

OFFICE OF ZONING STAFF PRESENT:

| | |
|-----------------|----------------------|
| SHARON SCHELLIN | Secretary |
| DONNA HANOUSEK | Zoning Specialist |

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
MAXINE BROWN-ROBERTS

The transcript constitutes the minutes
from the Regular meeting held on June 18,
2007.

A G E N D A

OPENING REMARKS

Carol J. Mitten, Chairperson 4

Z.C. CASE NO. 06-34

Comstock East Capitol, LLC
Dennis Hughes, Holland and Knight 11
Mark Beckett 13
Jeff Goins, BGN Architects 22
Steve Sher, Holland and Knight 27

OFFICE OF PLANNING REPORT

Maxine Brown-Roberts 74

PERSONS IN SUPPORT

Sean Bucholtz 82
Wade Scott 85
Deshawn Dorsey 88
Commissioner Nixon, ANC-6A08 91

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

2 6:40 p.m.

3 CHAIRPERSON MITTEN: Good evening,
4 ladies and gentlemen.

5 This is a public hearing of the
6 Zoning Commission of the District of Columbia
7 for Monday, June 18th, 2007.

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

12 The subject of this evening's
13 hearing is Zoning Commission Case No. 06-34,
14 and this is a request by Comstock, East
15 Capitol, LLC, for approval of a consolidated
16 Planned Unit Development and related map
17 amendment for property located at 1705-1729
18 East Capitol Street, S.E., which is known as
19 Lots 51 through 55 in Square 1096.

20 Notice of today's hearing was
21 published in the D.C. Register on December
22 22nd, 2006, and copies of the hearing

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

3 This hearing will be conducted in
4 accordance with the provisions of 11 DCMR,
5 Section 3022, and the order of procedure will
6 be as follows: We'll take up any preliminary
7 matters. Then we'll have the presentation of
8 the Applicant's case, report by the Office of
9 Planning, report of any other government
10 agencies that are represented, report by the
11 affected Advisory Neighborhood Commission. In
12 this case It's 6-B. Then we'll have
13 organizations and persons in support and
14 organizations, persons and parties in
15 opposition.

16 The following time constraints
17 will be maintained in the hearing. The
18 Applicant will have 60 minutes, organizations
19 will have five minutes and individuals will
20 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. The Commission reserves the
3 right to change the time limits for
4 presentations, if necessary, and notes that no
5 time shall be seeded.

6 All persons appearing before the
7 Commission are to fill out two witness cards.
8 They look like this and they're on the table
9 by the door.

10 Upon coming forward to speak to
11 the Commission we ask you to give the cards to
12 the reporter who is sitting to our right.

13 Please advised that this
14 proceeding is being recorded by the Court
15 Reporter and is also being Webcast live.
16 Accordingly, we ask you to refrain from making
17 any disruptive noises in the hearing room.

18 When presenting information to the
19 Commission, please have a seat at the table in
20 front of us and then turn on and speak into
21 the microphone, first stating your name and
22 address. When you're finished speaking,

1 please turn the microphone off so that it
2 doesn't pick up any background noise.

3 The decision of the Commission in
4 this case must be based exclusively on the
5 public record and to avoid any appearance to
6 the contrary, the Commission requests that
7 persons present not engage the members of the
8 Commission in conversation during a recess or
9 at any other time.

10 Mrs. Schellin and Ms. Hanousek
11 will be available throughout the hearing to
12 answer any procedural questions that you might
13 have.

14 I'd ask you to turn off all
15 beepers and cell phones at this time so as not
16 to disrupt the hearing.

17 And now anyone who is planning on
18 testifying this evening, I'd ask you to stand,
19 raise your right hand and direct your
20 attention to Mrs. Schellin and she will
21 administer the oath.

22 Anyone who is planning on

1 testifying.

2 Mrs. Schellin.

3 SECRETARY SCHELLIN: Do you
4 solemnly swear or affirm that the testimony
5 you'll give in this evening's proceeding will
6 be the truth, the whole truth and nothing but
7 the truth.

8 Thank you.

9 CHAIRPERSON MITTEN: Thank you
10 very much.

11 Other than party status, do you
12 have any preliminary matters? All right.

13 Let me just -- we had hints that
14 we might not have the same number of folks
15 requesting party status.

16 ANC-6A, is there anyone here
17 representing ANC-6A?

18 Is ANC-6A still seeking party
19 status? Okay. Good.

20 As an affect ANC that's abutting,
21 you can -- upon request you can have party
22 status. So, that's not a problem.

1 And just tell me your name.

2 Come forward. I'm having trouble
3 hearing you.

4 Oh, Stephanie Nixon. Okay. Got
5 you. Okay. Then you can have a seat. I just
6 want to know who I'm supposed to call on.

7 And then is Deshawn Dorsey here?
8 Okay.

9 Deshawn, are you still seeking
10 party status? Okay.

11 You have to come forward and get
12 on the record if you want to tell me anything
13 else. Just come on. Just come on forward.

14 I need you to sit down for a
15 second, state your name. Turn on the
16 microphone. Push that button. There you go.

17 State your name for the record.

18 MS. DORSEY: My name is Deshawn
19 Dorsey.

20 CHAIRPERSON MITTEN: Okay. And
21 you are no longer seeking party status in
22 opposition?

1 MS. DORSEY: Correct.

2 CHAIRPERSON MITTEN: Okay. I just
3 want to clarify. You are more than welcome to
4 testify. But typically party status confers
5 more responsibility on you. And if you're
6 just really looking to testify, then I'd ask
7 you to withdraw your request, because I'm not
8 sure that's really what you're looking for if
9 you just want an opportunity to testify.

10 MS. DORSEY: Right. And initially
11 I was actually seeking party status in
12 opposition to the project. But I've been able
13 to resolve the outstanding issues --

14 CHAIRPERSON MITTEN: Okay.

15 MS. DORSEY: -- expressed in my
16 letter. So, I could, in fact, withdraw my
17 request.

18 CHAIRPERSON MITTEN: Okay. That
19 would be great and then we would give you the
20 opportunity to testify at the appropriate
21 time.

22 MS. DORSEY: Great. Thank you.

1 CHAIRPERSON MITTEN: Okay. Thank
2 you.

3 So, we have ANC-6B, which is the
4 ANC in which the property is located and ANC-
5 6A which is the abutting ANC.

6 And I think with that said we're
7 ready to have the presentation by the
8 Applicant and I would just ask you to perhaps
9 to give us the shortened version of your
10 presentation, just focusing on the things that
11 you've been working on most aggressively to
12 change, you know, with the design and so
13 forth. And things in response to the comments
14 that you heard at setdown and not give the
15 full-blown presentation in the interest of
16 time.

17 MR. HUGHES: Thank you, Madam
18 Chair.

19 My name is Dennis Hughes. I'm
20 here on behalf of Holland and Knight and my
21 microphone keeps going away.

22 I'm going to introduce the folks

1 that may be testifying for the Applicant
2 tonight.

3 To my right is Mark Beckett, on
4 behalf of the Applicant Comstock. Joining us
5 is John Dapogny in the audience from Comstock
6 to answer any questions. And then we have
7 representatives of PGN Architects, Jeff Goins
8 and Sean Pichon.

9 We also have Mr. Steven Sher from
10 my firm, director of land use planning
11 services. And also Chad Baird of Grove Slade
12 Associates to discuss a traffic report that
13 was filed with our supplemental statement.

14 CHAIRPERSON MITTEN: Okay.

15 MR. HUGHES: To keep things short
16 I will simply say that we've done a lot since
17 the Commission last reviewed our application
18 in the fall of 2006 in October. And I will
19 let the architects go through that and what
20 we've accomplished and what Mark Beckett has
21 accomplished in discussions with ANC-6B who
22 supports the projects. ANC-6A, who we have a

1 representative here who can speak on their
2 behalf. We think that we've made a lot of
3 progress with them.

4 We're pleased to have the support
5 of the Office of Planning and think the
6 project is much better for the process we've
7 gone through.

8 With that, I'll turn the
9 presentation over to Mark and be available to
10 answer any questions.

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

13 MR. BECKETT: Good evening,
14 Members of the Commission. My name is Mark
15 Beckett, with Comstock Homebuilding.

16 Comstock was established as a
17 residential builder in 1984, focused on
18 moderately priced, single family, multi-family
19 and mixed use residential developments. I
20 just wanted to add that into the record in
21 case you weren't familiar with Comstock.

22 We also have a slide presentation

1 that we can try to be as brief with as
2 possible in lieu of the time constraints to go
3 through some of the slides that I brought
4 about other projects.

5 Suffice it to say that we have a
6 number of projects throughout the Washington
7 Metropolitan area. But I am please to be here
8 this evening to discuss our first proposed
9 project in Washington, D.C. And we see a
10 great deal of promise in both the District and
11 the property that's the subject of this PUD.

12 We are proposing to take a vacant
13 dilapidated and non-conforming building and
14 replace it with a residential project that's
15 been designed to reflect and enhance and
16 really take advantage of the best elements of
17 our surrounding community.

18 And our architects from PGN here
19 will describe how our building was designed to
20 reflect the dominant architectural elements
21 surrounding this Hill East neighborhood, how
22 we've been reflective of the comments that

1 we've gotten from our neighbors. And most
2 particularly how we're attempting to minimize
3 any impacts to adjacent properties and
4 introduce a new living environment that
5 provided needed amenities like underground
6 parking, extensive landscaping and outdoor
7 elements and a pedestrian orientation that
8 connects the building and its residents to the
9 community.

10 Chad Baird with Grove Slade is
11 here if needed to address the Transportation
12 plan. We believe that the parking and
13 transportation plan that we have has been
14 designed to expedite movement, minimize
15 disruption and provide a safe and efficient
16 vehicular and pedestrian access to the
17 property.

18 Steve Sher, again, from Holland
19 and Knight will establish the appropriateness
20 of the application.

21 My involvement has largely been
22 centered around our discussions with the

1 Office of Planning to incorporate their
2 comments and extensive meetings and outreach
3 with our adjacent neighbors, surrounding
4 community members, the affected Abcs and other
5 interested community stakeholders.

6 We have met with and received
7 comments from or formed agreements with our
8 neighbors in Square 1096 and groups such as
9 ANC-6B where our project is located, members
10 of the adjacent ANC-6A, D.C. Public Schools,
11 the D.C. Department of Transportation, the
12 Department of Employment Service, the
13 Department of Small and Local Business
14 Development.

15 We met with Gary Peterson of the
16 Capitol Hill Restoration Society and
17 representatives of Eastern High School and the
18 neighboring Mt. Mariah Baptist Church.

19 I can tell you that we've met in
20 the front porches, living rooms, backyards and
21 church basements of the community over the
22 last year plus. And the project you see

1 before you is much better for that
2 interaction.

3 We've been most active with the
4 residents and representatives of ANC-6B. And
5 over the many months of presentations and work
6 sessions, many of which were after our
7 original setdown. We've incorporated their
8 suggestions and addressed their concerns in
9 the planning of the building and the provision
10 of amenities.

11 The representatives of 6B, I
12 believe, will tell you that I have a personal
13 passion for the cherry tree and that's really
14 been borne out in the landscape plan that
15 we've modified extensively in the last few
16 months to include landscaping, not just in our
17 open space, but in the open spaces beyond our
18 project in both to the east, west, north and
19 south of our property.

20 And those landscape plans along
21 with the other project's proposed amenities
22 such as a provision of affordable housing,

1 ample parking, while now there is none,
2 provision of green building and sustainable
3 development practices. The provision of
4 asphalt repairs, lighting and landscaping in
5 the public alley, support of a super leaders
6 mentorship program and repair of the
7 basketball courts as Eastern High School. The
8 job opportunities for District residents and
9 local businesses and the numerous plan
10 revisions and architectural change to
11 incorporate the community comments have earned
12 us a unanimous vote and support from ANC-6B.

13 We're very grateful for their
14 input and support on the project.

15 More recently in March of this
16 year we were contacted by members of ANC-6A
17 and asked to provide project information and
18 begin a dialogue with ANC-6A to address their
19 comments and suggestions regarding the
20 project's potential impact upon residents in
21 6A.

22 I am very happy to report that in

1 this very short period of time, we have been
2 able to address a great many of ANC-6A's
3 comments and concerns, not the least of which
4 were revisions to the architecture to improve
5 the materials and cohesiveness in the design.

6 We believe the design submitted in
7 the March 29 submittal is reflective of those
8 comments. We believe it has the support of
9 both ANC-6B and the surrounding community and
10 it is a very large example of the
11 modifications to the package and the project
12 that were made in response to community
13 comment.

14 In addition, as a direct result of
15 interaction with ANC-6A, the PUD now
16 incorporates several suggested elements such
17 as the provision of additional street trees,
18 the complete replacement of the sidewalk
19 fronting the project along East Capitol
20 Street, the provision of a construction
21 traffic control plan with detailed routes and
22 community contact provisions and a commitment

1 to contribute \$25,000 to the restoration and
2 renovation of open spaces around Eastern High
3 School and Elliott Junior High School.

4 Additionally, as a result of
5 communication that we've had with our
6 neighbors in Square 1096, most particular, the
7 residents along A Street that back to the same
8 public alley as the project, we have recently
9 been able to commit to an escrow fund to
10 provide for landscape improvements in and on
11 the properties of the individual units of A
12 Street that back to the project along the
13 public alley.

14 What that agreement amounts to at
15 this time is a provision of an escrow fund
16 whereby we would give notice to the residents
17 of A Street at the time that our landscape
18 began on the project, giving them an
19 opportunity to contact us and said that they
20 would like to meet to discuss landscape
21 improvements on the property. We've dedicated
22 up to \$500 per home. With 22 homes on A

1 Street, that amounts to an \$11,000 commitment
2 into the escrow fund whereby once the
3 improvements were made to the properties, we
4 would have some letter of agreement from the
5 residents that the work had been done at which
6 time we would be able to apply to the escrow
7 fund for a return of our funds.

8 The funds would have to be posted
9 prior to the first occupancy permit, so that
10 we would be incentivised to have that outreach
11 take place as early as possible. We would
12 intend to do that again when our landscape was
13 being installed. And the only way that that
14 money would then be released from the escrow
15 is upon our evidence that the homeowners did
16 receive their landscape improvements that they
17 were able to choose themselves up to that
18 limit of \$500 per home.

19 We have made numerous plan
20 revisions and have numerous agreements with
21 out surrounding neighbors and we will continue
22 to solicit their input n the project.

1 And I would at this time
2 especially like to thank the many residents
3 who took time out of their work days, evenings
4 and weekends to meet with me and the other
5 members of our project team. And I'm proud of
6 the many letters and expressions of support
7 that we've been able to earn for this project.

8 So, then at this time I would like
9 to introduce Jeff Goins and Sean Pichon of PGN
10 Architects and they can discuss the building
11 and site plan design.

12 Thank you.

13 MR. GOINS: Good evening, members
14 of the Commission.

15 My name is Jeff Goins and I am
16 with PGN Architects. PGN Architects was
17 established in 2002 and we have worked on
18 numerous projects in the Washington, D.C.
19 Metropolitan area. We are an LSDBE firm
20 located at 1817 M Street, N.W.

21 We have grown in a short time up
22 to 12 architect staff and we currently on

1 working on over 600 residential units and five
2 master plans that involve community
3 development.

4 As residents of D.C. and more
5 specific both Sean and I, partners of PGN
6 Architects, reside in ANC-6A and ANC-6B of
7 Capitol Hill. We were extremely excited to
8 get the opportunity to work on a project on
9 Capitol Hill that we believe would benefit
10 both D.C. and our own neighborhoods.

11 I live within walking distance of
12 this site and get to see firsthand the current
13 state of the site and the potential that the
14 site offers to the community and the residents
15 of Capitol Hill.

16 We along with our client Comstock
17 have attended ANC, Office of Planning and
18 community meetings. We were able to listen to
19 many of the comments and suggestions from all
20 parties. Many of the changes and evolution of
21 the design ideas have come directly from the
22 community and the Office of Planning.

1 I think now in the interest of
2 time, we're going to focus on the changes
3 since our last submission.

4 The first slide here, the one
5 change to note is the FAR change. We had
6 counted the penthouse in the original
7 computation of our FAR and which we have
8 reduced now to only house mechanical equipment
9 and egress to the outdoor decks. So, that has
10 been taken out.

11 But we had to add the FAR for the
12 drive-out, so that was two percent that was
13 added back for the seller rule where we did
14 not meet the seller rule. So, we are now at
15 2.64 for the FAR.

16 The other thing we have done, we
17 have lowered the penthouse to the absolutely
18 minimal usable area that we think is
19 sufficient. We've lowered it by four feet on
20 the east and west elevations of the main three
21 wings with the exception of the penthouse in
22 the center which is the elevator shaft.

1 We did stop one elevator at the
2 floor below so only one of the two elevators
3 to the roof deck which is on the top floor.
4 And that does have a height of 50 feet.

5 The other thing is we've insured
6 the penthouse over the residential units only
7 for mechanical equipment. Once again, and
8 we've reduced them to the minimal size usable
9 area.

10 Yes. There's the -- there's a
11 slide showing the penthouse changes. It might
12 be easier to see in your packages. But they
13 are true egress and the closets contain
14 mechanical equipment.

15 This is a drawing showing the
16 section, showing the minimal one-to-one
17 setbacks for the HVAC units as well as the
18 penthouse. We've lowered the penthouse to 10
19 foot 10 and you can see this in the drawing.

20 And I guess the next change that's
21 done since our last submission is a color
22 change and we've worked well -- worked very

1 hard with ANC-6A and you can see where we
2 changed the bay -- the top floor is Cementitious
3 siding. So, we've now carried that color
4 design all the way up with the bays. The bays
5 currently stop at the third floor and we've
6 also added a lot of trim pieces and ornate
7 details to how that floor looks.

8 The next will be the rear facade.
9 This has gone through a lot of changes. We've
10 now -- now the main facade of the three wings
11 is masonry brick and we've carried the cornice
12 lines on the rear of the building and the
13 detailing of the Cementitious siding or
14 Cementitious panel to the top floor onto the
15 rear facade as well.

16 Then I guess the color changes --
17 I guess the other change that we've had with
18 ANC-6A we worked with the color and we changed
19 the color of the windows as well. You can see
20 that. That's on all the elevations as well.

21 I guess Mark mentioned the
22 landscaping. I should go back to the site

1 plan.

2 We carried the landscape in front
3 of the Drummond Building along 18th Street
4 there and along down 18th Street as well. And
5 we also carried the landscaping around the Mt.
6 Mariah in front of the Mt. Mariah and down
7 17th Street. You can see the new trees that
8 were added there.

9 We also added the landscaping in
10 the alley there for the current parking spots
11 -- the current parking for the where the
12 condominium is located.

13 Those are the main changes since
14 our last submission.

15 At this time, I guess I'll
16 introduce Steve Sher, Holland and Knight.

17 CHAIRPERSON MITTEN: A man who
18 actually needs no introduction.

19 MR. SHER: And a man with 45
20 minutes on the clock. That's very dangerous.

21 I would in keeping with the
22 Commission's request to focus on what may be

1 significant about this. I'd like to focus on
2 just a couple of things and certainly not use
3 the 45 minutes.

4 We've handed in and Mark talked
5 about the sort of refinements to our benefits
6 and amenities that would result from the
7 application, so I'm not going to go through
8 that list again.

9 But what I wanted to balance that
10 against was the development incentives and the
11 flexibility that we're asking the Commission
12 to approve as part of this application.

13 In going from R4 to R5B, that
14 takes the matter of right height from 40 to 50
15 feet. We are actually -- and under PUD under
16 with R4 or R5B you could go as high as 60.
17 We're at a tenth of a foot, so it's only that
18 much. He's holding his fingers about an inch
19 apart, more than 50 feet but we're just below
20 the 50 foot height limit in the four stories.

21 Our increase in density is about
22 35,000 square feet but the whole project is

1 residential so it's all housing.

2 We need from the Commission a
3 waiver of the minimum area requirement because
4 in an R5B district, the requirement is an acre
5 or 43,560 square feet. We are at 42,629.
6 That's 931 square feet or two percent that
7 we're short of the minimum area requirement.

8 The standards for that are that
9 the project be in the best interest of the
10 city or country and that if outside the
11 central employment area at least 80 percent of
12 the gross floor area must be residential.
13 Well, we have 100 percent residential so that
14 one's easy. And we think that replacement of
15 the obsolete abandoned apartment houses which
16 actually contain very small units to be
17 replaced with new modern housing would be in
18 the best interest of the city, so we think we
19 meet that standard as well.

20 The rear yard, we've asked for a
21 waiver on. And that was a site plan design
22 issue. In either R4 or R5B district we're not

1 required to have any side yards. But what
2 we've done is we've kept the building back
3 from the east and west property lines because
4 those are the two buildings that are actually
5 closest to this site. So, where we could have
6 built right to the property line or even if we
7 had provided a minimal side yard, that would
8 only have been about eight feet.

9 We have 21 feet on one side, 29
10 feet on the other side and the result of that
11 is the building gets pushed closer to the
12 alley in the back.

13 When you look at the plan of the
14 square which Jeff was talking about earlier,
15 you can see that there's a 20 foot alley and
16 then there's a fairly substantial setback
17 through the houses which run on A Street. So,
18 we thought that in terms of site planning and
19 design, the better solution here was to
20 squeeze it more to the middle and more towards
21 the back, rather than pushing it away from the
22 alley and closer to the two units on either

1 side. So, that's why we're asking for relief
2 on the rear yard.

3 And on the roof structure as Jeff
4 mentioned, we have three enclosures rather
5 than a single enclosure. The building is 270
6 feet long. We could put it all in one
7 enclosure, but that would require a
8 substantial screen wall which would serve no
9 purpose other than making it one enclosure and
10 putting more bulk up on the roof and probably
11 requiring other relief because we have to make
12 all the penthouses equal in height and we'd be
13 higher and bulkier than lower and not as
14 bulky. So, we think the basis for having
15 three rather than one enclosure is pretty
16 clear.

17 We have some relief required on
18 the loading berth because an apartment with
19 more than 50 units is required to provide a
20 55-foot loading berth.

21 While the alley is 20 feet wide,
22 given the widths of the street that run north

1 and south, you have to turn from into the
2 alley. We don't think a 55-foot truck could
3 actually make that turn. So, not only do you
4 have a problem getting into a loading berth,
5 you have a problem getting in the alley in the
6 first place.

7 We have provided a combination
8 loading berth and service delivery loading
9 space which is 45 feet long and 20 feet wide
10 so we can actually accommodate a lot of small
11 trucks back there but we don't see the need
12 for nor do we think it would be reasonable or
13 feasible to put a 55 foot truck back there.
14 So, that's the last area that we have there.

15 We have done a fairly detailed
16 analysis of the Comprehensive Plan. I'm not
17 going to go through that. You have that in
18 the material before you.

19 The land use map calls this to be
20 moderate density commercial and framework
21 element defines R5B as a moderate density zone
22 as appropriate.

1 This case is similar to other
2 cases which the Commission has seen where you
3 have an R4 district that's basically not
4 improved with an R4 type development. This is
5 an apartment house built in the 1940s which
6 would not be an R5 use. So, you're taking
7 that use which is kind of obsolete and
8 abandoned at this point, replacing it with
9 productive housing built in a more modern
10 style in a way that we think is consistent
11 with the plan and with the neighborhood.

12 And I think I'll stop at that
13 point and we'll be available to answer any
14 questions that the Commission may have.

15 CHAIRPERSON MITTEN: Thank you.

16 Anything else, Mr. Hughes?

17 MR. HUGHES: Not at this time.

18 CHAIRPERSON MITTEN: Okay.

19 Questions from the Commission?

20 Mr. Hood.

21 VICE CHAIR HOOD: Yes, Madam

22 Chair.

1 If we could, Mr. Hughes, if we
2 could put back up the -- it's 8-12 of the
3 submittal of the architect or submittal -- I
4 guess it's your whole site view.

5 It's this one here. You had it up
6 once.

7 And actually this is going to be a
8 question for the transportation person. Mr.
9 Baird.

10 Can you just explain. I don't
11 know if you have -- Mr. Sher, I'm sure has his
12 pointer tonight. Okay.

13 Just explain to me how that whole
14 traffic pattern is going to work.

15 First of all, is the alley one way
16 now -- well, it's proposed. How far as we to
17 making that one way?

18 MR. BAIRD: Chad Baird with Grove
19 Shade Associates.

20 We're planning on making it --
21 we're proposing to make it one way the entire
22 stretch of the alley way. This helps with the

1 traffic flow into and out of the alley way as
2 well as ingress and egress from the 18th and
3 17th Street. So, right now we're proposing
4 it. We've looked at it in both one-way and
5 two-way it works fine. But we found that the
6 one way scenario actually works better for the
7 surrounding street number.

8 VICE CHAIR HOOD: Let's say your
9 proposal works.

10 If I come -- if we -- the alley is
11 one way and I come out of the alley, can I
12 make a right on 17th Street?

13 MR. BAIRD: 17th is one way?

14 VICE CHAIR HOOD: Okay.

15 MR. BAIRD: Southbound.

16 VICE CHAIR HOOD: I know that.
17 Just a test.

18 Let me ask you a question.

19 How is all that going to work with
20 the alley? With the parking would it be on
21 the other side? I guess to the south of the
22 site. The loading? How is all that going to

1 work? Just kind of show me how that's going
2 to work.

3 When I'm getting to the alley,
4 show me how all that's going to work together.

5 MR. BAIRD: The majority of our
6 traffic will be coming from the east and from
7 the south. Would come down East Cap and turn
8 into the alley into the garage which is
9 located here and then exit out and take a left
10 onto 17th down to either A or they can make
11 their way to Mass, or whichever street they're
12 looking for to proceed to the east or towards
13 downtown or they can come in from the south on
14 18th into the garage access.

15 The loading would do the same.
16 They would access along 18th north or south.
17 Come down back into the loading dock, pull out
18 and go south on 17th on the one way and
19 proceed to the street that they're looking
20 for.

21 VICE CHAIR HOOD: And I know we're
22 in an urban community. So, I'm sure we have

1 not accounted for double parking. I guess
2 maybe they don't have that problem in that
3 particular alley.

4 But I'm just curious when people
5 move in. It's actually one way in for loading
6 and is there going to be some type of
7 stipulation and maybe Mr. Hughes or Mr. Sher
8 can give me? Is there going to be a
9 stipulation? You mentioned the size of
10 trucks. Is that going to be already put out
11 there for those people who want to move and
12 they're going to know exactly that they cannot
13 have a certain size truck when they get ready
14 to move in?

15 MR. BECKETT: Yes. We would be
16 able to stipulate it in the homeowner's
17 documents and in sales documents that trucks
18 no larger than "X" should be used for moving
19 and we would anticipate if anyone had a need
20 for a larger truck than what would fit in the
21 alley, they'd use the standard permitting
22 process for getting a temporary permit to park

1 on East Capitol Street.

2 VICE CHAIR HOOD: Is there going
3 to be some type of schedule? You move in
4 between 10:00 and 4:00 and those kind of
5 things?

6 MR. BECKETT: Yes.

7 VICE CHAIR HOOD: So, we'll see
8 all that in the order?

9 MR. HUGHES: Certainly. We don't
10 have any problem with that.

11 VICE CHAIR HOOD: Okay.

12 You spoke and I'm sorry. Forgive
13 me. I forgot your name, the gentleman from
14 counsel?

15 MR. BECKETT: Mark
16 Beckett.

17 VICE CHAIR HOOD: What's your last
18 name?

19 MR. BECKETT: Beckett.

20 VICE CHAIR HOOD: Beckett?

21 MR. BECKETT: Yes.

22 VICE CHAIR HOOD: Okay. Mr.

1 Beckett.

2 Okay. Mr. Beckett, you mentioned
3 about the Cherry Tree. But before I get --
4 let me ask Mr. Sher.

5 Mr. Sher, you talk about public
6 benefits and amenities. Shouldn't amenities
7 and public benefits from your expert and your
8 years of experience, are they just for a
9 little bit of time or should they last for a
10 reasonable period of time in the community?

11 Should I say for about a 10 year
12 span? Because here's the thing. The project
13 is going to be there. The project is going to
14 be there probably for a lifetime. And our
15 lifetime.

16 So, should amenities last as long
17 as possible or should they just be there for
18 the moment to maybe get support or the
19 flexibility or what? Just kind of help me
20 through that.

21 MR. SHER: I think in most cases
22 it's a combination of things.

1 There are factors that are
2 inherent in the design of the project which
3 makes the project better and they'll be there
4 as long as the project is there.

5 Some of the other amenities are
6 more short-lived and, you know, I think one
7 would hope that if we plant a tree, the tree
8 is going to live and it's gong to be there
9 until it grows to be the Mighty Oak or the
10 Mighty Cherry or whatever it is. And so those
11 type features we anticipate would remain.

12 We've obviously committed to do
13 certain things that have a one-time impact and
14 then they're over and the project continues.
15 But if the project wasn't a good project in
16 the first place, you shouldn't approve it.

17 So, regardless of whether we made
18 all kinds of one-time contributions and
19 everybody n the neighborhood thought those
20 were wonderful things and we did them, if this
21 was not a good project, you should not approve
22 it.

1 Now, we don't think that's the
2 case here. We think we have a good project
3 and we think we've done some things that
4 neighbors have asked us to do that provide
5 benefits to and amenities as the regulations
6 define those, some of which will be there and
7 will be gone and others which will remain.

8 VICE CHAIR HOOD: Thank you.

9 Mr. Beckett, the installation of
10 the trash receptacles. How is that going to
11 work? Who is going to pick the trash up?

12 MR. BECKETT: The receptacles will
13 be placed in the open space fronting our
14 property along East Capitol Street and would
15 be maintained by our unit HOA.

16 VICE CHAIR HOOD: So, it's on your
17 property?

18 MR. BECKETT: It's in our open
19 space that's controlled by our property. Yes.

20 VICE CHAIR HOOD: Open space.
21 Okay.

22 And explain to me again the right

1 off or how that's going to work with the \$500
2 allowable monetary donation to the houses on
3 the -- I guess that's the south side? Is that
4 the south side?

5 MR. BECKETT: South side of the
6 project. The residence that front A Street.

7 As anticipated at this time, we'll
8 propose to place money in an escrow in an
9 amount equal to \$500 per lot. That math works
10 out to \$11,000 in total, into an escrow fund
11 that would be held in escrow until such time
12 as we were able to establish that the work has
13 been done that amounted to the \$500 per lot.
14 And once that work had been completed, the
15 homeowner signed off the certificate of
16 completion of that work, we would be able to
17 submit that to receive reimbursement from this
18 fund.

19 In order to have that work done,
20 we will send three certified notices --
21 proposing to send three certified notices to
22 those residents requesting that they contact

1 us so that we can discuss what they would like
2 to see, what plans that they have and make
3 suggestions to them as to what things we would
4 suggest could be done in those yards for
5 landscape improvements.

6 We've heard several different
7 suggestions from different residents and
8 rather than try and come up with a long list
9 of individual items to be done in each
10 individual lot, we think that the most
11 equitable and easiest to manage process would
12 be to set aside the money, come up with a
13 system whereby the residents know that the
14 money has been placed in escrow. The
15 Commission knows that the money has been
16 placed by date certain into an escrow. And
17 the only way that we as a developer can get
18 those funds released is by providing evidence
19 that that work has been done.

20 The work would be selected and
21 obviously approved by the homeowner and would
22 be performed by our landscaper at the time

1 that our project landscape is installed. They
2 would then sign off that it had been done and
3 we'd be reimbursed from the escrow fund.

4 VICE CHAIR HOOD: So, you're
5 looking for a sign off from each one of those
6 individual homeowners?

7 MR. BECKETT: Correct.

8 VICE CHAIR HOOD: Okay. All
9 right.

10 That's all the questions I have.

11 Thank you.

12 CHAIRPERSON MITTEN: Thank you,
13 Mr. Hood.

14 Anyone else?

15 Mr. Turnbull.

16 COMMISSIONER TURNBULL: Thank you,
17 Madam Chair.

18 I just want to commend you for, I
19 mean, there's been a lot of work done since
20 the last time we saw this project. And I
21 think I want to commend you for working with
22 the community groups. I think the landscape

1 and the issues dealing with neighbors are very
2 commendable.

3 I would want to just look at the
4 roof plan. I wonder if we could go to the
5 roof plan?

6 I think when we went back to this
7 before, one of the issues we had on the roof
8 was obviously the amount of units. And we
9 were concerned with the placement of the
10 railings. If I'm reading this right, the
11 railing is -- railings are strictly now around
12 those private little terraces, then down the
13 strip in the middle and then going to this
14 roof deck which I'm assuming is a community
15 space for the rest of the units.

16 And there's really no green roof.
17 You have a cool roof. We don't really get
18 into a green roof on this per se other than
19 what ever plants you're going to be putting on
20 the decks.

21 What determined the size of the
22 roof deck for the rest of the building? I'm

1 just curious.

2 MR. GOINS: We used the building
3 code determination from fire rating to keep it
4 to a minimum of 750 square feet so we wouldn't
5 have to go to the next level of fire rating.

6 COMMISSIONER TURNBULL: Okay.
7 Well, what is that roof deck is like 25 by 30
8 or something like that?

9 MR. GOINS: Yes. That's about
10 right. Seven hundred and fifty square feet.

11 COMMISSIONER TURNBULL: Okay. Are
12 you on this -- are you going to -- you're
13 following LEED guidelines or you're not going
14 for certification. I mean, what are you
15 shooting for some type of a LEED standard?

16 MR. BECKETT: I believe I can
17 speak to that.

18 A couple of items. You mentioned
19 green roof.

20 If you'll look at the site plan,
21 those front courtyard area front East Capitol
22 Street.

1 COMMISSIONER TURNBULL: Those are
2 green.

3 MR. BECKETT: Those courtyard
4 areas are actually built above the concrete
5 parking deck structure and would meet the
6 guidelines for a green roof.

7 COMMISSIONER TURNBULL: Okay.

8 MR. BECKETT: In that they are
9 above the structure itself.

10 COMMISSIONER TURNBULL: Okay.

11 MR. BECKETT: Additionally, we had
12 submitted in an earlier Exhibit D in one of
13 the submissions, a few of the guidelines, I
14 can read through some of them. Sustainable
15 development items that we have committed to in
16 addition to that cool roof which is a cool
17 roof membrane system for the rooftop to reduce
18 the heat island effect of the roof.

19 We meet several qualifications
20 based on sustainable sites as need is the most
21 easily recognizable entity for determining
22 environmentally efficient and environmentally

1 friendly building practices.

2 One of the building practices that
3 they identify are sustainable sites. These
4 are things that we've done is the thing that
5 the site inherently has a value toward a
6 sustainable site just simply for being, for
7 instances, located near the Metro stations and
8 transit facilities.

9 Some of the things that we have
10 proposed to do, however, is to provide bicycle
11 storage facilities to encourage non-vehicular
12 travel. The storm water attention and quality
13 control system. The underground parking is a
14 site benefit in that it eliminates the heat
15 island effect that would be caused by large
16 expanses of a paved parking area.

17 The Energy Star rated appliances,
18 the energy efficiency double glazed low-E
19 windows, high efficiency heating and air
20 conditioning. The majority of the duct work
21 inside the building being run with an
22 insulated space. The Energy Star lighting in

1 the public spaces. Low light transmission for
2 exterior lights to produce or to reduce spill-
3 over of light on outside of the property,
4 called a Night Sky Benefit.

5 The provision of storage and
6 collection of recyclables, portions of the
7 demolition debris will be recycled. We've
8 given focus in the selection of the materials
9 for recycled content for things like concrete
10 brick, metal and carpet products. In the
11 selection of materials to use regional
12 materials. As an example, the brick which is
13 a large component of the exterior material
14 will come from a manufacturer within 500
15 miles. That qualifies as -- under LEED-type
16 guidelines as a sustainable building element.

17 Advanced framing techniques using
18 engineered lumber products for floor and roof
19 trusses that reduces on-site waste from
20 producing those items on site. And resource
21 efficient long-lasting fiber cement siding as
22 opposed to a product that would need regular

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 maintenance or would be more subject to rot.

2 COMMISSIONER TURNBULL: I guess
3 I'm just curious. With all of those
4 attributes, are you going for any LEED
5 certification though?

6 MR. BECKETT: Current standard
7 practice as far as LEED -- defined a LEED
8 certification applies present day mostly to
9 commercial or if a residential project -- to
10 residential projects made primarily of
11 concrete and steel.

12 We are a concrete parking deck for
13 the two lowest levels. But then four stories
14 of stick construction above that parking.

15 There is to date only a pilot
16 program for LEED that addresses wood-flamed
17 construction. For instance, that would be the
18 reason that we've not done a green roof on the
19 very top of the building. There is not an
20 industry standard practice in use to date for
21 the provision of green roof with their added
22 weight and added water intrusion concerns

1 above a wooden structure.

2 I believe the majority of the
3 green roof and I would hazard to guess almost
4 all of the LEED-certified projects that we
5 have seen would be for concrete and steel
6 construction that the original LEED guidelines
7 were meant to guide.

8 COMMISSIONER TURNBULL: So, your
9 basic instruction though is basically stick
10 construction using wood, not steel studs or
11 anything?

12 MR. BECKETT: That is correct.
13 Entirely wood frame construction on the four
14 floors above the parking deck.

15 COMMISSIONER TURNBULL: Okay.
16 Thank you.

17 CHAIRPERSON MITTEN: Mr. Jeffries.

18 COMMISSIONER JEFFRIES: So, that's
19 like stick construction with a concrete
20 podium?

21 MR. BECKETT: Correct.

22 COMMISSIONER JEFFRIES: Okay.

1 So, first of all, let me just tell
2 you.

3 Thank you for not over-parking
4 this site, although perhaps you had no other
5 choice. But I was happy to see that you're
6 three blocks from the Metro and our parking
7 ratio is .843. I don't know, but you know,
8 you're coming up less than one unit -- one
9 parking space per unit. So, I think that's a
10 pretty good thing because a lot of times --
11 and this is a condo project. Correct?

12 MR. BECKETT: Yes.

13 COMMISSIONER JEFFRIES: So -- and
14 I have just two sets of questions.

15 One is my typical question and I'm
16 not that familiar with this area.

17 Is it really traditionally Capitol
18 Hill or is it sort of in between Capitol Hill
19 and some other community?

20 MR. GOINS: I think this area is
21 typically called Hill East.

22 COMMISSIONER JEFFRIES: Hill East?

1 MR. GOINS: Yes.

2 COMMISSIONER JEFFRIES: And what
3 does that mean really in terms of would you
4 able to sell market rate units for?

5 I mean, what is the differential
6 of selling the market rate unit in this
7 neighborhood versus traditional Capitol Hill?

8 MR. BECKETT: Maybe I can speak to
9 that a little.

10 The historic district of Capitol
11 Hill ends at, I believe, 13th. The 1300
12 block.

13 COMMISSIONER JEFFRIES: Okay.

14 MR. BECKETT: We are at the 700
15 block, then four block farther east of the
16 historic district of what I believe the market
17 would consider Capitol Hill.

18 COMMISSIONER JEFFRIES: Right.

19 MR. BECKETT: Therefore, that's
20 why this area is defined largely as Hill East.
21 There's, for instance, a Hill East Master Plan
22 that covers Reservation 13. That's two blocks

1 away. That stadium site.

2

3 So, we are, we believe solidly
4 within a market area generally considered to
5 be Hill East.

6 As far as its marketability versus
7 the --

8 COMMISSIONER JEFFRIES: What's the
9 differential between what is traditionally
10 Capitol Hill and in this area?

11 MR. BECKETT: The differential in
12 the way of?

13 COMMISSIONER JEFFRIES: Market --

14 MR. BECKETT: Pricing?

15 COMMISSIONER JEFFRIES: What you
16 would be able to price the units at. Yes.

17 MR. BECKETT: Well, I think we're
18 clearly going to be below the market pricing
19 of a traditional Capitol Hill address if you
20 were able to say, for instance, within the
21 historic district.

22 COMMISSIONER JEFFRIES: You're not

1 going to give me a range. Right?

2 MR. BECKETT: Well, these
3 developers always loathe to give a range
4 right, because this is a project that will
5 take 18 months to build after a six to eight
6 month approval process.

7 COMMISSIONER JEFFRIES: Right.
8 Right.

9 Today? Today?

10 MR. BECKETT: A market range today
11 if you had to pin me to the degree that I
12 could be pinned, probably between \$250,000 and
13 \$550,000 based on the range of size units that
14 we have being Studio 1 and two-bedroom units
15 on a for sale aspect.

16 I say that with perhaps a little
17 wishful intent in that if you were a little
18 more familiar with the area, I think you might
19 agree. We are pioneering a bit.

20 COMMISSIONER JEFFRIES: Yes.
21 That's what I suspect. But, I guess, let's
22 deal with apples to apples. I just want a one

1 bedroom condominium in traditional Capitol
2 Hill versus Hill East, what's the price
3 differential today?

4 MR. BECKETT: I'd be guessing.
5 It's not something that --

6 COMMISSIONER JEFFRIES: Okay.

7 MR. BECKETT: -- I've done
8 research on.

9 COMMISSIONER JEFFRIES: Well,
10 that's fine.

11 MR. BECKETT: And it's also not
12 something that's easy to quantify in that
13 there aren't a large number of newly built
14 projects. The vast majority is existing
15 projects. There are a number on Pennsylvania
16 Avenue and some in Northeast. And obviously
17 on H Street that are outside. But we're
18 pioneering in a number of way in that there's
19 not a lot of new development in this area to
20 base this against.

21 COMMISSIONER JEFFRIES: Okay.
22 Well, I'm trying to measure sort of the extent

1 of the amenities package, particularly as
2 relates to affordability.

3 So -- I always ask this question.
4 My typical delta between the 80 percent of
5 area medium income. What's that price tag
6 versus a market rate for the same unit in this
7 project today?

8 MR. BECKETT: The pricing of the
9 affordable units, obviously has not been
10 established and would be established at the
11 time that the units are provided. I might
12 actually even if staff were able or suggest at
13 this point that staff might be better able to
14 discuss the pricing guidelines. We have based
15 on our discussions with the Office of
16 Planning, established our affordable unit
17 program to largely meet the guidelines of the
18 inclusionary zoning program and the
19 inclusionary zoning law as we believe it will
20 be ultimately enacted.

21 That provides for certain
22 guidelines for the pricing of the affordable

1 units. Again, I don't have the math in front
2 of me to tell you exactly what the affordable
3 units will cost nor can I give a very specific
4 answer on what the market rate units would
5 cost.

6 If you're looking for a delta to
7 put a number on the difference between what we
8 would be providing in an affordable unit and
9 what we'd be getting for it on the market rate
10 side, what I believe you hear most often from
11 most developers in most locations is the delta
12 is somewhere in the \$150,000 to \$200,000
13 range. That is market rate profit lost to the
14 affordable unit once they're provided.

15 COMMISSIONER JEFFRIES: Okay.
16 Yes.

17 I mean, that's -- I mean,
18 obviously, a proffer of an affordable unit in,
19 I don't know, Dupont Circle is very different
20 that a proffer in this particular
21 neighborhood. I mean, I'm always the question
22 of Ward 7 and Ward 8 when that's being

1 offered.

2 I'm just trying to get a sense of
3 how much of a profit that is. So, that was
4 really the genesis of my question.

5 MR. BECKETT: And so what I would
6 say is, you know, if I had to commit to
7 something and we do generally take a stab at
8 making these estimates in our plans, I would
9 use the number of \$200,000 net loss to the
10 project for each of the affordable units
11 granted.

12 COMMISSIONER JEFFRIES: Okay.

13 MR. BECKETT: Approximately 11
14 affordable units is approximately \$2.2
15 million.

16 COMMISSIONER JEFFRIES: Okay.

17 Mr. Beckett, where do -- do you
18 have a sense of where these affordable units
19 are going to be located within the
20 development?

21 MR. BECKETT: We do. Again, in
22 conformance with the upcoming inclusionary

1 zoning guidelines, we have proposed to have
2 the units spread throughout the building on
3 all of the floors with the exception of the
4 top most floor. And to have the units be
5 provided in a ratio that is slightly more
6 towards the larger size.

7 I believe the breakdown that we
8 provided if you do by unit count would be five
9 two bedroom units, four one bedroom units and
10 two studio units, which is a higher ratio of
11 larger units than we have throughout the
12 larger project. But the IZ requirements are
13 that you have no fewer in size units of the
14 affordable versus the market, that they be
15 roughly spread throughout the building with
16 the exception of the top most floors.

17 COMMISSIONER JEFFRIES: So, what
18 percentage of the affordable units will be
19 these window well units?

20 MR. BECKETT: I'd have to go back
21 through the plan to try to get an exact count.
22 But I do not believe --

1 COMMISSIONER JEFFRIES: You know
2 which units I'm referring to?

3 MR. BECKETT: Correct. The sill
4 level units.

5 If there are 11 units in the
6 building, I would say no more than four.

7 COMMISSIONER JEFFRIES: Okay. I'd
8 just be interested in knowing exactly once you
9 go back.

10 And also I think I wanted to -- do
11 you have any samples, for the architects, a
12 sample of the material? You call it a
13 Cementitious material. Do you have a sample
14 of that here? And I hope you're not going to
15 show me anything because I can't see anything.
16 You don't have an actual sample board?

17 MR. BECKETT: Well, we do. it's
18 unfortunately in pieces. It was a very large
19 and heavy board and in transit this evening we
20 had technical difficulties with the board. We
21 can bring it in its constituent parts to the
22 front if --

1 COMMISSIONER JEFFRIES: Well,
2 listen, you know, what I'm more interested in.
3 It might be here. I really want to see an up
4 close detail of the scoring and such for that
5 upper -- I just want to see exactly, you know,
6 how much articulation that is.

7 I mean, I see there is a nice
8 comfortable part, but I just want to get a
9 more up close view on what that looks like.

10 Do you understand what I'm --

11 MR. BECKETT: I think the view
12 that's up on the screen now that's of this
13 detail of the courtyard area gives you a
14 fairly close idea of the material at that top
15 most floor. It's the cementitious siding,
16 Hardi Panel is a trade name that's most often
17 associated with it.

18 It allows for that bending that
19 you see at the window line as opposed to a
20 lapped siding type of look. It would provide
21 a more panelized and bordered type of look
22 with the battening that goes in between the

1 panels.

2 We've also worked in above the
3 windows you see the shadow box treatments that
4 kind of carry the verticality of the box base
5 to the top of the building, replicated that
6 with the color as well, so it just completes
7 the verticality up to the top. That's type of
8 thing is more easily achieved with the Hardi
9 Panel. It already comes in panels that we can
10 match to the width of the balconies.

11 COMMISSIONER JEFFRIES: Okay.
12 Okay.

13 I have another question, Madam
14 Chair, but it is escaping me right now. So,
15 I might come back.

16 CHAIRPERSON MITTEN: Okay.

17 COMMISSIONER JEFFRIES: Okay.
18 Thank you.

19 CHAIRPERSON MITTEN: I just wanted
20 to get some clarification and you don't need
21 to say it, but I'd like to get it written. Is
22 some of the -- some of the things that you're

1 proffering which we got a new summary tonight.
2 I think they just need to be flushed out a
3 little bit more.

4 So, for instance, the landscaping,
5 assuming that the commitment is not only to
6 install the landscaping and this is not in the
7 private -- not in your neighbors yard but in
8 the landscaping that you will install on site
9 and in the public right of way that you're not
10 only going to install it, you're going to
11 maintain it. And so things like that have not
12 been expressed yet in the proffer. So, I
13 think we just need to have that developed a
14 little bit more.

15 The -- so that would be the formal
16 landscaping around East Capitol, replacing the
17 street trees on East Capitol, installation of
18 Cherry Trees.

19 The alley enhancements. I don't
20 know that that's been articulated at any
21 detail yet other than repaving installation of
22 building mounted lighting.

1 Is there more detail on that?

2 MR. BECKETT: I do believe we have
3 provided the species plans for the plantings
4 that will go in that --

5 CHAIRPERSON MITTEN: I'm sorry. I
6 didn't mean that. I just meant that for those
7 -- for the -- those three areas of
8 landscaping, that you would commit to
9 maintaining the landscaping for the life of
10 the project, not just installing it?

11 MR. BECKETT: The current
12 understanding is --

13 CHAIRPERSON MITTEN: What is your
14 commitment?

15 MR. BECKETT: The current
16 understanding is that we would maintain all
17 the landscape on the subject property itself,
18 in the open space in front of the property,
19 the controlled open space that this property
20 has along East Capitol Street. And that the
21 plantings that would be made, for instance, in
22 the buffer area outside of the common parking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 spaces in the alley that are off site of our
2 property, we would intend for those to be a
3 permanent, non-maintenance landscape element
4 that would be maintained and is warranted as
5 we install it for its first year.

6 Typical standard industry practice
7 is that those type of installations, if
8 selected and installed properly, are self-
9 maintaining after that first year.

10 CHAIRPERSON MITTEN: Okay. I just
11 want all that articulated so that everyone
12 understands what the -- what your firm
13 commitment is, what you can be held
14 accountable for.

15 And then the alley improvements.
16 I'm not talking about landscaping now. I'm
17 talking about the paving and so forth. I
18 don't know if that's been expressed in anymore
19 detail than we have. But I think it should be
20 so everyone is clear exactly what to expect
21 from at least your commitment for the alley
22 improvements.

1 I think one of the things that
2 Commissioner Turnbull was getting at with the
3 discussion on the LEED certification is
4 typically what we've done when folks come in
5 and we, you know, we're very pleased to see
6 people sort of raising the bar in terms of the
7 environmental aspects that they're introducing
8 to these projects. But rather than try and
9 hole you accountable to a series of things
10 that you're going to pursue, you know, that
11 we're going to try to do this and try to do
12 that. And as you work through things, some of
13 them will come to fruition and some may not.

14 What we have gotten Applicants to
15 do is commit to a certain number -- a minimum
16 number of LEED points, which then you can sort
17 of mix and match whatever works for you as the
18 design progresses and as things -- and as the
19 construction progresses so that at least then
20 you're held accountable to something, you
21 know, a quantifiable benchmark as opposed to
22 some of these other things.

1 So, I just ask you to consider
2 that. I mean, this is a proffer. So, it's
3 whatever you make it. But I think that would
4 make us more comfortable because that's what
5 we've seen.

6 We need the -- your whole
7 description about this escrow arrangement. I
8 don't think we have that in writing. So, if
9 we need that flushed out further.

10 And then I don't know. Have you
11 submitted the Construction Management Plan
12 that you are proffering to the community? Do
13 we have that in writing yet?

14 MR. BECKETT: I believe at this
15 point what we have in writing is a commitment
16 to traffic routing based on meetings and
17 conversations we've had primarily with ANC-6A.
18 We've committed to certain traffic routings
19 for construction traffic, mostly to avoid
20 certain streets and to encourage and require
21 the use of certain other streets for
22 construction access.

1 I believe a representative of ANC-
2 6A is here this evening that would be able to
3 read into the record the state of that
4 understanding --

5 CHAIRPERSON MITTEN: Okay.

6 MR. BECKETT: -- and listing some
7 of those specific traffic routes that we are
8 agreeing to at this point.

9 CHAIRPERSON MITTEN: Okay. And
10 maybe that just needs to be captured in the
11 same place. I see it in your May 29th
12 submission and also the lighting plan. I
13 think if we could just get all that
14 consolidated in one place it would help.

15 And then the things that
16 Commissioner Hood asked about in terms of the
17 operation of the loading dock. I think Mr.
18 Hood asked about it. So, that the limitation
19 on the size of the trucks that at least would
20 be coming to this development and the schedule
21 for deliveries being an off peak schedule,
22 things like that. We just need -- we just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 need to get all that down and so that it's not
2 sprinkled throughout the record. But it's --
3 and your submissions, but it's collected all
4 in one place.

5 So, if you could just help us
6 collect all that, that would be helpful.

7 Anybody else before we move on?

8 COMMISSIONER JEFFRIES: I wrote my
9 question.

10 So, it's part of the unit mix,
11 you're not going to have any three bedrooms.
12 Correct?

13 MR. BECKETT: That is correct.

14 COMMISSIONER JEFFRIES: And could
15 you just state for the record the reason why
16 you're not putting three bedroom units in this
17 mix?

18 MR. BECKETT: Sure.

19 We go through a fairly detailed
20 market analysis with every project based on
21 our own prior experience and the
22 recommendation of as many of the experts as we

1 have access to. In the District that normally
2 means the market sales representatives that
3 normally represent us. It's typically a third
4 party sales company that represents this type
5 of project for sales. And they give us a
6 recommendation based on comparables in the
7 market and comparables in the area as to what
8 they believe is the proper unit mix and what
9 would be the most marketable unit mix.

10 What we try to do with every
11 project is provide the largest unit possible
12 for the price that we're asking. We obviously
13 would like to have a competitive advantage
14 over an adjacent project to say that our units
15 are bigger for the same money as what you
16 could get elsewhere sometimes. That's
17 possible sometimes, it's not.

18 But we're always incentivised to
19 provide the largest unit we possibly can for
20 the money. Because if someone else is
21 providing more for less, we lose the sale.
22 So, there is a built in incentive for us to

1 get it right as far as the mix goes of unit
2 size. It's not just a function of pricing.
3 It's the function of what you get for that
4 money.

5 So, in consultation with those
6 third party sales experts, if you will, in the
7 District for marketing projects like this in
8 the District --

9 COMMISSIONER JEFFRIES: Are those
10 people a secret? Are they a secret to tell
11 who the third party is?

12 MR. BECKETT: No. McWilliams
13 Ballard --

14 COMMISSIONER JEFFRIES: Okay.

15 MR. BECKETT: -- is the company we
16 typically use.

17 COMMISSIONER JEFFRIES: Okay.

18 MR. BECKETT: So, in consultation
19 with that particular industry expert,
20 McWilliams Ballard, in addition to review of
21 comparable product available at the price
22 point. When you mentioned specifically a

1 three bedroom unit, I would say based on our
2 location in this marketplace and based on our
3 research in available product at the price
4 point at or below where we believe we may be
5 selling, I believe you can, if you're looking
6 for instance family size, which I believe is
7 perhaps -- I won't speak for you, but perhaps
8 what you might be inquiring about with a three
9 bedroom unit or maybe thinking about for use
10 of a three bedroom unit.

11 I believe you can find within the
12 marketplace a row home or other unit within a
13 relatively equal distance away that would
14 provide you more room for the money than I'll
15 be able to provide.

16 We're providing a unit in a
17 lifestyle and a newness to the building that
18 we believe will sell. But I do not believe we
19 can sell it this time against three bedroom or
20 larger row homes several blocks or closer away
21 that I believe a buyer of the three bedroom
22 unit would be more inclined to buy before

1 mine.

2 COMMISSIONER JEFFRIES: I mean, I
3 read somewhere in the record that someone had
4 a question about that and I just wanted you to
5 be on the record.

6 CHAIRPERSON MITTEN: Thank you.

7 Who do we have here from ANC-6B?
8 Anybody? Anybody from 6B?

9 Okay. Then Commission Nixon, did
10 you want to ask the gentleman here anything --
11 any questions on cross examination?

12 No questions. Okay. Very good.
13 Thank you.

14 All right. Thank you all.

15 Now, we're ready for the report by
16 the Office of Planning.

17 Ms. Brown-Roberts.

18 MS. BROWN-ROBERTS: Good evening,
19 Madam Chairman and members of the Commission.

20 I'm Maxine Brown-Roberts from the
21 Office of Planning.

22 I think generally I will stand on

1 the record based on our submission. But just
2 to say that we have worked with this Applicant
3 and the community and they have been pretty
4 responsive to our changes that we suggested
5 and we've been really happy to work with them.

6 The flexibility, they are
7 requesting at least four areas of flexibility.
8 And we believe that they can be granted the
9 flexibility in those area. And that they --
10 what they have provided in lieu of meeting the
11 requirements will not have a negative impact
12 on the community.

13 They have also provided and
14 proffered a number of public benefits and
15 amenities. One thing that we would like to
16 state is that we would like to differentiate
17 and we did in the report what we consider to
18 be public benefits and what we considered to
19 be amenities.

20 And a number of things that they
21 were doing for adjacent property owners were
22 most of the ones that we considered to be just

1 public benefits that would basically improve
2 those buildings to make the community look a
3 little better. But overall it didn't really
4 affect the wider community.

5 But in addition to that, they are
6 able to provide all the things that we think
7 would beneficial to the wider community.

8 They do -- the proposes map
9 amendment is consistent with the Comprehensive
10 Plan and they meet many of the policies that
11 are outlined in the Comprehensive Plan.

12 There are some -- there are some--
13 as you outline, there are some things that
14 need to be finalized. And in addition to some
15 of the things that you mentioned, they also
16 have to get their signed first source
17 agreement and also the memorandum of
18 understanding.

19 They've also been working with
20 DDOT regarding the upgrade of the sidewalk and
21 the alley and we have spoke to DDOT about
22 that. Most of it they said yes they're in

1 agreement with and as the project proceeds,
2 they will get into some more detail about what
3 the upgrades on the alley will be and also on
4 the sidewalk.

5 Therefore, we recommend approval
6 of the proposal and with the conditions
7 outlined. And I think we are in agreement in
8 many of the things that Ms. Mitten also
9 outlined to get some clarification of those.

10 Thank you, Madam Chairman.

11 CHAIRPERSON MITTEN: Thank you.

12 Any questions for Ms. Brown-
13 Roberts?

14 Mr. Jeffries, we'll let you go
15 first. I always look that way.

16 COMMISSIONER JEFFRIES: The
17 buildings, the three apartment buildings that
18 were there previously, what was the height and
19 mass of those buildings? I'm just curious.

20 Do you know how many stories?

21 MS. BROWN-ROBERTS: I think they
22 are about three -- I'm not sure of the FAR.

1 COMMISSIONER JEFFRIES: I mean,
2 were they non-conforming buildings?

3 MS. BROWN-ROBERTS: Yes.

4 COMMISSIONER JEFFRIES: They were
5 non-conforming buildings?

6 MS. BROWN-ROBERTS: Yes. Yes,
7 they were apartments in R4. Yes.

8 COMMISSIONER JEFFRIES: Okay.
9 Thank you.

10 CHAIRPERSON MITTEN: Mr. Turnbull.

11 COMMISSIONER TURNBULL: Thank you,
12 Madam Chair.

13 Did you want to point out the
14 discrepancy in their standards -- the OP
15 standards report?

16 CHAIRPERSON MITTEN: I thought you
17 would do that.

18 COMMISSIONER TURNBULL: Okay.

19 Ms. Brown-Roberts, on your
20 standards report attached to your -- there's,
21 I think, it's a typo. Total square footage.
22 Applicant shall commit to reserve -- I think

1 you mean 11 units.

2 MS. BROWN-ROBERTS: Oh, yes. On
3 the -- yes. On the IZ recommendations. Yes.
4 That was the total square footage. I'm sorry.

5 COMMISSIONER TURNBULL: Thank you.

6 CHAIRPERSON MITTEN: Anyone else?

7 MS. BROWN-ROBERTS: And it was
8 something that we did discuss with the
9 Applicant, so they are aware of it.

10 CHAIRPERSON MITTEN: Okay.

11 Mr. Hood.

12 VICE CHAIR HOOD: I should have
13 asked this earlier. But I didn't think about
14 it until Ms. Brown-Roberts brought up the DOES
15 and LLSTDs.

16 Has Comstock done any development
17 here in the city previously? And if they have
18 the --

19 MS. BROWN-ROBERTS: I'm sorry, I
20 didn't hear.

21 VICE CHAIR HOOD: Has the
22 developer ever done any development here in

1 the city? And if they have, have they ever
2 proffered like a PUD for example, and if they
3 have, have they ever done a DOES and LLSTD
4 agreement?

5 MS. BROWN-ROBERTS: Its' my
6 understanding that this is their first project
7 in the District.

8 VICE CHAIR HOOD: Okay. So, they
9 be an example. Okay.

10 The next thing I also want to say
11 to you, Ms. Brown-Roberts and the OP staff and
12 Ms. Steingasser.

13 I notice in your reports we're
14 starting to get like the Metropolitan Police
15 Department, fire department and I want to tell
16 you that I think -- I know that in the past
17 years we've been putting referrals out, but we
18 don't get any comments. So, I want to commend
19 the Office of Planning on getting those
20 referrals, because I think it's very important
21 part of our decision making in those different
22 department weighing in.

1 So, my hat is off to you.

2 MS. BROWN-ROBERTS: Thank you.

3 VICE CHAIR HOOD: I don't know
4 when you're doing to get it, but continue.

5 MS. BROWN-ROBERTS: Okay. Thank
6 you.

7 CHAIRPERSON MITTEN: Thank you.

8 Mr. Hughes, did you have any
9 questions for Ms. Brown-Roberts?

10 MR. HUGHES: Madam Chair, I have
11 no questions but thank you for your
12 assistance.

13 CHAIRPERSON MITTEN: Thank you.

14 Commission Nixon, any questions
15 for the Office of Planning?

16 Okay. Great.

17 Is there anyone here from DDOT or
18 another government agency?

19 Always good to ask.

20 And I asked earlier if we had
21 anybody here from ANC-6B and no one held up
22 their hand.

1 So, I would just note for the
2 record that at Exhibit 26 we have a letter
3 from ANC-6B in support. And I think it
4 qualifies. I think the letter qualifies for
5 great weight.

6 So, now we're ready for -- and
7 actually you're still in opposition. Right?
8 So, you're going to come --

9 Okay. We'll get to you so don't
10 think I forgot you because I hit one ANC
11 already.

12 Okay. Anyone who would like to
13 testify in support?

14 Please come forward and have a
15 seat at the table. And did you remember about
16 the witness cards? Did you turn them in
17 already? Okay, great. Everybody is good.

18 Why don't we start with you, sir
19 and then we'll work our way across the table.

20 MR. BUCHOLTZ: Hi. My name is Seat
21 Bucholtz. I'm the President of the Drummond
22 Condominium Homeowner's Association.

1 I'm representing today the
2 homeowner's association as well as myself as
3 a unit owner.

4 I want to very briefly say that
5 we're in full support of the PUD for many of
6 the reasons outlined today. And also mention
7 that all 12 unit owners of our homeowner's
8 association have submitted a -- signed and
9 submitted a letter of support that was given
10 to the Office of Planning.

11 We support all aspects of the
12 proposed PUD. I want to say specifically that
13 we strongly support the change to the rear
14 yard setback in order to be able to provide
15 larger side yards.

16 We want to acknowledge some of the
17 additional items that Comstock has provided,
18 acknowledging that they are mostly private
19 benefits to the owners of our building. In
20 particular, repaving the existing alley and
21 adding lighting is certainly a benefit to our
22 building. Conversion of the alley to one-way

1 traffic is a substantial safety benefit to the
2 people in our building.

3 As you will see, the traffic --
4 the entrance to the parking garage of the
5 proposed building is right near our rear gate
6 where most of our residents enter and exit.
7 And making that into a one-way alley reduces
8 the chance of somebody not seeing a car
9 pulling out in the opposite direction there.
10 So, that's a great thing and I appreciate the
11 efforts of Comstock to follow through with
12 that.

13 We also are very supportive of the
14 plantings in the rear alley. They're just
15 going to provide a nicer atmosphere back
16 there. And we believe those are a permanent
17 benefits to, at the very least, the homeowners
18 of our building.

19 And last but certainly not least,
20 we are happy of the commitment that Comstock
21 has made to provide \$15,000 towards exterior
22 improvements of our building. And we have

1 negotiated with Comstock to at some point in
2 the future at an agreed upon time they will
3 provide those monies to us to make exterior
4 improvements for the benefit of our
5 homeowners.

6 I want to acknowledge the positive
7 relationship that we've had with Comstock and
8 their willingness to work with the residents
9 of our building. They've been both available
10 and responsive at all times and we strongly
11 support this project.

12 Thank you.

13 CHAIRPERSON MITTEN: Thank you,
14 Mr. Bucholtz.

15 Sir?

16 MR. SCOTT: Yes. I'd like to
17 state for the record, my name is Wade Scott
18 and I'm representing the Farlane Condo
19 Association building. It's located on 18th
20 Street. I am the Vice President of the
21 homeowner's association. And I also take care
22 of the building.

1 Our group is 1,000 percent in
2 support of the project. I'm very happy to see
3 something like this happen.

4 Mark Beckett and all the guys who
5 work with Comstock, they have been very nice
6 and very cordial. They've been very helpful
7 to us. And the main issue that I'm mostly
8 concerned with in support of the project is --
9 well, I don't know if you're all aware of it.
10 But there's a crime issue that's in the alley
11 way right now. And there's a lot of illegal
12 activities that occur in that area over there
13 at night. And, I believe, this building once
14 its built and once the area is beautified and
15 we have the one way traffic there, that that
16 crime element will go away.

17 It's surprisingly -- I'm sorry.
18 It's surprising that no one has been seriously
19 injured or worse back there. So, I'm very
20 happy to see a project like this take place.

21 The residents of the building are
22 very happy to see a project like this take

1 place. Mark has offered to do a lot of things
2 to the area there, you know, which are greatly
3 going to improve the area, which will greatly
4 improve the value of the property for the
5 homeowners there.

6 And so I can't stop saying enough
7 positive things about this project and about
8 what Comstock is going to do for us back
9 there. So, again, I'm 1,000 percent in
10 support of the project, as well as the tenants
11 of the building.

12 Well, I guess, I'm understating
13 it. We're actually one million percent in
14 support of the project.

15 CHAIRPERSON MITTEN: Okay.

16 MR. SCOTT: And so we're --

17 CHAIRPERSON MITTEN: I think we
18 have another neighborhood where we could
19 recommend that Comstock go do some
20 gallivanting and give a real challenge.

21 MR. SCOTT: I mean, they're very,
22 very good people and it's a good group and

1 they're really going to really, you know,
2 improve upon the area and again, I'm, you
3 know, just looking forward for this project to
4 occur. And, you know, we have a very
5 beautiful area back there instead of an
6 eyesore to the community.

7 So, you know, I've got nothing to
8 say but praise and we're in total full support
9 of this project.

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

12 Ms. Dorsey.

13 MS. DORSEY: Thank you.

14 Again, my name is Deshawn Dorsey
15 and I actually am a homeowner of one of the
16 lots that ends immediately on the other side
17 of the public alley way that will run between
18 A Street and the Comstock development.

19 And I'd first like to say that I
20 do appreciate as the witnesses have testified
21 the openness of the Comstock group, in
22 particular, Mark Beckett, and working with the

1 neighbors to make sure that this development
2 is something that not only benefits the
3 neighborhood in general but that also brings
4 added value and does not detract from the
5 value of those who already live in the
6 immediate vicinity of the development.

7 I would also like to say that as
8 you noted I was previously in opposition to
9 the project-wide negotiated final details with
10 Comstock that would enable the neighbors that
11 live on the south side of the proposed
12 development to continue to enjoy the view and
13 the use of their yard they currently have as
14 Comstock has been generous enough in its
15 negotiations to include read landscaping to
16 the rear facade of the building, additional
17 lighting, repaving the alleyway and to do
18 things in our way bring safety to the
19 neighborhood and to alleyway. But also
20 esthetically integrate the proposed
21 development with what's currently there.

22 The existing building is

1 substantially smaller height-wise, fits
2 further back on the lot, but they've made
3 proposals that I think will allow us to not be
4 as visually impacted by the proposed
5 development, which was a major concern for
6 myself and several of my neighbors.

7 So, with that, I would like to say
8 that I do support the development. I think
9 Comstock has done tremendous work in beefing
10 up this PUD proposal in adding in the
11 improvements to Eastern High School which was
12 a huge concern for us. And adding in
13 landscaping and working with some of the
14 smaller apartment buildings and condominium
15 developments in the neighborhood such as a Mt.
16 Mariah Building, so that when this project is
17 done, I hope that on a whole it bring added
18 value to the entire neighborhood and not just
19 strictly to the residents of the proposed
20 development.

21 Thank you.

22 CHAIRPERSON MITTEN: Okay. Thank

1 you.

2 Any questions for the panel?

3 Anyone have any questions?

4 Mr. Hughes, did you have any
5 questions for the panel? No.

6 Commissioner Nixon, did you have
7 any questions for the panel? No.

8 Very good. Thank you all for your
9 testimony.

10 Anyone else who would like to
11 testify in support?

12 All right. Now, we'll have the
13 testimony from Commission Nixon for ANC-6A.

14 COMMISSIONER NIXON: Well, I
15 apologize for my -- my name is Stephanie
16 Michelle Nixon. I am ANC-6A08 Commissioner
17 and I'm representing ANC-6A.

18 Thank you.

19 All right. I apologize for my
20 naivety, but we are pending final agreement
21 and so accordingly with the agreement to the
22 points that both Mark Beckett have discussed

1 today and discussed before the Commission last
2 week and we got in writing as this morning.
3 We will be in support of the project.

4 CHAIRPERSON MITTEN: Oh, okay.

5 COMMISSIONER NIXON: I want to say
6 one straight up from the top.

7 CHAIRPERSON MITTEN: Okay.

8 COMMISSIONER NIXON: And the
9 points were, it was an 8-0 vote -- eight to
10 zero vote with five Commissioners required for
11 quorum. Basically myself and David Holmes
12 were to make the final decision and negotiate
13 the final position because we had out meeting
14 last Thursday. So, that's why we had to go in
15 opposition as of May.

16 Accordingly, ANC-6A has a pending
17 negotiated agreement with the Applicant based
18 on the following.

19 A construction traffic management
20 plan containing the traffic routes as we
21 discussed to avoid C Street, N.E., and 17th
22 Street, N.E.

1 The routes to be utilized include
2 the Southeast Freeway, 395, Anacostia Freeway,
3 295, East Capitol Street, Benning Road,
4 Oklahoma Avenue, 22nd Street, N.E.,
5 Pennsylvania Avenue, Potomac Avenue. That's
6 a possible if we can't get them to be able to
7 go through RFK. And possibly Barney Circle
8 an/or RFK Station access points with all
9 routes to be approved by DDOT.

10 it is hoped that they can
11 negotiate some agreements with DCSCC just to
12 do the cut-through from Barney Circle to
13 straight through the RFK, since they are going
14 to use RFK parking. And my understanding was
15 that I think DDOT is in support of that trying
16 to push through, which would keep them out of
17 all neighborhoods if they had to come off of
18 395 and Southeast/Southwest Freeway.

19 Comstock shall designate a
20 representative to be the key contact for
21 interaction with the members of the community
22 regarding construction. The representative

1 will have a local office fax and Voicemail and
2 be accessible during all business hours.

3 Comstock shall make reasonable
4 attempts to provide community representatives
5 with schedules and information regarding the
6 large deliveries to facilitate the enforcement
7 of the traffic management plan.

8 Comstock shall make reasonable
9 attempts to implement a job site I.D. system
10 whereby construction vehicles that are parked
11 on or in front of the site or that must idle
12 for extended periods on or in front of the
13 site be given an identifying sign or placard
14 to be placed in the windshield of the vehicle
15 during the time that it is on or in front of
16 this project site.

17 Such I.D. system would facilitate
18 community I.D. of vehicles that are associated
19 with the project and enable the community
20 members to identify and describe to
21 authorities vehicles that are on or around the
22 site that are not properly I.D.'d and may

1 cause a potential hazard.

2 I believe, you know, the
3 reasonable attempt is because we realize
4 accidents happen.

5 So, Comstock shall contribute
6 \$25,000 to an organization or they can use
7 this themselves for their use and with the
8 repair/maintenance of the athletic fields at
9 the Eastern Senior High School and Elliott
10 Junior High School.

11 I also just noticed that the
12 basketball field is not on this letter, but it
13 should have been included. So, they were also
14 already planning to the basketball courts,
15 which we are fully in support of that.

16 Comstock shall incorporate a
17 Plinth Element in the design of the building's
18 balconies.

19 And, essentially, that is why I'm
20 here. My understanding as of today was that
21 the three bedroom, two bedroom den is not
22 totally out the door, except for it would

1 require major redesign. So, that would have
2 to come later. At least, that's my
3 understanding from my conversation with Mark
4 Beckett.

5 CHAIRPERSON MITTEN: Okay.

6 Could you describe this Plinth
7 Element that you're referring to?

8 COMMISSIONER NIXON: Okay.

9 The Plinth Element. Can I defer
10 to Mark? Because he's the one that -- they
11 found it on line. It was actually between
12 David Holmes, Drew Ronneberg and it's
13 basically an element -- a curbed architectural
14 element.

15 CHAIRPERSON MITTEN: We'll get an
16 explanation. I have a few follow up questions
17 at the end.

18 COMMISSIONER NIXON: That would be
19 great.

20 CHAIRPERSON MITTEN: So, we'll
21 look at that.

22 COMMISSIONER NIXON: That would be

1 great.

2 CHAIRPERSON MITTEN: Okay.

3 You guys are tough. 6B is a
4 pushover compared to you guys. Okay.

5 COMMISSIONER NIXON: We can't help
6 it.

7 CHAIRPERSON MITTEN: Okay.

8 Any questions for Commissioner
9 Nixon?

10 VICE CHAIR HOOD: Yes.

11 Mr. Hood.

12 VICE CHAIR HOOD: I want to go
13 along the same lines as the Chair.

14 6B is well noted and actually
15 voted 8-0. Was there ever -- I know years ago
16 they used to say it was illegal for Abcs to
17 collaborate. I don't know if that issue ever
18 got taken care of.

19 But did you have any consultation
20 or collaboration with ANC-6B?

21 COMMISSIONER NIXON: I worked with
22 Francis Campbell. He and I talked afterwards,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 but it wasn't really full collaboration. I
2 just told him our point so that he would
3 understand before he got the letter saying,
4 we're requesting party status. I just figured
5 that's only polite --

6 VICE CHAIR HOOD: Courtesy.

7 COMMISSIONER NIXON: -- to
8 actually let him know.

9 VICE CHAIR HOOD: What are your
10 boundaries? Is East Capitol the dividing
11 line?

12 COMMISSIONER NIXON: Yes, sir.

13 East Capitol is split down the
14 middle between 6B and 6A. So, 6A will --

15 VICE CHAIR HOOD: Okay. So, 6A is
16 to the north?

17 COMMISSIONER NIXON: Yes.

18 VICE CHAIR HOOD: Okay.

19 Now, about the balconies and
20 everything. Are any of your constituents
21 directly affected?

22 COMMISSIONER NIXON: Eastern

1 Senior High School is in 6A. And there's
2 actually houses going down 19th Street and
3 17th Street, N.E.

4 VICE CHAIR HOOD: Okay.

5 COMMISSIONER NIXON: On the north
6 side.

7 VICE CHAIR HOOD: Eastern is right
8 across the street?

9 COMMISSIONER NIXON: Right across
10 the street. Yes, sir.

11 VICE CHAIR HOOD: You all are
12 tough. Okay.

13 Thank you, Madam Chair.

14 CHAIRPERSON MITTEN: Anyone else?
15 Commissioner Jeffries?

16 COMMISSIONER JEFFRIES: Yes. I
17 guess I'm somewhat baffled because, you know,
18 you're 6A. You're north of the site. So, I
19 mean, you were terribly impacted by this
20 development.

21 COMMISSIONER NIXON: It is. We
22 see it visually from the front. 6B sees the

1 rear predominately and the front was our
2 predominant concern given --

3 VICE CHAIR HOOD: There's a school
4 that's right --

5 COMMISSIONER NIXON: And the
6 school was also our predominate concern as
7 well to avoid. We have actually three schools
8 within the distance which is why traffic was
9 our -- was one of our concerns because of the
10 number of schools in the area.

11 I know that does not affect the
12 Zoning Commission as much, but that was one of
13 our concerns. Then looking at everything else
14 in the big picture and how it would affect the
15 school.

16 COMMISSIONER JEFFRIES: Well,
17 we're concerned about traffic and, I mean, I
18 just -- I just -- okay.

19 And I guess I just wanted to go
20 back to the three bedroom. I just want to
21 make certain expectations are being managed.

22 What's your understanding about

1 the three bedroom?

2 COMMISSIONER NIXON: My
3 understanding as of this point, it is not
4 included and that there's a possibility that
5 it could be included. But it's definitely at
6 this point not included secondary to the
7 comps. And also just based upon where I
8 reside I can say that the comps are such that
9 it would be difficult.

10 COMMISSIONER JEFFRIES: And why
11 would that particular thing concern -- be a
12 concern to you at 6A?

13 COMMISSIONER NIXON: Secondary to
14 the fact that it is directly across the street
15 from Eastern Senior High School. And there's
16 a lot of animosity between some of the
17 residents and condominiums and the senior high
18 school students. In other words, they don't
19 like the students walking down across their
20 lawns in the mornings. There's some animosity
21 there.

22 And so the fact that then if you

1 had a three bedroom the hope would have been
2 that a family would move in. But when you're
3 dealing with a two bedroom they're not as
4 likely to move in. That was the reason.

5 COMMISSIONER JEFFRIES: Okay.
6 Thank you.

7 CHAIRPERSON MITTEN: Anyone else?
8 Mr. Hughes, any questions?

9 Okay.

10 Thank you very much.

11 COMMISSIONER NIXON: Okay.

12 CHAIRPERSON MITTEN: Anyone else
13 who would like to testify in opposition? Any
14 opposition?

15 Okay. Mr. Hughes and maybe Mr.
16 Beckett, I have a couple of follow up
17 questions.

18 You can either answer now or you
19 can do it in writing.

20 The ANC letter that we just
21 received from Commissioner Nixon says that you
22 have a pending negotiated agreement to accept

1 all of the provisions that are in the letter
2 or they're still being fine tuned?

3 MR. BECKETT: We do accept the
4 provisions as they're stated in the letter.

5 CHAIRPERSON MITTEN: Okay.

6 And then could you describe the
7 Plinth Element?

8 MR. BECKETT: That was in direct
9 response to a request by one of the ANC-6A
10 Commissioners to in some way improve the
11 esthetics of the balcony by adding an
12 architectural detail underneath the balcony to
13 represent a support of the balcony structure
14 itself with projects from the building.

15 Plinth in its technical definition
16 really refers to a column, but Plinth as we're
17 describing it and I have a -- unfortunately
18 only one copy. But I do have a -- example,
19 exhibit of what we're calling a Plinth
20 underneath the balcony. It's the arched --
21 what is typically a structural member on
22 either end of the balcony that would support

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the weight of the balcony on the building.

2 It's not needed in the design of
3 this building to support weight. It would
4 simply add architectural interest to the
5 balconies themselves.

6 We were told by this Commissioner
7 that he wasn't as concerned about the look of
8 this architectural element. He trusted that
9 we would choose something that was appropriate
10 and was an improvement to the design. And
11 what we've agreed to do is come up with a
12 fairly simple -- it would be artificial, but
13 nonetheless it would appear a functional
14 design element underneath the balconies to
15 just enhance the look of the balcony.

16 CHAIRPERSON MITTEN: Okay. I had
17 also read something in the Office of Planning
18 Report about -- and we've had testimony about
19 this in other cases too, where people don't
20 want the -- if people store things on their
21 balconies that it would look kind of junky.

22 Is there something that you're

1 going to do about that as well?

2 MR. BECKETT: Yes. We discussed
3 placing a screen underneath the balcony such
4 that you will not be able to see items placed
5 on the balcony based on a very similar
6 discussion that there was a desire to not have
7 items be visible from underneath.

8 CHAIRPERSON MITTEN: Okay. And I
9 don't know if that's made clear in the record
10 but in your list of things that you'll collect
11 for us, if that could be among them?

12 And then the other thing that I
13 had forgotten to ask about, is do you have the
14 signed agreement yet with the Capitol Hill
15 Community Foundation?

16 MR. BECKETT: Not a Capitol Hill
17 Community Foundation. We approached Capitol
18 Hill Community Foundation with the \$25,000
19 contribution and they informed us that while
20 they are able to take contributions and they
21 do work and make various grants throughout
22 Capitol Hill, they are not currently and have

1 not in recent history worked directly with
2 Eastern High School or Elliott Middle, which
3 was the focus on ANC-6A's request to have
4 additional work done or additional funds
5 applied to those particular structures. More
6 particular the outdoor sports facility,
7 similar to the basketball repair that we've
8 committee to do at either Eastern or Elliott.

9 As Capitol Hill Community
10 Foundation said they we unable to really take
11 money and direct grants directly to those two
12 facilities, we've had to approach other groups
13 that we are open to find that would be able to
14 make use.

15 I believe Commissioner Nixon spoke
16 to the fall back position being that Comstock
17 would perform as a developer additional work
18 on the exterior sports-related elements
19 outside of Eastern and Elliott.

20 The item that we've discussed in
21 particular would be the tennis courts.
22 They're adjacent to the basketball courts that

1 we've already committed and gotten letter
2 permission from D.C. Public Schools to make
3 repairs to. That would be an element that we
4 believe would account for at least the \$25,000
5 committed to make additional improvements.

6 However, if between now and
7 perhaps the time of a written judgment there
8 were another group identified that could make
9 alternative or better use of the funds, we
10 propose to come up with a written agreement
11 for some other group. But the fall back
12 position is that Comstock itself would also be
13 able to do additional work.

14 CHAIRPERSON MITTEN: Okay. We
15 just needed that again nailed down in the
16 agreement.

17 And then have you provided us with
18 photographs of your sample board? You know,
19 before or after it's decomposition?

20 MR. BECKETT: Yes. That should be
21 in the record that we'll be producing of the
22 slides that were presented.

1 CHAIRPERSON MITTEN: Oh, of the
2 slides. Okay. Great.

3 Okay. Any follow up questions
4 from any of the Commissioners?

5 Mr. Turnbull.

6 COMMISSIONER TURNBULL: I would
7 just hope that the Applicant in his judicious
8 look at the Plinth which isn't a Plinth, does
9 not create an architectural encumbrance which
10 is something that goes beyond a simple
11 architectural ideal that does.

12 I think we don't want something on
13 the building that is totally useless that
14 could become a maintenance issue in the
15 future. So, I think although taking the
16 concerns of the ANC is one thing, but I think
17 we -- the misuse of the term sort of gets me
18 worried anyways as to what this thing really
19 wants to be.

20 CHAIRPERSON MITTEN: Well, let's
21 see it.

22 COMMISSIONER TURNBULL: Yes.

1 CHAIRPERSON MITTEN: I have a few
2 things that we're going to need to see.

3 The description of -- the more
4 flushed out description of the amenities and
5 benefits that we've been talking about right
6 along. And then the PowerPoint presentation
7 that we saw some of and that will include the
8 material samples. And then if we could see
9 what this support element that doesn't
10 function but it's merely decorative on the
11 balconies, that would be great.

12 And then if we could get the more
13 specific distribution of the affordable units
14 that Commissioner Jeffries was asking about.

15 Is there anything else that
16 anybody would like to see?

17 COMMISSIONER TURNBULL: I take it
18 that your concern would include a floor plan
19 of the floors where they would be?

20 CHAIRPERSON MITTEN: Yes. If you
21 can just identify the distribution to the
22 extent that you have sorted it out.

1 MR. BECKETT: We've made some
2 attempt at establishing actually floor plans.
3 I typically at this point in a PUD process,
4 there's not very much definition of exact unit
5 types. I believe we would be able to,
6 however, commit to a placement that would
7 imply that the units are well spread
8 throughout the market rate units.

9 CHAIRPERSON MITTEN: Yes. If you
10 could do it sort of by type, by floor or
11 something like that, wherever you are in the
12 process now. I think that would be good.

13 Okay. Then, I doubt that it's
14 going to take long for you to get this
15 material together. So, why don't we work
16 backwards from July? The July meeting.

17 MRS. SCHELLIN: Can you guys do
18 this in a week?

19 CHAIRPERSON MITTEN: You'll be on
20 our July agenda if you can do it in a week.

21 MRS. SCHELLIN: We maybe could
22 move them to July 30th, if you want to --

1 CHAIRPERSON MITTEN: Well, or
2 we're also having a special meeting at the end
3 of July to wrap up a bunch of things before we
4 take off for August. Your choice.

5 MRS. SCHELLIN: But if you can do
6 it in a week, then you'll get on the July 9th.

7 MR. BECKETT: Then I believe we
8 can make that happen.

9 MRS. SCHELLIN: In a week. Okay.
10 So, then all additional filings will be due by
11 3:00 p.m., June 25th. And the two Abcs will
12 have until July 2nd to respond to those
13 filings.

14 And if you choose to do so, draft
15 orders would also be due on July 2nd.

16 CHAIRPERSON MITTEN: Okay. You
17 got the dates? Got all the dates down then?

18 Any questions about the dates?

19 Okay. Well, we do commend you for
20 your work with the community and your
21 responsiveness. And as I said, there are
22 other communities where your talent for

1 negotiation might be welcome.

2 So, we'll look forward to other
3 projects from your company.

4 Thank you for your time this
5 evening. Thank you for your participation
6 everyone who attended.

7 We're adjourned.

8 (Whereupon, the above matter was
9 concluded at 8:11 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22