to the north
20 is actually a 32-foot wide, four feet
21 narrower than what is required by zoning.

22 The reason we are asking for

1 relief of that is because as we have
2 designed this project, if we pull this wing
3 over, it would create a too long dead end
4 corridor, on a typical floor, which would
5 necessitate an additional stair, and also
6 would begin to jeopardize the alignment with
7 the open space beyond. So we are looking
8 for some minor relief there.

9 The ground floor plan, we have a
10 highly animated storefront. We have
11 residential amenity spaces which will be
12 very open to the street. Exercise room and
13 a club room. We have lobby spaces here, and
14 we are optimistic we are going to get a
15 major retail tenant in the corner.

16 And our loading entrance and
17 parking are all consolidated along O Street.

18 I guess one more thing to take
19 note of, one more minor area of relief that
20 we are looking for, is because we don't
21 believe the road will be finally set when we
22 apply for permit, and there are some still

1 issues about exactly where the road is and
2 elevations, we are asking to set our
3 measuring point at the center of our project
4 along the property line, instead of the
5 curb.

6 Looking at the roof plan, I guess
7 what's of note here is, we have a major pool
8 structure. We have been attempting to
9 maximize the green space, and the terrace.

10 These are the stepping down
11 terraces. But I guess what's notable here
12 is that basically consideration of a major
13 green roof was precluded by the mechanical
14 system that we have for the building.

15 This, because we have
16 individualized HVAC units for each
17 individual apartment we had to create a
18 condenser farm on the roof.

19 The alternate to this condenser
20 farm on the roof would have been sort of a
21 proliferation of punctures on the facade.
22 We could have gone through the wall, front

1 and back. We think this is environmentally
2 and aesthetically far superior.

3 The only other alternate, we
4 could have put some of these condenser down
5 a grade. And again, that would have been a
6 nuisance.

7 So what happens is, our roof, I
8 think almost two-thirds of our roof is taken
9 up by these areas, and our structures, our
10 elevator overrides, and our stair
11 structures.

12 So again that's where we are. We
13 will be providing a highly reflective
14 surface to sort of minimize heat gains. But
15 again, in terms of sensitivity to green
16 issues, we are sympathetic. But basically
17 we feel we have to accommodate the
18 condensing units to make this project work.

19 One more minor area of relief
20 that we are looking for is because we've
21 really had to squeeze our condenser units up
22 there, an OSHA requirement says that you

1 need 10-foot clear of the exterior parapet;
2 otherwise you need a guard rail.

3 So essentially the zoning allows
4 typically for a three-foot parapet above the
5 roof. We are asking for minor relief; we
6 are asking for a 3'6" parapet, otherwise
7 we'd have to have a secondary guard rail up
8 there, which we think might be unsightly and
9 sort of an unnecessary expense. So we are
10 sort of asking for that as well.

11 And I think that basically covers
12 the areas of relief we are looking for.

13 MR. EPTING: I think with that we
14 are ready for questions.

15 CHAIRPERSON MITTEN: All right,
16 thank you.

17 Questions from the Commission.

18 While we're waiting for someone
19 to weigh in with their questions, Mr.
20 Epting, did you get a copy of the DDOT
21 report? Do you have that?

22 We just got it today.

1 MR. EPTING: No. We saw an email.
2 We have not seen the report.

3 CHAIRPERSON MITTEN: Okay. Ms.
4 Hanousek has copies. You might want to take
5 a look at it. There are some comments in
6 there.

7 Questions? Mr. Hood.

8 COMMISSIONER HOOD: I will start.

9 And I'm trying to figure out the
10 orientation. I know the balconies was in
11 the submittals as projecting I guess three
12 feet into the setback, correct?

13 And I know everybody - the
14 stadium - we have a number of cases that are
15 surrounded by the stadium.

16 If I bought a place on South
17 Capitol Street, would I be able - in one of
18 the higher floors, 8th floor or whatever,
19 would I be able to see over into the
20 stadium?

21 MR. LIEBMANN: The very topmost
22 part of the stadium structure is at 113

1 feet. So I guess we're on our roof - I
2 think it would be difficult to really see
3 in.

4 I guess not knowing the stadium
5 design precisely, we have had some specific
6 sections. It's a little hard to understand
7 exactly you know what the orientation is
8 going to be.

9 I think it's going to be hard to
10 see the playing field. You'll see some.

11 COMMISSIONER HOOD: You'll see
12 some, but you won't be able to watch the
13 game for free?

14 MR. LIEBMANN: You don't.

15 COMMISSIONER HOOD: Okay. Well, I
16 won't be buying it, but I'm just playing. I
17 know that would be a concern.

18 I notice in the submittal that it
19 talks about affordable housing units. And
20 I've actually learned this from my other
21 colleagues in the displacement of it.

22 You mentioned the first five

1 floors. Why is that?

2 MS. ACKISS: The reason we are
3 proposing the first five floors is because
4 each additional floor in market rate units
5 goes up \$10 a floor. So if you are on the
6 eighth floor, you get another \$80 a month in
7 rent.

8 That basically allows people to
9 self decide where they want to live. And by
10 doing that, allowing the units to go up even
11 higher, it would cause even more financial
12 harm to a situation that is already harmful,
13 as you can see in our financial analysis
14 that we submitted.

15 COMMISSIONER HOOD: I need to
16 think on that a little more.

17 MS. ACKISS: We don't have a
18 problem spreading them out on different
19 floors. We just are proposing that we don't
20 - we can keep them sort of on the lower ones
21 so that it doesn't financially harm us any
22 more than it is at this point.

1 If you want to look at the
2 analysis that we did a little bit, it's in
3 E. Essentially we looked at the rent that
4 we would receive in an affordable dwelling
5 unit. We went ahead and assumed -

6 COMMISSIONER HOOD: Let me catch
7 up with you.

8 MS. ACKISS: Okay.

9 COMMISSIONER HOOD: In E. I've
10 got a lot of Es up here. There are a number
11 of Es up here.

12 MS. ACKISS: Sorry.

13 COMMISSIONER HOOD: Okay, this is
14 the one we've got tonight.

15 MS. ACKISS: Yes.

16 COMMISSIONER HOOD: News travels.
17 I'm looking at the first page. News travels
18 real fast.

19 Okay, you can go ahead, I'm
20 sorry.

21 MS. ACKISS: Okay, so essentially
22 we are preparing the two affordable versus

1 market rate. And in looking at an
2 affordable unit, if you could get \$1,000
3 rent per month, it would essentially be
4 \$12,000 a year that you would receive in
5 rent.

6 It costs us \$8,000 to actually
7 manage each unit a year; actually a little
8 bit more than \$8,000 but we rounded down.

9 So essentially we would make
10 \$4,000 a unit on each affordable unit,
11 assuming these numbers.

12 If you cap that, which is our way
13 of valuing what that unit is worth, it
14 essentially means that that unit is worth
15 \$66,000. It costs us \$358,000 to actually
16 build the unit; 66- is the value of the
17 future income for years to come.

18 And so it's essentially a
19 negative value, \$291,000 per affordable
20 unit.

21 If you look at the market rate
22 units, this is also assuming a high rent,

1 \$2,400 of rent per month, plus \$218 of
2 premiums and other income each month. That
3 would essentially be \$31,420 a year in
4 income, minus the same \$8,000 that it costs
5 to manage, which gives you \$23,000 of value.

6 And when you cap that you get
7 \$390,000; subtract out the cost of build.
8 And you can make - you know, it's
9 essentially worth \$32,000 to us.

10 So if you can see, it essentially
11 takes nine market rate units for us to
12 offset one affordable dwelling unit.

13 CHAIRPERSON MITTEN: Can I just
14 interrupt for a second?

15 This is a good analysis to have,
16 and we are generally aware of it, because
17 that sort of analysis is what went into the
18 IZ case.

19 What are you specifically trying
20 to argue with this analysis? What are you
21 trying to show us that relates to this case
22 specifically?

1 MR. EPTING: The main issue here
2 is that we are only providing 11,250 square
3 feet of affordable housing. Which is not
4 the entire 50 percent. We can't use all the
5 bonus.

6 So it was our understanding from
7 the IZ hearings that if you couldn't use the
8 bonus you shouldn't have to do the IZ.

9 And what's happened to this
10 project - and OP has been great with us - we
11 have the rear yard setback, we had step
12 downs in the rear because of the adjacent
13 residence, we had the South Capitol setback.
14 And giving us more line items didn't really
15 do us any good.

16 The height helps some. But we
17 can't meet the technical requirements of IZ
18 if IZ was in effect.

19 So we feel we are doing a good
20 gesture by doing this. And we think it's an
21 important thing to do.

22 We just need you to recognize

1 that we can't go any further.

2 CHAIRPERSON MITTEN: And that's
3 fine. I just wanted to tie that altogether.

4 Because one of the things that
5 happens in these cases is, we start talking
6 in a case like this almost as if it's a PUD.
7 You know, it's a balancing thing.

8 But we can't lose sight of the
9 fact that this is a variance case. It's a
10 special exception case.

11 And so I think - and I'm sorry
12 for interrupting the future chair of the
13 Zoning Commission - but I do think you need
14 to spend a little more time fleshing that
15 out for us. And you can do that now, or you
16 can do that in an additional submission.

17 But as it relates to the
18 variances being sought, what is the unique
19 circumstance? I know it's there, but just
20 knitting that out for us.

21 MS. ACKISS: I can speak to that a
22 little bit.

1 CHAIRPERSON MITTEN: Okay.

2 MS. ACKISS: The 15-foot setback
3 in the front essentially - well, let me
4 start from the beginning. We are only able
5 to capture of the bonus that you would be
6 able to receive, if you could receive it
7 all, we are only able to capture about 55-60
8 percent of that.

9 As a result we do not fall under
10 the 50 percent of a bonus rule. If we did
11 not have the 15-foot setback, if we did not
12 step the building back, step the building
13 down in the back to allow - to help
14 transition to the neighborhood, we would be
15 able to capture all of that bonus density.

16 If we were able to do that, we
17 would fall under the 50 percent rule.

18 As a result, what we are asking
19 is, if we could go ahead and use the 50-
20 percent rule, 50 percent of the bonus that
21 we are actually able to gain.

22 As of now, we are falling under

1 the eight percent catch all, as opposed to
2 the 50 percent.

3 CHAIRPERSON MITTEN: I understand
4 what you are seeking, and I just want it to
5 be clear in the record what it is in the
6 strict sense of how the three-prong test for
7 variance is how you get there.

8 That's all I want is just a
9 better description of that progression of
10 the three-prong test, which is the unique
11 circumstance, and then the practical
12 difficulty - I mean I know that you can. I
13 just don't think it's been well articulated.

14 MR. EPTING: And that's fine. We
15 can do that. I'll have Eric go through
16 that.

17 But I think basically in my mind
18 the uniqueness is, one, our lot sort of
19 works the wrong way for us. If it was -
20 it's long and narrow. If it was not like
21 that, we'd have an easier time with the two
22 setbacks.

1 We'd have an easier time meeting
2 even the IZ requirements. It'd be a lot
3 easier for us to set back better.

4 And so I think Eric can go
5 through that briefly.

6 Practical hardship is basically,
7 we are in the middle of all these pending
8 regulations, and we are trying to meet them.
9 We have made good gestures toward meeting
10 them, but we can't go any further than we
11 have.

12 The ultimate hardship for us is
13 if - and I think Ginger will say this - this
14 project will not go forward if anything else
15 sort of happens to it.

16 CHAIRPERSON MITTEN: If we come up
17 with any more -

18 MR. EPTING: Exactly. And that's
19 not a threat, it's just a reality that's
20 happened here.

21 COMMISSIONER JEFFRIES: It sounds
22 like a threat to me.

1 MR. EPTING: And the adverse
2 impact I think is clearly shown by - we have
3 community support, we have ANC support. So
4 I think that is de minimus.

5 And even Mr. Frazier's concerns,
6 I think we have tried to address through the
7 ANC. So I think those standards have been
8 met.

9 So Eric, if you could just
10 briefly talk about how unique the site is.
11 I think even across from the baseball
12 stadium begins to make it one of the more
13 unique places as it is.

14 And right now, frankly, it's a
15 dump.

16 MR. LIEBMANN: I'm not sure this
17 is an architectural question. But just sort
18 of looking at the typical floor, as an
19 expert residential design, we packed this
20 design absolutely as much as we could. We
21 got as much density, given the area of
22 constraints, and having reasonable courtyard

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1 spaces.

2 I mean you can sort of see that
3 where we step down, every little bit -

4 CHAIRPERSON MITTEN: When you
5 stand up, she's not getting you. So take
6 the mike with you when you go.

7 MR. LIEBMANN: I'll stay down.

8 It's sort of a general question.
9 But just essentially I think we maximize the
10 density on the space.

11 We were tasked with getting as
12 absolutely efficient a residential building
13 as we could achieve.

14 We have managed to squeeze some
15 extra units at the second level. I think we
16 squeezed units wherever we can, and we still
17 cannot achieve the maximum density which the
18 bonus allowed.

19 So I think if that is what you
20 want to me to say, that's -

21 CHAIRPERSON MITTEN: To the one
22 issue that you raised about the parapet

1 wall, walk us through the test.

2 You described why you would
3 prefer to have the parapet wall at 3-1/2
4 feet or whatever. But in terms of a
5 variance, why do you qualify?

6 I understand that there would be
7 an additional expense.

8 MR. EPTING: I believe because in
9 an attempt to avoid having - to do a
10 building of this size, essentially what
11 happened was, we need a certain number of
12 condenser units, one per unit.

13 We worked very hard in seeing if
14 there was anything else we could do. We at
15 some point thought of, bring some units out
16 through the wall on O Street. We thought
17 that would really be a negative to the
18 character of this emerging street, and we
19 were very glad when our owner supported the
20 idea of doing a more expensive solution of
21 remote units.

22 When we packed the roof, when we

1 tried to get a reasonable amenity space on
2 the roof, there was no space left.

3 Which, I'm not a lawyer here,
4 just what you want me to say, and then sort
5 of forcing the condenser units to the very
6 perimeter, and essentially I think in a
7 normal circumstance there is enough room,
8 and there is enough room around the units
9 that someone can service these units without
10 risk of falling off the exit.

11 Typically this is not an issue,
12 but just given the precise constraints of
13 the project.

14 MR. EPTING: Can you go ahead and
15 pull the roof plan back out? Because this
16 project was also trying to meet the
17 residential recreation requirements. So we
18 always knew we needed a variance from it.

19 So in order to have the pool and
20 stuff up there, you do take away space for
21 the condensers also. So that begins to
22 build a case for why it is unique, and it's

1 a hardship.

2 MR. LIEBMANN: And there is
3 actually another, you know, exemption that
4 we were also looking for, which I forgot to
5 note. Again, we have four separate
6 penthouse structures, two stairs, two
7 elevator structures. The letter of the
8 zoning calls for a single penthouse
9 structure that would be obviously a huge
10 impact to connect all those things. And
11 obviously create an even smaller roof that
12 we could play with.

13 So again we are asking for relief
14 to minimize the displacement of useable
15 space on the roof.

16 MR. EPTING: And I think if Eric
17 could talk more, we included at least in our
18 prehearing statement that we were trying to
19 get away - because again, the long nature of
20 the site, having super long penthouses that
21 were super bulky, on a roof like this when
22 we were trying to basically minimize the

1 penthouse appearance.

2 Again the lot doesn't help us in
3 a lot of different ways that way.

4 MR. LIEBMANN: That's a fairly
5 typical scenario with these residential
6 buildings, I believe.

7 CHAIRPERSON MITTEN: Okay. Mr.
8 Hood, I'm sorry, I really stepped on your
9 time.

10 COMMISSIONER HOOD: That's okay.
11 When I was a chair before, I've seen you
12 doing well. You did a good job.

13 MR. EPTING: Just before Mr. Hood
14 starts -

15 COMMISSIONER HOOD: Sure.

16 MR. EPTING: - we did go through
17 I think all the variance and stuff relief,
18 and special session relief in our prehearing
19 statement. So I was trying not to reiterate
20 that tonight.

21 But it is there beginning on page
22 four and going all the way to page 11. So

1 it's there, and again, if you have more
2 questions about it, I'll have Eric run
3 through all the stuff.

4 CHAIRPERSON MITTEN: Thank you.

5 Mr. Hood.

6 COMMISSIONER HOOD: Thank you.

7 Mr. Epting, you mentioned that
8 you had the ANC report. And I'm sure they
9 can come - I mean support - and I'm sure
10 they will come to speak for themselves if
11 they are here.

12 But I'm looking here, you have
13 their support contingently; am I correct?

14 MR. EPTING: That's correct.

15 COMMISSIONER HOOD: There are
16 seven or eight things that you all agreed
17 to?

18 MR. EPTING: Yes.

19 COMMISSIONER HOOD: All seven or
20 eight of these items? Okay.

21 The other thing is, only question
22 I have, I see some of the renderings, and I

1 see the buildings around, I know as a matter
2 of right you can do up to 90 feet. What are
3 we blocking with the addition - I know you
4 can do matter of right of 90 feet. But
5 whose view are we blocking? What homes are
6 we blocking?

7 Because when I look at this
8 rendering, I'm looking at behind - what
9 street is that, South Capitol Street?
10 What's behind there? Is that Half Street?

11 I'm looking behind that. Are
12 those homes back there? And this is your
13 rendering. So. Mr. Liebmann, just tell me
14 what that is, the one you have up there,
15 what is that to the left?

16 CHAIRPERSON MITTEN: You need to
17 turn on the mike.

18 MS. ACKISS: Adjacent to us there
19 is a plumbing company.

20 COMMISSIONER HOOD: I want to go
21 right here to this one right in front of me;
22 not the one you just put up, this one right

1 here. And I know you have to move.

2 (Simultaneous voices)

3 MS. ACKISS: That first building
4 right there is a plumbing company. And
5 beyond that is some town homes.

6 The number four is what he wants
7 to know. Number four is a plumbing company.

8 COMMISSIONER HOOD: Okay, since
9 we're at number four, what is number two?
10 Let's go along with all of them. Number
11 two.

12 MS. ACKISS: Number two is town
13 homes. And as well as two - all the twos
14 are town homes essentially.

15 COMMISSIONER HOOD: With the
16 exception of the matter of right, which is
17 the 90 feet, any objection that you know of
18 by the commission of going to 110 feet?

19 MR. EPTING: We've actually met
20 twice with that community, once at the St.
21 Augustine Church, and then on a Saturday
22 afternoon at Syphax, which is -

1 MS. ACKISS: The top left corner
2 of that picture.

3 MR. EPTING: Is it four?

4 MS. ACKISS: No, no, it's above
5 the two on the left side.

6 MR. EPTING: The historic school
7 there, which is now a condominium.

8 So I think we've met with most of
9 the adjacent neighbors. And I know Ms.
10 Hamilton, the SMD for that area, is here.

11 So and we've talked about views.
12 But their major concern, frankly, they can
13 probably tell you better than me, was
14 construction. Because they have been so
15 impacted by the stadium - rats, construction
16 noise, blasting, and everything.

17 So I think we sort of walked into
18 that, and had to show that we could try to
19 address those conditions. So that's why we
20 did come up immediately with a construction
21 management plan and proposed conditions
22 which we did submit to you yesterday.

1 COMMISSIONER HOOD: All right,
2 thank you.

3 Thank you, Madame Chair.

4 CHAIRPERSON MITTEN: Thank you,
5 Mr. Hood.

6 We're going to need a copy of
7 that site plan with the numbers on it in the
8 record. I don't think we have that yet, or
9 do we? If we don't have it we need it.

10 And then the other - oh we do
11 have it. Okay. Never mind.

12 Then the other issue is, we have
13 the ANC letter, and then the conditions
14 attached.

15 Is this an agreement? Do you
16 have a signed agreement with the ANC? Or is
17 this - is everyone assuming this is going to
18 get folded into the zoning order?

19 MR. EPTING: Well, we've offered
20 the same conditions as part of our
21 supplemental package.

22 CHAIRPERSON MITTEN: And I

1 understand that. And again, I'm just trying
2 to make the distinction between - this is
3 starting to act like a PUD, but we will have
4 to discuss it later about whether or not we
5 can accept conditions that aren't even
6 related directly to the relief being sought.

7 MR. EPTING: I understand. And
8 it's been a little confusing for everybody.

9 CHAIRPERSON MITTEN: Right, I
10 understand, and so we're just working
11 through it. But I just, out of an abundance
12 of caution, I would hope that you would have
13 a separate signed agreement with them to the
14 extent that we are unable - and I don't know
15 if we are unable - but to the extent that we
16 are unable to incorporate all of these
17 conditions into this order.

18 MR. EPTING: And I could proffer,
19 if that's the case and you are unable to do
20 it, then we will reach an agreement with the
21 ANC.

22 CHAIRPERSON MITTEN: Terrific,

1 okay. Anyone else? Mr. Turnbull?

2 COMMISSIONER TURNBULL: Thank you,
3 Madame Chair.

4 Me. Liebmann, can we go back to
5 your non-green roof. These condenser units,
6 am I looking - is your plan right? The most
7 southern part of that, the condenser units
8 are right along the wall. There is no
9 access around it?

10 MR. LIEBMANN: I believe those
11 might be a little bit out of -

12 COMMISSIONER TURNBULL: It looks
13 like they are right up to the wall.

14 MR. LIEBMANN: I don't think
15 that's the case.

16 COMMISSIONER TURNBULL: I mean
17 that's what it shows on L102 also. I mean
18 our set.

19 MR. LIEBMANN: I'm not sure. Do
20 you know that? I mean I would assume we
21 have a couple of feet. I think there needs
22 to be a minimum clearance around the

1 perimeter. I think those are just
2 superimposed a little bit out of synch.

3 COMMISSIONER TURNBULL: Okay. You
4 mentioned getting relief for four roof
5 structures. Aren't you really talking about
6 six roof structures?

7 You've got a stair elevator.
8 You've got a raised swimming pool. And you
9 also have a room which has wash rooms and
10 it's a utility area, food preparation.

11 I count at least six roof
12 structures.

13 MR. EPTING: Well, I wasn't sure -
14 I mean the roof deck -

15 (Simultaneous voices)

16 MR. EPTING: I'm not sure if that
17 counts as -

18 COMMISSIONER TURNBULL: I think OP
19 considers that a roof structure.

20 MR. EPTING: The pool is less than
21 four feet above grade.

22 COMMISSIONER TURNBULL: I think we

1 need more information on your roof. I'd
2 like to see some more detailed plans or an
3 elevation or sections or a perspective of
4 what that roof looks like. It's very
5 confusing. And how that so-called tower
6 looks like. It's not set back.

7 You've got a lot of stuff going
8 on on that roof which even your drawing say
9 is not right. I'd like some corrected
10 drawings. I'd like to see some corrected
11 drawings, and some better idea of
12 elevations, and how - what's going on that
13 roof plan. I think it's very confusing as
14 to what this commission has to look at.

15 MR. EPTING: We can certainly give
16 you the top elevations of these units. This
17 is one structure. It has different heights.

18 Basically we were very much
19 trying to only maximize the height where we
20 had to. Most of these structures I think
21 are around in the 10-foot realm.

22 We will give you those precise

1 dimensions, but I think the only inaccuracy
2 on this drawing is the fact that we
3 superimposed these condenser units, and we
4 were a little bit out of whack with our
5 layers.

6 But I think beyond that it's
7 quite precise. And I think we can give you
8 an annotated drawing, if we haven't done
9 that yet.

10 COMMISSIONER TURNBULL: Well, I
11 think you are asking this Commission to
12 approve this roof plan. And basically this
13 is a huge amenity for you. And I think we
14 really need to know what's going on.

15 That's my - I don't know what the
16 rest of the Commission -

17 MR. LIEBMANN: We can certainly
18 have that submitted.

19 COMMISSIONER TURNBULL: Let me -
20 on the courtyards, can you - I see it looks
21 like - again it's hard to tell from the plan
22 looking at elevations and how one gets

1 around it.

2 Is that handicapped accessible?
3 I mean can people - I see stairs or steps,
4 but can you -

5 MR. LIEBMANN: Yes, there are
6 ramps which I think have access. It's a
7 rather dynamic shape where these landscape
8 forms are actually somewhat canted, but
9 there is full access to each level. There
10 are stairs and ramps.

11 COMMISSIONER HOOD: Mr. Liebmann,
12 you need to stay close to the mike. They
13 are not catching you. You are just like off
14 record.

15 MR. LIEBMANN: Shall I start over?
16 You don't want to hear that again. I'm
17 sorry, I can't control myself. I have to
18 stand - I can't talk and sit at the same
19 time.

20 So I think there is only about
21 two foot of real grade differential. And
22 they are all connected by ramping.

1 COMMISSIONER TURNBULL: Okay, in
2 the north courtyard I see an exhaust - a set
3 of garage exhaust. Is that raised up in the
4 very north courtyard on plan L101, it shows
5 that there is an exhaust area.

6 Is that garage exhaust?

7 MR. LIEBMANN: That is correct,
8 garage exhaust.

9 COMMISSIONER TURNBULL: Is that
10 raised up? I mean if people are going to be
11 in that courtyard, what are you doing to
12 alleviate exhaust from people being in the
13 courtyard?

14 MS. ACKISS: You can't actually
15 get to that spot.

16 COMMISSIONER TURNBULL: You can't
17 get to it?

18 MR. LIEBMANN: It's actually
19 buried in the landscape. It's very dense
20 landscaping. It is a grade, so the idea is
21 -

22 COMMISSIONER TURNBULL: If you

1 could clarify that for us.

2 MR. LIEBMANN: Okay.

3 COMMISSIONER TURNBULL: I guess my
4 other - are you going for any lead
5 certification? Or if you are not going to
6 lead certification, are you going for a
7 certain level of points that you are trying
8 to achieve? Is there a goal on how much of
9 a sustainable architecture and design
10 elements you are going to be incorporating?

11 MR. LIEBMANN: We have not done a
12 lead score card in this project. We have a
13 list of elements I could read you.

14 COMMISSIONER TURNBULL: Could you
15 put something together for us that would at
16 least give us an idea of what you are trying
17 to achieve so that - we are not requiring
18 it, but I think what we would like to know
19 is to what extent, how you are trying to
20 incorporate green architecture and design
21 elements into the building.

22 MR. LIEBMANN: I think we can - do

1 we have a score card?

2 MS. ACKISS: We discuss it in the
3 first submission.

4 COMMISSIONER TURNBULL: But I
5 don't think it actually gave any kind of a
6 lead point that you might be trying to go
7 to.

8 MR. LIEBMANN: I mean I'm
9 anticipating that we'll probably be in the
10 realm of between like 15 and 18 points
11 probably.

12 COMMISSIONER TURNBULL: Could you
13 describe that for us in a document that sort
14 of elaborates how you might get there?

15 MR. LIEBMANN: Okay.

16 COMMISSIONER TURNBULL: Okay.

17 I guess the other thing, on your
18 first floor plan here, why is the retail at
19 that end? And not the other end? What was
20 your -

21 MS. ACKISS: It aids in loading.
22 Since the loading dock is back there, it

1 makes it much easier.

2 And it's also an active corner at
3 O Street.

4 MR. LIEBMANN: We see that. I
5 mean it's very hard to believe today,
6 especially with the raised road. But we
7 anticipate that it will be a prominent
8 corner as the road network in the
9 neighborhood evolves.

10 COMMISSIONER TURNBULL: Did you
11 see trying to put retail at the other end
12 also?

13 MS. ACKISS: We wanted to put our
14 amenity space up there so that it would
15 create a more active space.

16 We are looking into the retail.
17 We don't know how the area is emerging. We
18 wanted to get something active out into the
19 street early on. And we knew that would
20 solve that.

21 COMMISSIONER TURNBULL: So is that
22 a possibility in the future that if things

1 change that could become retail? Or do you
2 ever seen that happening?

3 MS. ACKISS: It's always possible,
4 yes.

5 COMMISSIONER TURNBULL: Okay.
6 Madame Chair, those are all my
7 questions.

8 CHAIRPERSON MITTEN: Thank you,
9 Mr. Turnbull.

10 Mr. Jeffries.

11 COMMISSIONER JEFFRIES: Let's stay
12 on retail, because I'm having a few problems
13 with this, particularly being right across
14 the street from the baseball stadium. And
15 you have ground floor space that is for
16 residents.

17 I'm just wondering, I'm reading
18 here in terms of criteria for the Capitol
19 Gateway overlay, unless I'm missing
20 something here, B, 1600.2-B, encourage a
21 variety of support and visitor related uses
22 such as retail, service, entertainment,

1 cultural and hotel.

2 And then I also see that, provide
3 for the establishment of South Capitol
4 Street as a monumental civic boulevard.

5 So on those two points, how does
6 this project promote those two items?
7 Someone?

8 MS. ACKISS: We think that by
9 having our one-wave leasing, which is also
10 service where you will have a lot of people
11 coming in and out, as well as the amenity
12 areas up front, it will be a very active
13 front.

14 You know, we foresee, you know,
15 our tenants in the exercise room, you know,
16 running, looking at everything that is going
17 on out on the street, as well as being able
18 to have some of the retail down on the other
19 side as well.

20 COMMISSIONER JEFFRIES: Just walk
21 me again through all the activities, just
22 one by one, along South Capitol ground

1 floor.

2 MR. LIEBMANN: Well, again it's
3 going to be -

4 MS. ACKISS: Perhaps I should talk
5 and he can point.

6 COMMISSIONER JEFFRIES: Okay.

7 MS. ACKISS: The top is the
8 exercise facility.

9 COMMISSIONER JEFFRIES: Okay.

10 MS. ACKISS: Below that is our
11 club room.

12 COMMISSIONER JEFFRIES: Now in
13 terms of the exercise facility, that means
14 we are going to be a room of exercise room
15 or what?

16 MS. ACKISS: What will happen is,
17 in the very front of it that faces out on
18 South Capitol will be all the aerobic
19 machines, so that the treadmills and
20 everything sort of act - that you spend a
21 lot of time - will be looking out the window
22 to help engage and animate sort of the area

1 a little bit better.

2 And then to the rear will be sort
3 of weight lighting, stretching, aerobic
4 areas towards the rear.

5 COMMISSIONER JEFFRIES: So when
6 people are coming in, traversing along South
7 Capitol, they will see people working out in
8 the gym, and they are going to the baseball
9 stadium. So for you this brings about lots
10 of activity.

11 MS. ACKISS: Right.

12 MR. LIEBMANN: It's going to be
13 the same full retail storefront that we are
14 going to have - I mean it's going to be
15 glass. We are going to treat it like a full
16 bore retail situation. No shutters. It's
17 going to be open and very public.

18 MS. ACKISS: Just as if it was a
19 regular gym like a Gold's or something like
20 that. It will appear that way.

21 COMMISSIONER JEFFRIES: But this
22 won't be - I mean this will be for the

1 residents.

2 MS. ACKISS: This will be for the
3 residents, yes.

4 COMMISSIONER JEFFRIES: So people
5 are not able to just go in, let's say like
6 if there is a juice bar or something, they
7 are not going to be able to go in?

8 MS. ACKISS: No.

9 COMMISSIONER JEFFRIES: Okay, go
10 on.

11 MS. ACKISS: Below that will be
12 our club room where there will be activities
13 such as billiards and shuffleboard and TVs,
14 where our residents will be able to hang
15 out.

16 COMMISSIONER JEFFRIES: So if we
17 are walking down the street, you will be
18 able to see the billiards and so forth?

19 MS. ACKISS: Yes.

20 COMMISSIONER JEFFRIES: Okay.

21 MS. ACKISS: It's very store
22 front, like he was saying.

1 Below that is our lobby area, and
2 then below that is our leasing area.

3 COMMISSIONER JEFFRIES: And then
4 the -

5 MS. ACKISS: And then the retail.

6 COMMISSIONER JEFFRIES: Okay. And
7 in terms of, what is the depth of that
8 retail by the way? And what is the floor-
9 to-ceiling height of all that retail along -
10 floor to ceiling. Is it 14?

11 MS. ACKISS: It's about - it's not
12 high. Unfortunately that's the problem with
13 the height is that we could only get about
14 12 or 13 feet, 13'2".

15 MR. LIEBMANN: 13'2", floor to
16 floor, or underside of the ceiling,
17 underside of the slab, floor to floor. So
18 it's probably going to be in the nature of
19 11 foot clear.

20 COMMISSIONER JEFFRIES: Okay. I'd
21 really like to see -

22 MS. ACKISS: Oh, wait. It is

1 currently designed to have a two story on
2 the very corner, and it drops down to lower
3 on one edge.

4 COMMISSIONER JEFFRIES: Does it
5 drop down toward the south?

6 MS. ACKISS: It drops down -

7 COMMISSIONER JEFFRIES: Is the
8 high point toward the north?

9 MS. ACKISS: The height shrinks a
10 little bit toward the north. But on the O
11 Street side it is two stories. So it's
12 actually closer to 20 feet tall.

13 COMMISSIONER JEFFRIES: Okay. I'm
14 a strong student of - I'd like to see for
15 the ground floor I'd like to see some
16 vignettes or something to give me the
17 understanding about exactly what I'm seeing
18 on all these faces, and what this all looks
19 like as I'm walking along.

20 So I did see one - I saw one
21 thing that you did. But I'm really trying
22 to make certain that this is going to be an

1 active space here as you are walking across
2 - along South Capitol.

3 MR. LIEBMANN: I'm not sure this
4 is really doing it for you.

5 COMMISSIONER JEFFRIES: That's not
6 doing it.

7 MR. LIEBMANN: But we try.

8 COMMISSIONER JEFFRIES: In fact,
9 that sort of concerns me a bit.

10 MR. LIEBMANN: That was actually
11 just trying to show the setback and the view
12 corridor as opposed to anything else.

13 So would you like to see just
14 elevational sketches?

15 COMMISSIONER JEFFRIES: Less
16 elevation, because you know we don't
17 experience the elevations. You know I'd
18 like to see some perspective, but it needs
19 to be somewhat on such that I can see, if
20 someone is walking along. I want to get a
21 sense of - you know. And with that I'll go
22 to just articulation at the ground floor of

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1 the facade. I need to get a better
2 understanding.

3 I see that you have those bands -
4 can you pull that up.

5 MS. ACKISS: Eric, if you would
6 point out the retail in the perspective and
7 how it works; I think that will help also in
8 the two-story level at the corner.

9 MR. LIEBMANN: These are your
10 typical bays -

11 MS. ACKISS: She's not getting
12 you.

13 MR. LIEBMANN: These are typical
14 bays. So again we have glassy piers. They
15 are in the same rhythm as the bays above.

16 We were really trying to get some
17 sort of presence, so we have fairly broad
18 piers, and they are sort of richly decorated
19 with polychromatic masonry.

20 This is an elevation as - when we
21 get to the corner the masonry peels off and
22 we expose a full glass storefront.

1 So essentially we have two
2 stories of glass wrapping the corner. So I
3 think it's going to be very much - this
4 corner should be something of a beacon. But
5 again some of the issues that we've had that
6 Ginger referred to was the idea that we
7 don't - sort of being a pioneer here and
8 getting in early, we really wanted to make
9 the whole store front be rather animated.
10 But there is a little bit of a leap of
11 faith.

12 I think to do more than this, we
13 were just afraid we were going to have
14 painted over store front. Getting people
15 across the street is going to take awhile.

16 COMMISSIONER JEFFRIES: But what
17 is doing more than this? What does that
18 mean? What does that look like?

19 I'm going on your statement,
20 doing more than this. If you believed in
21 this area, and I actually think you do
22 because you wouldn't be here.

1 But let's say you really really
2 believed in this area, what would this
3 ground floor look like?

4 MS. ACKISS: I believe that we
5 would do something very similar to what it
6 is currently. We do - the only worry is the
7 retail that it's early. And there is the
8 entertainment district over by the baseball
9 stadium.

10 So currently we think that in the
11 next few years, if there is retail, the
12 majority of it will go into the
13 entertainment district and on the side of
14 South Capitol that the baseball stadium is
15 on.

16 COMMISSIONER JEFFRIES: But what
17 about neighborhood -

18 MS. ACKISS: But we will do - you
19 know, that's our goal is to have some sort
20 of neighborhood functioning service there.
21 Whether it be a rush hour coffee shop
22 service or something like that.

1 But we tend to like to be able to
2 have our residents active and engaged in the
3 outside. So I don't think that we would
4 have changed exactly where that is.

5 COMMISSIONER JEFFRIES: Okay, I
6 was just -

7 MR. LIEBMANN: When we designed
8 this basic facade, when we designed this
9 storefront, it was designed as a retail
10 storefront. The program emerged, we were
11 basically trying to fit all the parts and
12 make this project work.

13 So it was designed as a retail
14 store front.

15 COMMISSIONER JEFFRIES: Then where
16 did you have the gym then?

17 MR. LIEBMANN: I'm just saying, we
18 kind of took two separate paths. We were
19 designing the architecture somewhat, and
20 independently designing the interior. They
21 came together and there was a tradeoff with
22 some of the more public, yet private spaces,

1 were put on the street. So there was a
2 balancing.

3 COMMISSIONER JEFFRIES: Okay.

4 The other struggle that I'm
5 having with the architecture is this whole
6 business of this building being so cool in
7 terms of color. You tend to like
8 residential to be a little warmer so you can
9 clearly identify it, and this is rather
10 cool. Cool palette, and sometimes I look
11 at it in certain places, it almost looks
12 like it's office.

13 I'm just - I guess my question is
14 around, what was the driver behind the
15 materials that you used? Or just really,
16 let's go back to the modern vernacular that
17 you are trying to achieve, which I'm not
18 quite certain it's that modern. But go
19 ahead.

20 MR. LIEBMANN: We didn't think
21 this was an appropriate location for another
22 red brick building.

1 We think that with the rhythms of
2 the bays, with the rhythms of the balconies,
3 we think it's going to have a very clear and
4 rich residential expression. I think you
5 are going to walk by the building, and it's
6 clearly going to be residential.

7 We think the color palette, I
8 think it's going to be richly textured, the
9 colors. I don't know if you are thinking
10 they're somber. I think that it will feel
11 tactile when you are up against it. I think
12 you will feel a richness.

13 We think the white coloration of
14 the bays and the off white of the metal will
15 just I think be bright and lively, and I
16 guess we believe it will have a very
17 positive residential character and not look
18 commercial.

19 COMMISSIONER JEFFRIES: So right
20 across the street, with the baseball
21 stadium, those are similar colors, do you
22 know?

1 MR. LIEBMANN: I only know the
2 stadium colors sort of in general. I mean
3 I'm assuming - I don't know if the actual
4 materials have been publicly shown.

5 COMMISSIONER JEFFRIES: You are
6 not certain of the materials that are going
7 to be facing this building, I mean in terms
8 of what exactly is across the street?

9 MR. LIEBMANN: No, I'm not
10 completely certain what they are. It was
11 sort of an independent determination to do
12 something that had somewhat of a different
13 spirit than you know the red brick buildings
14 that we see on M Street.

15 We decided purposefully to do
16 something else. We looked at some -
17 actually a somewhat darker gray palette,
18 and we were concerned that that might be
19 more forbidding relative to the neighbors to
20 the west. So this is the palette that we
21 entered on.

22 COMMISSIONER JEFFRIES: And in

1 terms of the crown of this building, I know
2 that so many of the architects have been
3 beaten up coming through here, and some of
4 the developers have over-accessorized these
5 rooftops.

6 So you guys look like you sort of
7 went in the opposition direction. It looks
8 pretty straight-away clean.

9 Was that very intentional?

10 MR. LIEBMANN: Well, in terms of,
11 you're saying it's understated?

12 COMMISSIONER JEFFRIES:
13 Understated.

14 MR. LIEBMANN: Well, Mr. Parsons
15 isn't here tonight.

16 COMMISSIONER JEFFRIES: I don't
17 always agree with Commissioner Parsons.

18 MR. LIEBMANN: No, no, I'm saying
19 I'm not sure he'd agree.

20 We basically had something at one
21 point more elaborate, really, and a rental
22 building. It was cost prohibitive.

1 I think we did something that we
2 felt would have a presence on the street
3 line, that would create a building
4 hierarchy. It's about 50 foot wide, and
5 steps about 10 foot over the parapet, and we
6 think it will be a reasonable crown to the
7 building without a total free form cornice
8 or colonnade up there.

9 COMMISSIONER JEFFRIES: I have
10 just one last question, and then one
11 observation.

12 My last question, I think Mr.
13 Epting has said a couple of times that this
14 is a long and narrow site.

15 I guess I don't fully see that
16 it's a long and narrow site. So what makes
17 this a long and narrow site? I guess I'm
18 missing it.

19 When I look at the proportions,
20 it's a typical donut U configuration.

21 MR. LIEBMANN: Well, just in this
22 kind of U-shaped configuration, the wings

1 are, relative to some other projects, the
2 wings are relatively truncated.

3 Again, when we began this design,
4 exercised this site, it was broader. And
5 losing that 15-foot setback, it had a major
6 implication.

7 We had several interior corners
8 just in terms of creating an efficient
9 residential building. The site really
10 doesn't have that much depth.

11 Again we have our basic 65 or 70-
12 foot building depth, and these dimensions
13 are really fairly minimal in terms of
14 getting more units.

15 MR. EPTING: And that's what I
16 was getting to. Basically that we are
17 squeezed in by the 15-foot rear yard and the
18 15-foot front yard, which does compress - it
19 would work better if it was longer turned
20 the other way, when you have the two
21 setbacks.

22 That was the only point about the

1 setbacks.

2 MR. LIEBMANN: Those two things
3 kind of limited it to about 50 units, since
4 we are losing 50 foot of depth, basically
5 one, two, three, four units, it basically
6 was a lot.

7 And then again, in stepping down
8 it again created more losses. So that's
9 what it was, sort of relative to the
10 process.

11 COMMISSIONER JEFFRIES: Just my
12 own observation, and probably sitting here
13 with the Zoning Commission, I'm not - it's
14 still a bit of a missed opportunity in terms
15 of urban design here. I mean I could see
16 some other more successful urban design.
17 Just in terms of site design here for this
18 building.

19 But clearly understanding all the
20 constraints and overlays and things of that
21 sort, I think what we have created here is a
22 fairly monolithic building that doesn't

1 really take a lot of - doesn't really allow
2 for you to penetrate it and make for much
3 more civic places.

4 It just seems to be a lost
5 opportunity. But I clearly see how we got
6 to where we are, so I'm not really putting
7 that on the applicant. But it's just sort
8 of a general statement.

9 So anyway, thank you.

10 CHAIRPERSON MITTEN: Thank you,
11 Mr. Jeffries.

12 Anybody else? Mr. Turnbull?

13 COMMISSIONER TURNBULL: Thank you,
14 Madame Chair.

15 I wondered, is there a rendering
16 or a perspective of the Half Street view of
17 the building?

18 MR. EPTING: We have an
19 elevation.

20 CHAIRPERSON MITTEN: I need you on
21 the mike.

22 MR. LIEBMANN: Here it is. This

1 is our elevation facing the neighbors. This
2 showing the step downs.

3 It's primarily the split face
4 block with some detailing of the brick from
5 the front of the building.

6 COMMISSIONER TURNBULL: How much -
7 I guess what I'm seeing in your drawings,
8 and what I can't tell, it looks fairly
9 monolithic jumbo sized concrete masonry
10 units. It doesn't look any richness to it
11 at all from the neighborhood side.

12 I mean it looks like you have
13 done a lot of articulation on the one side,
14 but as you go around the building it looks
15 like - well, this is the back of the
16 building, and it's just going to be just
17 bland.

18 And I'm just worried about the
19 neighborhood aspect. I just don't know if
20 it's going to be a very inviting building to
21 look at. I can't tell right now by looking
22 at what I see.

1 MR. LIEBMANN: It's a little bit
2 of a unique site, because that elevation is
3 right on the property line. There is no - I
4 mean Half Street is fairly removed from this
5 facade. This is really a property line,
6 party line elevation; this is not a street
7 elevation.

8 And you are correct that some of
9 the architecture here has to support the
10 more expensive architecture on the primary
11 facade.

12 Again, it's a balancing act that
13 given the economics of residential
14 construction right now it necessitates
15 downplaying certain aspects of the building
16 to support primary facades.

17 COMMISSIONER TURNBULL: Now you
18 mentioned that there was some - you talked
19 about - you mentioned that there was some
20 enrichment or something along here.

21 MR. LIEBMANN: It's primarily -
22 (Simultaneous voices)

1 MR. LIEBMANN: There is along this
2 facade, every floor, there are two courses
3 of the brick that we have in front of the
4 building.

5 And then I believe at every floor
6 there is a string course of the ground faced
7 block to create some sort of horizontal
8 rhythm.

9 But again I think the massing at
10 the back is highly broken down. I don't
11 think it's going to read as a single wall.

12 COMMISSIONER TURNBULL: I mean, I
13 guess, could you show us something, maybe in
14 a color or something, that would give us an
15 idea of what that may look like?

16 I'm just concerned that this is
17 the beginning of developments that
18 eventually you're not going to be the back
19 of the building. It's going to develop all
20 around there. You are going to be fitting
21 into a neighborhood, and people are going to
22 be looking at this thing, and they are going

1 to be - I'm just concerned about the overall
2 effect of the building as it fits in to the
3 -

4 COMMISSIONER JEFFRIES: Excuse
5 me, so I just want to make sure I
6 understand.

7 So your point is that this is a
8 figural building of sorts, meaning that you
9 are going to see it from many places; is
10 that what you are saying?

11 COMMISSIONER TURNBULL: I mean we
12 are very concerned about the South Capitol,
13 the monumentality of the street and that
14 impact.

15 But in the larger context of the
16 community this is going to be one of the
17 first buildings that is going to set a
18 precedent for life in the neighborhood.

19 So I just think that we've got
20 the townhouses and everything else. People
21 are going to be looking at this. And I
22 think it ought to offer a little bit more

1 quality other than saying it's just the back
2 of the building.

3 COMMISSIONER JEFFRIES: What I
4 think you are saying is what I'm saying.

5 COMMISSIONER TURNBULL: I'm taking
6 off what you had said.

7 COMMISSIONER JEFFRIES: It's a bit
8 of a field, because you are looking at lower
9 density, I mean lower buildings that are
10 directly to the west of it, that you can't
11 really so quickly treat it as the back of
12 the building.

13 COMMISSIONER TURNBULL: That's
14 right.

15 CHAIRPERSON MITTEN: And because
16 of the density to the west, they will remain
17 low. It's not like some day they will get
18 redeveloped, and they will be an equally
19 tall building there. So I understand the
20 concern.

21 COMMISSIONER TURNBULL: I would
22 like to see at least some more articulation.

1 I understand costs and everything else. But
2 I think changes of color or banding or
3 riveting, I think you might be able to
4 articulate that facade a little bit better.

5 Thank you.

6 CHAIRPERSON MITTEN: Okay. Just
7 bear with me one second.

8 Commissioner Hamilton -

9 COMMISSIONER HOOD: Madame
10 Chairman, before we go to the Commission -

11 CHAIRPERSON MITTEN: I'm just
12 going to ask for cross examination.

13 COMMISSIONER HOOD: But I want to
14 piggy-back on one of your questions.

15 Did you ever get a response? You
16 asked them did they see the DDOT report. I
17 remember you asked. I forget what the
18 response was.

19 CHAIRPERSON MITTEN: They walked
20 over and got it.

21 COMMISSIONER HOOD: So they had
22 not responded to it.

1 MR. EPTING: And we can respond to
2 it.

3 COMMISSIONER HOOD: Okay, you did
4 say that. Okay, I'm sorry.

5 MR. EPTING: And Ginger will
6 respond right now.

7 MS. ACKISS: In looking at it
8 right now, it states that we received 65
9 percent plans of South Capitol in February;
10 and that is true. We received them
11 yesterday.

12 And so we obviously could not use
13 those plans in designing the building. And
14 we are always working with them. We did
15 meet with them. Our plan with the
16 landscaping will obviously be to follow
17 whatever they decide for the South Capitol
18 streetscape.

19 So we intend to work with them,
20 do what they would like on the streetscape,
21 and work with them.

22 Unfortunately, we received the 65

1 percent plans - and I stress 65 percent,
2 because they could still change quite a bit
3 from 65 - received those yesterday.

4 CHAIRPERSON MITTEN: Is there
5 anything that you are aware of in terms of
6 what DDOT is working on relative to access
7 to the building?

8 Because most of what - I mean all
9 of what they care about is off the property,
10 out of our purview. But is there anything
11 that is happening on the subject site?

12 I mean the entrance is pretty
13 straight forward. It's on grade and all
14 that. Is there anything that you are aware
15 of that DDOT is doing that would actually
16 impact the design of your building?

17 MR. EPTING: The only issue, and I
18 think Eric talked about it, was we'd like to
19 go ahead and pick a measuring point now.

20 CHAIRPERSON MITTEN: Sure, I
21 understand that.

22 MR. EPTING: So our building may

1 get slightly taller, theoretically taller or
2 smaller, depending on how the grade is
3 ultimately set. But other than that we are
4 comfortable.

5 CHAIRPERSON MITTEN: Okay. Okay.

6 Commissioner Hamilton, did you
7 want to ask any questions?

8 You have the right to cross-
9 examine the witnesses that the applicant put
10 on. Did you have any questions for them?

11 Okay, no questions from the ANC.
12 Okay, thank you all. And we will move along
13 now to the report by the Office of Planning,
14 Mr. Jesick.

15 OFFICE OF PLANNING REPORT

16 MR. JESICK: Thank you, Madame
17 Chair, members of the Commission.

18 My name is Matt Jesick. The
19 applicant has requested approval under the
20 design review provisions of the Capitol
21 Gateway Overlay.

22 And that overlay seeks to create

1 a pedestrian-friendly neighborhood, and a
2 built environment that encourages transit
3 use. It also seeks to create a mix of uses
4 that would therefore create an active
5 streetscape.

6 And just in general it seeks to
7 enhance the South Capitol Street near
8 Southeast and Anacostia waterfront areas.

9 And the Office of Planning feels
10 that the development proposed by the
11 applicant will meet those objectives.

12 They are adding a significant
13 amount of residential use to the
14 neighborhood, which will increase activity
15 at all times of the day.

16 The building itself will help
17 create a monumental streetscape along South
18 Capitol.

19 They are only a few blocks away
20 from the Navy Yard Metro, so they will
21 certainly be promoting transit use.

22 And regarding the architecture,

1 OP felt that the building would be an
2 attractive complement to the baseball
3 stadium using a similar palette of
4 materials.

5 So all these are positive aspects
6 of the project.

7 In our report we did raise some
8 concerns, request some more information from
9 the applicant. One for example is the color
10 of the elevations. I think the Commission
11 already talked about it.

12 Specifically the rear elevation
13 which in the rendering, or the elevation
14 that is displayed by the applicant, it does
15 look rather bleak and dark.

16 When the applicant showed us the
17 actual physical material palette, our
18 concerns were eased somewhat in that regard.

19 On the issue of the streetscape,
20 we do note as the applicant just did that
21 the DDOT plans are not complete yet, and
22 that they were just transmitted to the

1 applicant yesterday.

2 But the applicant has expressed
3 continuing willingness to work with DDOT to
4 meet whatever streetscape requirements they
5 have in terms of landscaping, lighting,
6 paving materials, et cetera.

7 The Commission brought up the
8 issue of whether the DDOT activities would
9 impede access to the property. The schedule
10 as I understand it from DDOT is to have that
11 section of South Capitol Street completed by
12 February of 2008. Probably that would be
13 before construction would start on this
14 building, I'm guessing. So hopefully there
15 wouldn't be - there would be no conflicts
16 for access for construction vehicles or
17 anything of that sort.

18 But the applicant in their most
19 recent submission did address many of the
20 issues that OP raised in the report. We did
21 ask the applicant to provide a little more
22 green roof space.

1 We appreciate the green space
2 they are providing in the two courtyards.
3 We asked them to look at providing more
4 space on the roof, but as they have shown
5 tonight, the mechanical systems do occupy a
6 large percentage of the roof.

7 Another issue I'd like to touch
8 on is the issue of inclusionary zoning. And
9 in our earlier discussions with the
10 applicant, we felt that the extra height
11 would allow them to reach that eight percent
12 threshold for IZ. As they discussed, they
13 are providing 4.6 percent of that base floor
14 area for affordable units.

15 But we do understand that the
16 design does not capture all the potential
17 bonus density for the variety of reasons
18 that have already been discussed, and we
19 also appreciate the fact that the applicant
20 was kind of caught in the middle of some
21 moving pieces, the CG overlay, the new IZ
22 provisions, et cetera.

1 We do feel that whatever IZ -
2 whatever affordable units are provided in
3 the building, that they should be
4 distributed fairly evenly throughout the
5 building on all the floors except perhaps
6 the top floor or top two floors. So we
7 would like to see a more even distribution
8 of those units.

9 In conjunction with the design
10 review the applicant has requested a number
11 of areas of relief from zoning regulations,
12 and those have been discussed thoroughly.

13 Regarding building height, OP
14 asked the applicant to consider that
15 building height of 110 feet for three main
16 reasons.

17 One is to encourage the
18 monumental streetscape along South Capitol.

19 Two would be to allow the
20 building mass to come away from the town
21 homes to some extent.

22 And three, as I mentioned, to

1 provide inclusionary units.

2 We feel that this extra height is
3 not inconsistent with the intent of the CG
4 overlay, which clearly states the desire to
5 see a monumental streetscape along South
6 Capitol.

7 The Commission mentioned whether
8 or not this development should incorporate
9 more sort of a civic feel to it, or civic
10 spaces. I think the regulations as they are
11 written to some extent preclude that,
12 because the Capitol Gateway Overlay calls
13 for a 60 percent of the building face to be
14 at the setback line.

15 So that kind of works against
16 creating nooks and crannies for public
17 spaces or gathering places, outdoor
18 gathering places, in the architecture of the
19 building.

20 But in short OP does not object
21 to granting the requested relief for height
22 and the slight variance to street wall

1 provisions or roof top structures, et
2 cetera.

3 So overall OP views the project
4 favorably. And while we would like to have
5 a larger inclusionary zoning contribution,
6 and have the affordable units distributed
7 more evenly throughout the building, we do
8 recommend approval of the application.

9 I would be happy to take any
10 questions.

11 CHAIRPERSON MITTEN: Thank you,
12 Mr. Jesick.

13 Mr. Jeffries.

14 COMMISSIONER JEFFRIES: I'm
15 somewhat confused, because I thought that
16 coming out of the Office of Planning there
17 was - and I remember that Ms. Steingasser
18 sat right in the seat that you are in a few
19 months ago and said that there was somewhat
20 of an internal policy that for these taller
21 luxury buildings that you wouldn't be
22 looking for these affordable units to go

1 past the third or fourth or perhaps fifth
2 floor for, you know, for clear understanding
3 that it becomes much more cost prohibitive
4 to the developer the more you start to move
5 these units up.

6 So in fact I remember Ms.
7 Steingasser speaking about that on a project
8 that I think the architect was Schlom
9 Barradas (phonetic), I think it was at 23rd
10 or 24th, I think it was overlooking the park.

11 And I think the question there
12 was whether there were going to be any
13 affordable units at the top floors. And I
14 believe she said that they were going to
15 give the developers a pass, understanding
16 that that is a bit of a hardship.

17 So I don't know if you need to go
18 back or whatever, but I distinctly remember
19 her saying that.

20 And then secondly, I'm still
21 trying to understand how this building sits
22 with the stadium across the street. I don't

1 know what - I just don't have a sense in
2 terms of what has been put in front of me,
3 when I am walking between these two
4 buildings, what I'm looking at.

5 I mean do you know? Or what I
6 will be looking at, I guess.

7 MR. JESICK: We've seen - the
8 applicant has submitted cross section
9 showing the distance across South Capitol
10 Street, and where the buildings will sit
11 relative to one another.

12 Regarding the specifics of the
13 architecture, I think what the applicant is
14 showing is similar palette of materials to
15 what the stadium has proposed.

16 COMMISSIONER JEFFRIES: Which is
17 not always the right thing to do, but I hear
18 you.

19 MR. JESICK: Right, a lot of glass
20 on this building, and I believe on the
21 baseball stadium, some metal panels, and a
22 similar color palette.

1 Certainly the baseball stadium is
2 on a totally different scale than this
3 building. But I think given the sort of new
4 nature of this neighborhood, that it is just
5 starting to redevelop, it'd be hard to know
6 what that streetscape will look like
7 exactly.

8 COMMISSIONER JEFFRIES: Yeah.
9 Okay.

10 CHAIRPERSON MITTEN: Thank you,
11 Mr. Jeffries.

12 Anyone else have questions for
13 Mr. Jesick? Mr. Turnbull?

14 COMMISSIONER TURNBULL: Thank you,
15 Madame Chair.

16 Mr. Jesick, the only thing in
17 your report, you had said that you were -
18 you needed more material from the applicant.

19 Do they have a list of
20 specifically what you asked for?

21 MR. JESICK: Yes, I mean I can go
22 through the various things that we asked

1 for.

2 COMMISSIONER TURNBULL: Yes.

3 MR. JESICK: Sure. One was, as I
4 mentioned, the color of the elevations. And
5 they have provided the material palette
6 which eased our concerns in that regard.

7 On the streetscape we had asked
8 them show the DDOT plans for that section of
9 South Capitol Street. And as we discussed,
10 those plans are still in the works, and have
11 just been transmitted to the applicant.

12 We had asked for detailed
13 drawings of the balcony railings. And those
14 were submitted in the applicant's February
15 21st submission, the one that we received
16 recently.

17 We asked the applicant for more
18 information regarding the size of the
19 northern court, and why that could not be -
20 why that arm of the building could not be
21 shifted down to make that a conforming port.
22 And as the applicant explained this evening,

1 it would require another stairwell for code
2 purposes, and additional rooftop structures.

3 We asked the applicant to provide
4 more information about the elevation of the
5 pool deck. And I believe They provided some
6 sections, again, in that most recent
7 submission, although perhaps They aren't as
8 clear as they could be.

9 We asked them for more
10 information on the kitchen on the rooftop,
11 and they have indicated that that kitchen
12 would fall under the exclusion for habitable
13 space that's included in the definition
14 section of the zoning regulations.

15 I talked about the green roof,
16 and we also asked for more information on
17 inclusionary zoning, and the applicants
18 provided that information.

19 COMMISSIONER TURNBULL: Wasn't
20 there something, you had almost talked about
21 removing the washroom structure? You were
22 concerned about the structure itself?

1 MR. JESICK: Yes, that gets back
2 to the kitchen issue. We weren't sure if
3 that kitchen would be considered habitable
4 space. But there is the exclusion, Section
5 199 of the zoning regs, which states that an
6 enclosed kitchen that is ventilated and
7 under 100 square feet would not be
8 considered a habitable room.

9 So that eased our concerns in
10 that regard.

11 COMMISSIONER TURNBULL: What's
12 your view on the tower element in the center
13 of the building, the horizontality of it,
14 how it sits, whether it should be set back?

15 MR. JESICK: I guess, we did look
16 at that as an architectural embellishment,
17 in contrast to some of the -

18 COMMISSIONER TURNBULL: Remember,
19 Mr. Parsons will be reading this.

20 MR. JESICK: Well, I can
21 elaborate. I can elaborate.

22 In contrast to some other recent

1 designs that we have seen, the element does
2 not span the entire roof of the building.
3 It is more focused on the bay that is
4 directly above the entrance.

5 So that is why we did not
6 consider that a major impediment.

7 COMMISSIONER TURNBULL: We didn't
8 ask the applicant, although I suppose we
9 could, how that is going to be lit.

10 Do you have any knowledge of -

11 MR. JESICK: No, we do not have
12 any knowledge about the lighting on that.

13 COMMISSIONER TURNBULL: Okay,
14 thank you.

15 CHAIRPERSON MITTEN: Just to
16 follow up on Commissioner Turnbull's
17 question, I think it's important for the
18 Office of Planning - I mean we will
19 certainly take our position and expect a
20 certain degree of consistency - but what you
21 indicated in your response to Mr. Turnbull
22 about whether or not the relatively small

1 architectural embellishment needed to be set
2 back is, there should be a uniform policy
3 about whether architectural embellishments
4 are to be set back because they are above
5 they 110-foot height, not like, some should
6 and some shouldn't. Because then that
7 doesn't give consistency and predictability
8 to applicants.

9 So I think we'd be interesting in
10 the Office of Planning thinking this through
11 from a broader perspective. What is your
12 uniform policy going to be about this, and
13 your advice to us.

14 So if you could think about that
15 a little bit more, not just in this narrow
16 context but a broader context.

17 MR. JESICK: So specifically for
18 architectural embellishments?

19 CHAIRPERSON MITTEN: In the CG
20 overlay above the 110-foot height. And
21 whether or not that set back requirement
22 should apply. And think in terms of what if

1 that thing was a lot longer and more - had
2 more mass to it.

3 MR. JESICK: We will definitely
4 get back to you.

5 CHAIRPERSON MITTEN: Okay.

6 And then the other thing I'd like
7 you to give some thought to, because there
8 are some - this case has a lot of potential
9 for precedent in it, so I want you to have a
10 consistent policy, and I want us to have a
11 consistent approach, is the idea that in
12 order to maximize the amount of affordable
13 housing through inclusionary zoning, that
14 that in itself becomes a basis for an area
15 of variance.

16 So we have - there is the
17 opportunity built into the IZ regulations
18 that if you are unable to capture it, that
19 there is a way to seek some relief. But so
20 it's a question of what is the prime mover.

21 Do we care so much about
22 inclusionary zoning, and we may, that that

1 becomes the basis for granting height
2 variances or lot occupancy variances or
3 whatever? Or would we rather people stay
4 within that box but maybe not maximize the
5 amount of affordable housing?

6 So I'd like you to think about
7 that in the broader policy context too.

8 COMMISSIONER JEFFRIES: But Madame
9 Chair, the Commission will still make our
10 own -

11 CHAIRPERSON MITTEN: We'll make
12 our own - but with their advice.

13 Okay, anyone else? Mr. Epting,
14 any questions for Mr. Jesick?

15 Okay, and Commissioner Hamilton,
16 did you have any questions for Mr. Jesick?
17 No questions? Okay, great.

18 All right, thank you very much.

19 I don't believe we have anybody
20 here from DDOT. And as we've already noted
21 that we do have their February 22nd letter to
22 the Commission, or memo to the Commission,

1 in the record.

2 And now we are ready for the ANC
3 report. So Commissioner Hamilton, would you
4 like to make that report, or did you want us
5 to just rely on the written submission?

6 Don't be shy, it's okay. If you
7 wouldn't mind, when you're done, if you
8 would just bring your witness cards over to
9 the reporter, and turn on the mike for me,
10 and then identify yourself for the record.

11 ADVISORY NEIGHBORHOOD COMMISSION REPORT

12 MS. HAMILTON: My name is Rhonda
13 Hamilton. I'm the commissioner for SMD 60-
14 06.

15 CHAIRPERSON MITTEN: Great, go
16 ahead and make your report.

17 MS. HAMILTON: Good evening,
18 distinguished members of the D.C. Zoning
19 Commission, and fellow citizens of the
20 District of Columbia.

21 Thank you for allowing me to
22 speak at this hearing on behalf of the ANC

1 60.

2 And at this hour at a regularly
3 scheduled business meeting on February 12th,
4 with a quorum duly present, ANC 60 voted six
5 to zero to support the design requested by
6 Camden Development for the Square 653 Lot
7 111, D.C. Zoning Commission case 06-41.

8 The ANC support is however
9 contingent upon the applicant's adherence to
10 the conditions of the contract as negotiated
11 with the residents of the community
12 surrounding the proposed development and
13 submitted with this application.

14 Seven points of said agreement
15 are: that the applicant will abide by the
16 development and construction management plan
17 as submitted in the record for this case;
18 two, that the project will reserve 11,250
19 square feet of gross floor area as
20 affordable units.

21 Three, within six months of
22 stabilization, when property is 94 percent

1 occupied, the applicant should contact
2 commissioner of the ANC 6ZM06 to take any
3 surplus garbage available to the - away from
4 the community.

5 Current residents of 246 and 8 0
6 Streets Southwest shall be provided with the
7 opportunity to lease a parking space and
8 parking garage of the building at 50 percent
9 of market for a period of 20 years.

10 Five, no less than 30 days before
11 securing construction permits for this
12 project, the applicant provide the ANC 6B-06
13 commission an anticipated schedule of
14 construction including use of heavy
15 machinery such as pile drivers.

16 And six, the applicant shall
17 coordinate with the adjacent property owners
18 regarding the provision of a decorative
19 fence identical to that lining the
20 applicant's property line from the
21 applicant's property, and continuing north
22 to N Street at the applicant's expense.

1 And seven, the applicant will
2 give preference to existing residents living
3 within the jurisdiction of ANC 6B when
4 reviewing applications for tenancy. The
5 applicant will also present its program to
6 the ANC within 18 months of the Zoning
7 Commission's issuance of an order approving
8 the proposed building.

9 The ANC and residents look
10 forward to working with the applicant to
11 implement the contract. We trust that we
12 will lend great weight to the ANC support of
13 this project.

14 And thank you for the opportunity
15 to testify before the Commission.

16 I would also like to add that the
17 developers have been trying to work with the
18 community in terms of this project, and in
19 terms of the concerns that my single member
20 district have, and I would trust that Camden
21 will honor the things that they agree upon
22 in giving consideration to the community in

1 terms of the construction, the jams on the
2 street, insofar as keeping with the times
3 that the construction would take place.

4 Because I know with our streets
5 and our particular community, the streets
6 are small. So I just will hope that the
7 developers will just abide with their
8 agreement, and with their work with the
9 community, and the concerns that we would
10 make sure that they take those into serious
11 consideration. Because I know that
12 sometimes with development projects, that
13 sometimes you can forget that you are coming
14 into a community.

15 And we as resident of our
16 community love our community and hope that
17 the developers will just remember the
18 residents as they are building the
19 development.

20 So I just thank you again for the
21 opportunity to speak in support of the ANC
22 for this project.

1 CHAIRPERSON MITTEN: Thank you,
2 Ms. Hamilton.

3 Did you understand the exchange
4 that I had with Mr. Epting earlier about
5 whether or not we will be able to
6 incorporate these all in our order? So it
7 would be helpful for the ANC to have just a
8 written agreement, rather than relying on
9 us. Because we might not be able to
10 incorporate all of the conditions into our
11 order.

12 MS. HAMILTON: Yes. I understand
13 that, and hopefully can work on that right
14 away.

15 CHAIRPERSON MITTEN: You were
16 nodding a lot when you were saying that you
17 were hoping they would be cooperative. So I
18 think you can rely on that.

19 COMMISSIONER HOOD: You are
20 talking about a written agreement signed
21 between -

22 CHAIRPERSON MITTEN: Yes, because

1 right now they don't have that.

2 COMMISSIONER HOOD: I got you.

3 CHAIRPERSON MITTEN: Correct.

4 COMMISSIONER HOOD: Commissioner

5 Hamilton, let me ask you a question.

6 Number four says, current

7 residents of 2, 4, 6 and 8 O Street - are

8 those four homes?

9 MS. HAMILTON: Yes.

10 COMMISSIONER HOOD: Okay, so they

11 would get dibs on 50 percent market rate?

12 MS. HAMILTON: Yes.

13 COMMISSIONER HOOD: And that's

14 because they are right within proximity.

15 And this is your S&D?

16 MS. HAMILTON: Yes, that's

17 correct.

18 COMMISSIONER HOOD: And then

19 number three it says, and I just want to try

20 to help you make sure so there won't be any

21 misunderstandings when we get to 94 percent

22 occupied, single member district

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1 representatives to make any surplus spaces
2 in the garage available to the community at
3 market rate.

4 So are both of those going to
5 happen simultaneously? So when you get to
6 94 percent, just try to walk me through,
7 when we get to 94 percent, what is going to
8 happen, we are going to trigger this?

9 What if whoever lives at 2, 4, 6
10 and 8 O Street will have 50 percent market
11 rate for a period of two years, what if they
12 are not within the surplus spaces, and other
13 people, I guess, ask for them first. How is
14 that going to be handled?

15 That is something you might want
16 to look at, unless I'm just not
17 understanding it. I may not be
18 understanding it.

19 MS. HAMILTON: Well, it's my
20 understanding that because the residents are
21 so close that they will automatically be
22 provided with these parking spaces once it's

1 94 percent occupied.

2 COMMISSIONER HOOD: These
3 residents, current residents at 2, 4, 6 and
4 8, will have the 50 percent market rate - 50
5 percent of the market rate for a period of
6 two years.

7 MS. HAMILTON: Twenty years.

8 COMMISSIONER HOOD: Oh, 20 years,
9 I'm sorry. But if it's 94 percent occupied,
10 other people may get dibs on it first before
11 those. And maybe I'm misreading this, or
12 reading into it more than what's there.

13 MS. HAMILTON: Oh, I understand
14 what you are saying. So maybe there is
15 something that -

16 COMMISSIONER HOOD: Something -
17 (Simultaneous voices)

18 MS. HAMILTON: - that they would
19 have a chance -

20 COMMISSIONER HOOD: An
21 opportunity, right. And I'm just throwing
22 that out there. At least from what I read.

1 Thank you. Thank you, Madame
2 Chair.

3 CHAIRPERSON MITTEN: Anyone else
4 have questions for Commissioner Hamilton?

5 Mr. Epting, did you have any
6 questions?

7 Okay, thank you very much. I hope
8 to see you again soon at the Zoning
9 Commission. I think this is your first
10 time, isn't it?

11 MS. HAMILTON: Yes, my first time
12 at the commission.

13 CHAIRPERSON MITTEN: Oh, great,
14 well congratulations.

15 MS. HAMILTON: Thank you.

16 CHAIRPERSON MITTEN: You did a
17 good job. You had everybody on board.
18 That's always good.

19 Is there anyone who would like to
20 testify in support?

21 Anyone who would like to testify
22 in support?

1 (No response)

2 CHAIRPERSON MITTEN: Anyone who
3 would like to testify in opposition to the
4 application?

5 (No response)

6 CHAIRPERSON MITTEN: Is there
7 anyone who would like to testify in
8 opposition to the application?

9 (No response)

10 CHAIRPERSON MITTEN: Okay, Mr.
11 Epting, back to you.

12 MR. EPTING: Thank you.

13 If I could first just ask Ms.
14 Ackiss to discuss two things. And the first
15 of the illumination of the tower element,
16 which I think we have a good answer for you.

17 And also we did try to clarify
18 Mr. Hood's point about the parking. And we
19 can address that too. And we did submit
20 that as Exhibit H in our submission, and we
21 will continue to work that out with Ms.
22 Hamilton.

1 MS. ACKISS: For the roof
2 structure, the element, architectural
3 feature, it had not been decided whether it
4 would be uplit or not.

5 I think we would be open to doing
6 either. I don't see it being a huge
7 spotlight or anything. But you know a nice
8 underlighting or something like that that
9 might work with sort of that patio out there
10 anyways, might work that way.

11 CHAIRPERSON MITTEN: You are
12 flexible on whatever guidance the commission
13 wants to provide in terms of restricting
14 that?

15 MS. ACKISS: Yes.

16 CHAIRPERSON MITTEN: Okay.

17 MS. ACKISS: And in terms of the
18 parking that Commissioner Hood was asking
19 about, we clarified that to say that once -
20 if there were surplus spaces that they would
21 be able to do that.

22 What their concern was was that

1 our residents would take their current
2 parking spaces. And if our residents want a
3 parking space, we assume it's probably
4 better to let them park in the garage and
5 not take - otherwise they will be further
6 taking more neighborhood spaces. And we're
7 - we would like to downplay the impact on
8 the whole neighborhood, and be able to house
9 as many of our residents parking within the
10 structure.

11 And if we do so, we think that
12 the street spaces will continue to be
13 available for our neighbors.

14 COMMISSIONER HOOD: I'm sorry, I'm
15 just not getting it. I really don't
16 understand. To be honest, I just don't
17 understand.

18 MS. ACKISS: Let me try, because
19 sometimes I can interpret.

20 The four neighbors will only get
21 their shot at the spaces if there is a
22 surplus after you achieve 94 percent

1 occupancy. They are the first tier of
2 people that are offered spaces. Then if
3 there are even more, then it's opened up to
4 the broader community at market rate as
5 opposed to the four people at 50 percent
6 market; is that right? Correct.

7 COMMISSIONER HOOD: It sounds
8 right, but it's not written that way.

9 MS. ACKISS: Look at H, number
10 three.

11 COMMISSIONER HOOD: It's not
12 written that way. That's what I thought.
13 But it's not written that the current
14 residents shall be - it doesn't say they
15 will get the opportunity first.

16 CHAIRPERSON MITTEN: Maybe that's
17 what's missing, it's just the word, first.

18 MS. ACKISS: Okay, we can add
19 first.

20 CHAIRPERSON MITTEN: I think it
21 should just say, current residents shall be
22 provided the first opportunity.

1 COMMISSIONER HOOD: Okay, that's
2 my point. That's all.

3 Thank you, Madame Chair. Thank
4 you.

5 Okay, anything else on rebuttal?

6 MR. EPTING: Well, I think we have
7 a number of things we have to submit, and we
8 will clarify the parking condition.

9 And I think with that - and I
10 will in our submission go through the
11 variance special exception standards again.

12 This has been an interesting but
13 difficult case. And I think the
14 commissioners have pointed out a number of
15 things that we have gone through trying to
16 sort of please everybody basically with a
17 baseball stadium that we don't really know
18 what it's going to look like, and South
19 Capitol changing on us.

20 But we are excited that
21 residential is going into this location.

22 The Office of Planning originally

1 when we met with them were surprised. They
2 thought it would be an office building. So
3 I think they really worked hard with us to
4 try to make this thing work.

5 So with that, we will have our
6 submission in, I would ask you to approve
7 the project at your next regularly scheduled
8 meeting.

9 CHAIRPERSON MITTEN: Well, let's
10 see, our next meeting is March 12th. So
11 let's get the schedule and work back from
12 there, and see how that works for you.

13 MR. EPTING: That's fine with us.

14 CHAIRPERSON MITTEN: Okay, so if
15 we work back from findings impact and we
16 have the additional submissions, what date
17 would that be?

18 MS. HANOUSEK: We would need the
19 additional submissions by Monday.

20 CHAIRPERSON MITTEN: This coming
21 Monday?

22 Now just keep in mind we need the

1 revised roof plan. We need Mr. Turnbull had
2 asked you for either a leads scorecard or a
3 more detailed delineation of the
4 environmental elements, and that would be
5 greater specificity than you showed in your
6 prehearing statement.

7 The perspectives of the first
8 floor space that Commissioner Jeffreys
9 requested.

10 COMMISSIONER JEFFRIES: Ground
11 floor.

12 CHAIRPERSON MITTEN: Yes, ground
13 floor space, thank you.

14 And then we would also like you
15 to revisit the western facade, and not to
16 dictate what your options are in terms of
17 getting on our schedule.

18 But I think we would like you to
19 seriously revisit the western facade, and so
20 if it would be helpful to you, I think we
21 would be willing to put on a special public
22 meeting to give you more time rather than

1 try to jam you into our March schedule,
2 March 12th schedule.

3 We could put you on a special
4 public meeting.

5 MR. EPTING: That would be
6 terrific.

7 CHAIRPERSON MITTEN: Okay.

8 MR. EPTING: And the other thing I
9 have, is, Mr. Turnbull, is the roof section.

10 CHAIRPERSON MITTEN: Yes.

11 MR. EPTING: Okay. I just didn't
12 want to miss anything.

13 COMMISSIONER JEFFRIES: Madame
14 Chair, there is one thing else I would like
15 to add for Mr. Liebmann, if there is a
16 photograph of a building that you have in
17 your files or anything that, similar
18 materials, residential and so forth, it
19 would be nice to see it, if you have
20 anything like that. I don't know if you do.

21 Or if you know of examples by
22 other architects with this. I mean it might

1 be - my issue might be the rendering. This
2 might actually be very nice. It's just that
3 I can't fully visualize it.

4 And so if you have anything like
5 that, fine. If you don't, don't worry about
6 it. But it would be nice.

7 MR. LIEBMANN: We might be able to
8 find some components, individual pieces.
9 Hopefully that building doesn't exist
10 somewhere else. But we'll try.

11 COMMISSIONER JEFFRIES: Well, I'm
12 certain that this is all very original work.

13 But in particular, because it
14 seems that there is a lot of - there is a
15 lot of - some of it - the window trimming is
16 white; is that correct?

17 MR. LIEBMANN: Yeah, it's a white
18 masonry. The window trim, the metal again
19 is kind of a bone white. It's a soft white.

20 COMMISSIONER JEFFRIES: I'm
21 thinking about the Pennsylvania Avenue.
22 What's the building with all the white?

1 CHAIRPERSON MITTEN: Evening Star.

2 COMMISSIONER JEFFRIES: Now, 22nd,
3 Commissioner Turnbull, what's the building?
4 It's like white awning, white trim, glass
5 building.

6 Anyway it's on Pennsylvania
7 Avenue, 2400 block, big huge building. I
8 can't think of -

9 MR. LIEBMANN: The World Bank.

10 COMMISSIONER JEFFRIES: Thank you.
11 Thank you. So I guess what I'm saying is,
12 if there are portions of it that look like
13 that, I mean it would be helpful is I could
14 just see something that just gives me a
15 sense of what the building looks like.

16 MR. EPTING: I guess the other
17 thing, Madame Chair, is the courtyard
18 exhaust issue. We were going to show
19 details on that.

20 CHAIRPERSON MITTEN: Yes.

21 MR. EPTING: I think that's now
22 everything.

1 CHAIRPERSON MITTEN: Okay. And
2 Mr. Jesick you are going to have to deal
3 with these deadlines, but I know this is
4 something you are really eager to get back
5 to your colleagues and discuss.

6 So here is what we would propose
7 is that we put on the 26th of March we would
8 have a special public meeting at 6:00 p.m.
9 That's Monday, and we have a hearing at
10 6:30, so it's just leave a little bit
11 earlier.

12 So then you would have until the
13 12th to make the additional submissions, as
14 would Mr. Jesick. And then the ANC would
15 have until the 19th to comment on any
16 revisions or any of the submissions.

17 And so on the 19th any additional
18 comments would be due, and proposed findings
19 of fact and conclusions of law, then if you
20 choose to deliver those.

21 Okay.

22 MR. EPTING: Thank you.

1 CHAIRPERSON MITTEN: I think that
2 will work for us.

3 Okay, great, if there is nothing
4 else, thank you very much. And I appreciate
5 the fact that you all are in a way in this
6 test tube of, we are trying to accomplish an
7 awful lot of things down by the baseball
8 stadium at the waterfront, and we do applaud
9 you for pursuing a residential project
10 there, and just help us work through this
11 together, and we'll get there.

12 So thank you very much, and we're
13 adjourned.

14 (Whereupon at 8:22 p.m.
15 the proceeding in the
16 above-entitled matter
17 was adjourned)

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