

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
 :
 :
NJA Associates LLC and St. : Case No.
Matthews Baptist Church- : 12-09
Capitol Gateway Overlay :
District Review @ Square :
743-N, Lots 79 & 834 :
-----:

Thursday,
October 25, 2012

The Public Hearing of Case No.
12-09 by the District of Columbia Zoning
Commission convened at 6:30 p.m. in the Jerrily
R. Kress Memorial Hearing Room at 441 4th Street,
N.W., Washington, D.C., 20001, Anthony J. Hood,
Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
MAXINE BROWN-ROBERTS

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JAMIE HENSON
ANNA CHAMBERLIN

The transcript constitutes the
minutes from the Public Hearing held on October
25, 2012.

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

6:34 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission for the District of Columbia for Thursday, October 25, 2012.

My name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioner Miller, Commissioner May and Commissioner Turnbull. We are also joined by the Office of Zoning staff, Ms. Sharon Schellin.

Office of Planning, Mr. Lawson, Ms. Brown-Roberts. District Department of Transportation, Mr. Henson and Ms. Chamberlin.

This proceeding is being recorded by a court reporter. It is also webcast live.

Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of this evening's

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1 hearing is Zoning Commission Case No. 12-09.
2 This is a request by the NJA Associates and St.
3 Matthew's Church for approval of a project under
4 the Capitol Gateway Overlay review for property
5 that is located at Square 749-N, Lots 79 and
6 834.

7 Notice of today's hearing was
8 published in the D.C. Register on July 27, 2012,
9 and copies of that announcement are available
10 to my left on the wall near the door.

11 The hearing will be conducted in
12 accordance with provisions of 11 DCMR 3022 as
13 follows: preliminary matters, applicant's case,
14 report of the Office of Planning, report of other
15 Government agencies, if any, report of the ANC,
16 in this case it's 6-D. I am understanding they
17 are not able to attend tonight, but they have
18 provided a report, organizations and persons
19 in support, organizations and persons in
20 opposition, rebuttal and closing by the
21 applicant. The applicant will have 20 minutes,

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1 organizations five minutes, individuals three
2 minutes.

3 All persons appearing before the
4 Commission are to fill out two witness cards.

5 These cards are located to my left on the table
6 near the door. Upon coming forward to speak to
7 the Commission, please give both cards to the
8 reporter sitting to my right, before taking a
9 seat at the table.

10 The staff will be available
11 throughout the hearing to discuss procedural
12 questions. Please turn off all beepers and cell
13 phones at this time, so not to disrupt these
14 proceedings.

15 Would all individuals wishing to
16 testify please rise to take the oath?

17 Ms. Schellin, would you please
18 administer the oath?

19 MS. SCHELLIN: Please raise your
20 right hand.

21 Do you solemnly swear or affirm the

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1 testimony you'll give this evening will be the
2 truth, the whole truth, and nothing but the
3 truth?

4 WITNESSES: Yes.

5 MS. SCHELLIN: Thank you.

6 CHAIRMAN HOOD: Let me ask, do we
7 have anyone who is present tonight who would
8 like to testify either in support or in
9 opposition to this case? Okay.

10 With that, Mr. Freeman, you may
11 begin.

12 Oh, I'm sorry, hold on, I'm sorry.

13 Ms. Schellin, do we have any
14 preliminary matters?

15 MS. SCHELLIN: Just the proffered
16 experts.

17 CHAIRMAN HOOD: Okay. Let's go to
18 -- let's go to the experts witnesses, Mr.
19 Freeman?

20 MR. FREEMAN: Good evening,
21 Chairman Hood.

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1 For the record, my name is Kyrus
2 Freeman, from the law firm of Holland & Knight,
3 here on behalf of the Applicant.

4 In terms of our experts, we have Mr.
5 Steven E. Sher of Holland & Knight, as an expert
6 in zoning and land use analysis, Mr. Rick
7 Hammann, Manager and Principal of WDG
8 Architecture. We'd like to proffer him as an
9 expert in architecture and design. You have
10 all these resumes in front of you, including
11 an R20 designation. Ms. Siti Abdul-Rahman, an
12 Associate Principal of WDG Architecture, also
13 we'd like to proffer her as an expert in
14 architecture and design. At the very end is
15 Trini Rodriguez, Parker Rodriguez. We'd like
16 to proffer her as an expert in landscape
17 architecture and design. And, seated is Mr.
18 Chris Kabatt, Principal Associate with Wells
19 & Associates. We'd like to proffer him as an
20 expert in transportation planning and analysis.

21 Those would be our five proffered

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1 experts.

2 CHAIRMAN HOOD: Okay, thank you,
3 Mr. Freeman.

4 COMMISSIONER TURNBULL: I have a
5 question.

6 CHAIRMAN HOOD: Yes.

7 COMMISSIONER TURNBULL: Mr.
8 Freeman, why are you proffering two experts in
9 architecture? Isn't one enough? Is it that
10 much of a difficult case --

11 MR. FREEMAN: It's actually --

12 COMMISSIONER TURNBULL: -- that you
13 need two experts in agriculture.

14 MR. FREEMAN: -- an easy case.

15 Mr. Hammann is going to talk more
16 about the interior of the building, and Ms.
17 Abdul-Rahman is going to talk more about the
18 exterior.

19 COMMISSIONER TURNBULL: Interior,
20 I don't think we -- do we have much on the
21 interior of the building?

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1 MR. FREEMAN: We have material
2 boards and we have photos.

3 COMMISSIONER TURNBULL: Oh, you
4 said materials.

5 MR. FREEMAN: I'm sorry, Siti is
6 going to talk about the exterior, and Rick, Mr.
7 Hammann is going to talk about the interior.

8 COMMISSIONER TURNBULL: The
9 interior.

10 MR. FREEMAN: Interior, yes.

11 CHAIRMAN HOOD: Actually, we are
12 going to do them one by one, and we'll comment
13 then. I just wanted to do the easy part first.

14 Mr. Sher and Mr. Kabatt, I don't
15 think we need to have discussion, we've done
16 it previously. Mr. Sher is going to -- before
17 I leave the Commission we are going to find a
18 way to make him a permanent. That just wastes
19 time. I'm wasting time now.

20 But anyway, and Mr. Kabatt, we've
21 already made him an expert.

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1 Okay. Let's go to Mr. Hammann.
2 Mr. Hammann is doing the outside architecture?

3 MR. FREEMAN: He is going to talk
4 broadly about the concept of the building, and
5 the interior layout, floor plan, and he's been
6 involved in all of our meetings with the agencies
7 and the ANC.

8 CHAIRMAN HOOD: Okay.
9 Commissioners, any comments? Any problems?

10 Okay, so we will make Mr. Hammann
11 an expert.

12 Abdul-Rahman, I just wanted to make
13 sure I didn't mess your name up. I knew you
14 were sitting over there.

15 Commissioners, any concerns?

16 Mr. Turnbull, I want to make sure
17 you are comfortable.

18 COMMISSIONER TURNBULL: I just
19 don't see the point, but -- I just think it's
20 redundant to have two architects being
21 classified as experts on a case like this. But,

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1 it's up to my colleagues.

2 CHAIRMAN HOOD: Okay. What is Ms.
3 Rahman doing again?

4 MR. FREEMAN: We are happy to just
5 have one architect testify.

6 COMMISSIONER TURNBULL: I just
7 don't understand the point. If you could
8 clarify to me, and explain to me, the very
9 interesting interweaving of the two and why the
10 two are needed to be experts, I'd like a better
11 explanation.

12 MR. FREEMAN: So, our approach to
13 how we intended to present the plans tonight,
14 which we are happy to just rest and answer
15 questions if that's kind of more what you'd like
16 us to do.

17 But, what we were going to do is,
18 Mr. Hammann was going to start and talk about
19 the site, some of the changes that we've made
20 in response to the Office of Planning and the
21 ANC. And then, Siti was going to talk more about

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1 the building, the different -- how it reads from
2 M, how it reads from New Jersey, how it reads
3 from L. And, consideration that they put it
4 into those different facades, because that was
5 something that came up during the ANC
6 presentation.

7 So, that was why we broke it out into
8 two different architects.

9 COMMISSIONER TURNBULL: I guess my
10 feeling, because I hate this body being -- giving
11 expert status to individuals, and, especially,
12 for the most part in the same field, without
13 any clear need for doing it.

14 There's no reason why the other
15 person can't testify, just -- I'm just, my own
16 feeling is I'm just reluctant to give out expert
17 status all the time.

18 CHAIRMAN HOOD: I, actually, kind
19 of agree.

20 Let me ask this. Who is going to
21 take the lead?

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1 MR. FREEMAN: Rick Hammann is going
2 to take the lead.

3 CHAIRMAN HOOD: So, if we didn't
4 take -- oh, Mr. Hammann --

5 MR. FREEMAN: Right.

6 CHAIRMAN HOOD: -- is going to --

7 MR. FREEMAN: Is going to be the
8 lead.

9 CHAIRMAN HOOD: Oh, okay. Okay.
10 So, we don't need to undo anything we've done
11 then. I agree with my colleague, and no offense
12 to anyone else. If we can just hear testimony
13 in maybe another case where she'll be the lead
14 person, and then we -- does that satisfy us,
15 because I kind of agree.

16 Does anybody else share that same
17 concern?

18 COMMISSIONER MAY: I don't really
19 have the same concern, but I don't -- I don't
20 feel strongly either way. I certainly -- the
21 case is straightforward enough that a single

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1 architectural expert, it seems to me, can do
2 the job.

3 COMMISSIONER MILLER: I don't have
4 a lot of experience with the proffering of expert
5 witnesses, but I have no problem with two
6 architects giving expert testimony. We have
7 two architects up here, don't we?

8 CHAIRMAN HOOD: Do you want to take
9 a vote about the two up here?

10 All right, now I don't know what to
11 do.

12 VICE CHAIR COHEN: Well --

13 CHAIRMAN HOOD: I'm trying to
14 please -- Vice Chair, I'm sorry.

15 VICE CHAIR COHEN: -- I just really
16 love architects. I wanted to be one when I was
17 younger. So, I wouldn't mind hearing from them
18 both.

19 CHAIRMAN HOOD: Well, I think we
20 hear from both.

21 COMMISSIONER TURNBULL: We hear

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1 from both.

2 CHAIRMAN HOOD: The issue is
3 expert.

4 MR. FREEMAN: So, we'll proffer
5 four experts, Mr. Sher, Mr. Kabatt, Ms.
6 Rodriguez and Mr. Rick Hammann, will be our four
7 proffered experts.

8 CHAIRMAN HOOD: Okay. Since
9 that's -- you know, I'm just trying to
10 accommodate my colleagues. I kind of agree with
11 Mr. Turnbull's concern about how we issue our
12 expert witnesses. Maybe another time Ms.
13 Abdul-Rahman, we'll visit you when you come in
14 and see us next time, but right now Mr. Hammann
15 is the primary person, if that's okay with
16 everyone.

17 Okay, thank you.

18 Anything else, Mr. Freeman?

19 MR. FREEMAN: That's it on experts,
20 sir.

21 CHAIRMAN HOOD: Okay. Let's get

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1 right into it.

2 MR. FREEMAN: We're happy to be here
3 to present what sounds like it should be a
4 pretty straightforward project.

5 As you know, we had the support of
6 the Office of Planning and the Department of
7 Transportation. The plans that we'll be
8 presenting have a couple of updates that we've
9 made in response to some of the comments we've
10 heard from the Office of Planning, as well as
11 the Department of Transportation and ANC 6-D.

12 For example, although the building
13 is not going to be recertified, and we are not
14 seeking re-certification, we have incorporated
15 sustainable features such as the equivalent of
16 LEED Silver now. We've added additional retail
17 at L and New Jersey Avenue, as requested by the
18 ANC. We've added much more bike parking, both
19 inside and outside the building, and we have
20 integrated stormwater management features into
21 the green areas along New Jersey Avenue, which

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1 you'll see tonight as we go through our
2 presentation, as well as more detail regarding
3 the building materials and design rationale.

4 Ultimately, we believe that our
5 presentation tonight clearly demonstrates that
6 we meet the standards for approval, as has been
7 confirmed by the Office of Planning and DDoT,
8 and we are prepared to proceed however the
9 Commission would like us to proceed.

10 Thank you.

11 CHAIRMAN HOOD: Thank you.

12 If you'd just go through your
13 presentation, 18 minute presentation.

14 MR. FREEMAN: We'll start with Mr.
15 Rick -- let me do this, we have available for
16 questions Mr. Bob Donohoe on the behalf of the
17 Applicant, Mr. Chris Kabatt of Wells &
18 Associates, but I thought we'd just dive into
19 the architectural with Mr. Rick Hammann.

20 CHAIRMAN HOOD: Thank you, let's do
21 that.

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1 MR. HAMMANN: I'm a Principal with
2 WDG, and I'm happy to be here tonight. We are
3 just going to go through a quick overview of
4 the building plans, and some of the changes that
5 we have made, or adjustments that we've made,
6 largely in concert with, I'm happy to say, with
7 the Office of Planning and the ANC, whom we met
8 with.

9 The next slide is showing the site
10 here at New Jersey, M and L Streets.

11 In context, on the next slide we see
12 the surrounding office buildings, apartment
13 buildings, on the immediate streets surrounding
14 our property.

15 Let's go to the next one. In
16 context, here's our building, viewing,
17 actually, here from looking up M Street. This
18 is New Jersey this way, looking at the corner,
19 the Metro right at the corner.

20 This is M Street with New Jersey this
21 way, and this is just to put the building in

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1 context. It's a fairly narrow site, and it's,
2 fortunately, able, since we have the whole
3 frontage of New Jersey Avenue we are able to
4 kind of complete the urban block and be, you
5 know, a strong part of the urban fabric with,
6 actually, two corners.

7 Here's the other -- the next slide
8 shows from the back on L Street, looking over
9 towards New Jersey, just looking from the north
10 side.

11 We are very excited about the
12 prospect of this building. It's 13 stories.
13 It's --

14 MS. SCHELLIN: I'm sorry to
15 interrupt, but we are not getting your Power
16 Point presentation, it's not broadcasting, it's
17 just flat. So, we think there's an issue with
18 the computer.

19 Do you by chance have your
20 presentation on flash cards that we could
21 connect to our computer?

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1 MR. HAMMANN: I believe we have
2 another -- we do have another one. Let's try
3 that.

4 MS. SCHELLIN: Sorry.

5 MR. HAMMANN: Oh, that's okay.

6 Can I speak a little bit while --
7 no, we'll wait. Okay.

8 MS. SCHELLIN: As long as you are
9 not going on on the slides.

10 MR. HAMMANN: No, I'm not going on
11 on the slides, I just wanted to say that the
12 building is 13 stories. It's 312 apartment
13 units. We have over 12,000 square feet of
14 retail at the intersection of M with New Jersey
15 and the Metro. The other retail is located on
16 the north side of the building.

17 The Metro on M and New Jersey is in
18 the overlay district, and we'll have a 14-story
19 ceiling as required. And, the entrance to the
20 apartment building would be mid block.

21 We also have a rooftop pool, sun

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1 decks, and we'll see all of this in plans coming
2 up here in a minute or two, I hope.

3 Okay, I think we are operational
4 again. Is that working?

5 MS. SCHELLIN: Yes.

6 MR. HAMMANN: Thank you.

7 Let's, without further ado, go to
8 the next slide showing the building plans and
9 some of the alterations and adjustments that
10 were made, subsequent to the first submittal
11 of our package.

12 One of those things has to do with
13 bicycle parking, storage. As we were designing
14 new regs came out providing that we should have
15 a larger percentage of bicycles for the dwelling
16 units, per the new City regs. And so, for 312
17 units we will have inside the building at the
18 B1, the first level of parking, and there are,
19 actually, three and a half levels of parking
20 going there, we will have 104 bicycle storage
21 provisions. And then, we will have some

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1 additional bicycle racks outside.

2 Let's go to the next slide. Here
3 you can see the original retail that was over
4 9,000 feet here at the corner of M and New Jersey
5 Avenue. And, you can see the retail that was
6 added here, in lieu of three townhouses or duplex
7 units which had been contemplated up at L and
8 New Jersey.

9 And, of course, as I said before,
10 the main entrance lobby is at mid block, and
11 you have an elevator core here in grey, and two
12 stair towers coming down the alley, which is
13 about 14 feet wide has parallel parking
14 for loading along the way. It's going to be one
15 way.

16 Here's two existing townhouse
17 buildings here, which is not part of this
18 development.

19 The entrance off of L Street is, as
20 required by DDoT, 32 feet from curb to curb,
21 from the alley to the curb and entrance into

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1 the building.

2 The Metro, of course, here is at the
3 corner, and we have an enlargement of that area,
4 which gives you the dimensions around the walls
5 of the Metro. These are the escalators going
6 down here, 15.4 feet at this point, 11 feet here,
7 and the retail is wrapping around the entire
8 facade behind the Metro here. And, we'll be
9 showing you exhibits if what that looks like
10 coming up in a minute.

11 Let's go to the next slide here.
12 here's the second floor, which shows the pretty
13 -- it's almost typical, except we have carved
14 away here a little bit back along the alley for
15 where the loading will occur in the middle of
16 the alley there, that middle back wing.

17 Here you see also in the north
18 courtyard there's, actually, what -- we'll come
19 to the landscape plans later, and get into more
20 detail, but we've activated that courtyard with
21 a sitting area for the residents, and, actually,

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1 it can be seen from the alley as one either walks
2 or drives down the alley.

3 Loading is along here, but at the
4 second floor we also have terraces for the
5 residents, and a garden area. And here in the
6 front where the retail is popping out, along
7 M Street holding the line of the street along
8 M Street, we have terraces above that for those
9 residents at the second floor as well.

10 Let's go to the next slide. This
11 is a typical floor. There's not much
12 difference, other than you can see the full wing
13 in the back here along the alley.

14 Let's go up to the roof. There are
15 13 floors of apartments. There are 12 above
16 the one retail lobby level, and then the
17 roofscape you can see here. It's, actually,
18 rather extensive. We have, in addition to
19 mechanical penthouse here, and over on the north
20 end, which is 18-1/2 feet high, stepping down
21 to 15 feet at the north end where the stairs

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1 are and the adjacent for some equipment we have
2 an 18-1/2 foot penthouse here for the stairs
3 coming up and some mechanical above lifeguard
4 storage and pool equipment.

5 The pool is at the corner, extensive
6 decks and sitting areas. You can see some of
7 the green planter areas, decks for sunbathing,
8 for socializing, barbecue, et cetera.

9 This is the perspective again from
10 M and New Jersey Avenue, and we are trying to
11 organize the facade into a number of elements
12 along New Jersey Avenue.

13 Let's go to the next slide, looking
14 back from L Street, the retail activating the
15 corner here at the corner of L and New Jersey.

16 Fortunately, we have a wonderfully wide area
17 in front of the building along New Jersey, and
18 as you saw in the first floor plan, you'll see
19 more in the landscape plan, lots of room for
20 outdoor sitting, cafes, restaurant areas, et
21 cetera. And, we have the opportunity to even

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1 develop some bio-retention area along New Jersey
2 Avenue as well.

3 What we did was, we tried to organize
4 the facade along the length of the building into
5 three elements. The first being the projection
6 of the bay windows and balconies of this southern
7 third of the facade, if you will. Then the
8 middle section of the building, which is more
9 punched openings and more solid masonry. And
10 then, on the north corner and wrapping around,
11 a different kind of an element which has
12 balconies and an indent, which kind of pops out
13 the bay window tower on the L Street side
14 wrapping around on to New Jersey.

15 On the L Street elevation coming up,
16 we have the next slide here, here you see the
17 bay windows popped out here and here on both
18 the left and the right-hand side, the retail
19 at the base wrapping around, and the two-story
20 reading of the different kind of masonry within
21 which the garage entrance is occurring. You

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1 can see the activation, I think, of the streets,
2 and the first two levels. The retail is the
3 first level, and see you see the reading at the
4 north end carries all around. And, I think you
5 can see, even on the alley side, obviously, on
6 the New Jersey side and M Street side the
7 activation of the roof.

8 Here's an alley shot, which shows
9 the north courtyard and the landscape area,
10 which you can, actually, see into from the alley.

11 Here's the loading area, with a couple of trucks
12 shown in there. The second level terrace and
13 garden area, and if I can get over here in just
14 a second you can see the retail was, actually,
15 wrapped around from M Street into the alley.

16 A lot of these are changes that came
17 out of our meetings with the Office of Planning
18 and with the ANC.

19 Let's go to the next slide here.
20 Here you can see a sort of flat on elevation
21 of New Jersey Avenue, with all of the activity

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1 and the development located at the first level
2 all the way up past the lobby to the retail up
3 at the north end of the building wrapping around
4 L, and you can see the further activation of
5 the street -- of the rooftop for a great amenity
6 area for the residents, fabulous views, and it's
7 a wonderful opportunity.

8 Okay, let's just look at these
9 again. You can see the retail development here
10 on M Street, in context with the Metro and the
11 canopies to the right.

12 The front entrance lobby, which is
13 open, lots of glass, just like the retail.
14 We've got a kind of active sitting area here,
15 which would be almost cafe-like as a store for
16 the residents. We will have some leasing areas,
17 a conference room, meeting room next to that,
18 and the retail going on up the street.

19 This is a shot from the corner at
20 -- well, you can see the shadow of the Metro
21 canopy right here. We are looking up New Jersey

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1 frontage here, with lots of opportunities, as
2 we said, for tables, chairs, actually, it could
3 be a great restaurant area. The retail is very
4 open, and lots of glass wrapping around.

5 We have introduced some canopies at
6 the retail in all of the elevations, which will
7 offer opportunities for signage and some
8 additional lighting, to keep this bright 24/7.

9 One of the nice things about the
10 retail is that it does offer the opportunity
11 with light fixtures inside surrounding the
12 Metro, if you will, to provide additional light
13 and keep that whole corner always open, inviting
14 and attractive.

15 This is further up at the north end
16 of New Jersey Avenue and the L Street
17 intersection, where we pick up with the
18 additional retail here. We've carried around
19 materials from the L Street elevation, both
20 brick and metal panels that sort of turn the
21 corner all the way around.

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1 You can see that on the L Street side
2 as well, looking back down New Jersey Avenue
3 here, but looking, primarily, at the frontage
4 on L Street.

5 Okay, Trini?

6 MS. RODRIGUEZ: Good evening, Trini
7 Rodriguez, Principal with the firm of Parker
8 Rodriguez. We are landscape architects.

9 Excuse my voice, if you can hear it.
10 I've got a bit of bronchitis here.

11 Just very briefly, you know, the
12 streetscape, we think it's a very important
13 component of this project. This is kind of like
14 100 percent with the Metro exit, and it's very
15 much a gateway project, and the beginnings of
16 New Jersey Avenue as it moves out to the Capitol.

17 As you can see, we have a very wide
18 sort of setback of the building, and what we
19 were trying to do is to make a streetscape that
20 was very active, but provided opportunities for
21 seating, not only just for prospect, you know,

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1 of restaurant guests, but as well as, you know,
2 residents and users of the area.

3 So, we've introduced quite a bit of
4 green. You can see there is a very constant
5 streetscape along the edge of New Jersey Avenue,
6 with wide tree planting areas, so the trees will
7 definitely do very well. But, we also introduce
8 a secondary green area with trees and
9 bio-retention area, and then carved a series
10 of rooms for seating, as I stated before.

11 At the corner you can see the electro
12 canopy, as well as the elevator. We have retail
13 activating that edge with additional seating
14 along M Street, and then green wrapping the
15 corner along L. And, we are continuing the
16 streetscape of L, you know, which has started
17 to the west of our site, and continue that with
18 street trees and planting beds and a wide
19 sidewalk, as you can see in the image.

20 Next. This is, basically, the same
21 plan, but sort of shows the different

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1 components. There's a very rich planned
2 palette of materials. We have followed the
3 streetscape standards that the City has. We've
4 introduced some paving, concrete paving, in
5 balance to kind of articulate the streetscape.

6 Next. This is, you know, along L
7 Street we have a bit of an atypical streetscape,
8 but as you saw our site is very narrow and long,
9 so we had to put a vault along the edge of the
10 building on L Street. You can see that here,
11 but that would mean that we still have very
12 generous sidewalks and the consistent
13 streetscape that is a continuation of L.

14 Next. These are a close-up of the
15 courtyards. I think Rick described this to you
16 briefly. You can see there one to the left-hand
17 side is a ground floor amenity courtyard. It,
18 actually, opens unto the alley, so it provides
19 eyes sort of on the alley and kind of activation
20 to that. And then, the second one is a second
21 floor amenity, as you can see, with some seating

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1 and some green plantings.

2 Additionally, we do have the rooftop
3 terrace that Rick briefly described to you,
4 which will provide additional recreation spaces
5 for the residents.

6 In terms of our planting, we wanted
7 to have a rich plant palette. We have
8 streetscape, the street trees. We have
9 ornamental trees that will be introduced in our
10 secondary green areas. We have shrubs, and then
11 in addition to that we have very similar to what
12 we did on Constitution Square, I think you may
13 be familiar, where we have added bio-retention
14 areas. So, we are, actually, getting the water
15 from the sidewalks, all draining into these
16 basins. They are, basically, just slightly
17 depressed, and will have the right medium filter
18 for the water to filter through.

19 And, in these areas we'll have an
20 additional sort of set of palette of materials
21 that not only do the filtering and cleaning of

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1 the water, but also an additional element and
2 textures and, actually, seasonal color to the
3 streetscape. And, these will be bordering the
4 areas where people would be sitting, either in
5 the social arrangement or the restaurant
6 tenants, as you can see in the seating around
7 this area.

8 So, in conclusion, we really think
9 that this will provide a very rich streetscape
10 and many opportunities for the residents of the
11 area to, actually, use and mingle.

12 Thank you.

13 MR. FREEMAN: Mr. Chairman, that's
14 our 20 minutes, but we have one additional
15 witness, Mr. Sher.

16 CHAIRMAN HOOD: Ms. Schellin, put
17 one second back on the clock.

18 MR. FREEMAN: I think he could
19 condense it to two minutes.

20 CHAIRMAN HOOD: I wanted to see him
21 do it in one second, because I saw one second

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1 up there.

2 MR. SHER: Mr. Chairman, Members of
3 the Commission, my name is Steven Sher, Director
4 of Zoning and Land Use Services, with the law
5 firm of Holland & Knight.

6 We are here for two reasons tonight.

7 One is approval under the Capitol Gateway
8 Overlay, approximately, the southern third to
9 40 percent of the site is within the overlay.

10 The northern part of the square is not within
11 the overlay, but, obviously, we presented the
12 whole building to you and showed you what the
13 whole thing looks like.

14 Under the Capitol Gateway Overlay's
15 Chapter 16 of the Regulations, there are
16 requirements and standards that we have to meet.

17 We have, in our written statement submitted
18 earlier, and in my outline tonight, gone through
19 each of the specific requirements. No driveway
20 from M Street, the street wall set back from
21 M Street, the percentage of the gross floor area

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1 of the ground floor devoted to retail. We meet
2 all those very specific requirements.

3 With respect to the standards for
4 review under the CG Overlay, we are -- there
5 area a number of them that are not applicable
6 to this property, because they talk about F
7 Street, 1st Street, and we are on New Jersey
8 Avenue.

9 We have met, or I believe we have
10 met, all of the specific goals that are set forth
11 in Section 1600.2 of the Regulations. Future
12 land use map designates this for high-density
13 commercial. That whole sort of Capitol South
14 receiving area is designated the same way, but
15 Office of Planning has been after people to put
16 residential in an area that originally was
17 thought was going to be all commercial. So,
18 what we have here is an apartment house with
19 ground floor retail, completely meeting the
20 goals for preferred uses under the Regulations.

21 The second thing that we are here

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1 for is some relief on the roof structure. Roof
2 structures are normally required to be a single
3 enclosure with walls of equal height, and set
4 back one to one from the edge of the roof.

5 We have two enclosures. Mr.
6 Hammann talked about that earlier. We have the
7 main penthouse on the northern part of the
8 building, and then we have a stair tower that
9 pops up on the southern part of the building.
10 So, that's two.

11 We have unequal heights on the main
12 penthouse, where the highest height is 18.6
13 feet, but it steps down to 15 feet on the north
14 end, so we've got unequal heights there. And
15 then along the west side of the alley and
16 bordering the courtyard, we have an eight foot
17 setback where 18.6 is required, and the basic
18 reason for that is the size of the cooling towers
19 that need to fit on that part of the roof.

20 The roof plan which Mr. Hammann went
21 through earlier, we can put it up again if you

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1 need to see it, this is the place where the
2 cooling towers are going to be located, the
3 primary mechanical equipment function for the
4 building. It's set back on the west side of
5 the property, away from New Jersey Avenue, away
6 from L Street, away from M Street. So, it's
7 sort of hidden at the back of the building.
8 It's set back eight feet along the alley line,
9 and eight feet along the sides of the courtyard
10 there, where 18.6 would be required, and again,
11 it's a function of what the total length of that
12 space needs to be for the cooling towers, with
13 some stand-off distance around it. And,
14 therefore, that's where we are asking for relief
15 on that.

16 We have material samples here. I
17 see Mr. May making his way down there to have
18 a look at them. They are reflective of the
19 materials that were described in the
20 architectural presentation, and I'm done.

21 MR. FREEMAN: That concludes our

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1 direct presentation. We are happy to answer
2 any questions that the Commission has.

3 CHAIRMAN HOOD: Okay. Thank you
4 very much.

5 Mr. Freeman, that concludes your
6 presentation?

7 MR. FREEMAN: Yes, sir.

8 CHAIRMAN HOOD: Okay. Thank you
9 all very much.

10 Let's see if we have any questions.

11 Let me just ask the architect, Mr.
12 Freeman -- Hammann, I'm sorry.

13 You mentioned about the ANC. We
14 have a laundry list, and, Mr. Freeman, maybe
15 you might want to help us, we have a laundry
16 list dated from Chairperson Litsky. And, I know
17 your architect mentioned that you all did
18 extensive work with the ANC.

19 MR. FREEMAN: We received the ANC
20 letter today, and I'll first just kind of go
21 through their bullets.

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1 The first thing they said is they
2 are concerned that we are not seeking
3 re-certification. But, since that point we
4 redesigned the checklist to now incorporate a
5 number of points that would equal LEED Silver.

6 So, no, we are not going to be re-certified,
7 but we have incorporated the equivalents points.

8 CHAIRMAN HOOD: So, but this
9 development happened after they -- did the ANC
10 know about this development?

11 MR. FREEMAN: We've increased the
12 number of points since we last presented this
13 to the ANC. And, the updated checklist is in
14 the plan booklet, and that was also in response
15 to the Office of Planning. We've increased the
16 sustainability of it.

17 The next bullet, they say the retail
18 level of the building is completely uninspiring.

19 We believe the retail level of the building
20 is nice, as described by Mr. Hammann, in terms
21 of the light, in terms of materials, the glass,

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1 the signage area, so I think we just disagree
2 on that point with them.

3 The next bullet says the building
4 feels like a giant land box, however, you heard
5 Mr. Hammann talk about the different treatments
6 along M Street, and the three different zones,
7 if you will, along New Jersey Avenue, and their
8 goals and different methods for articulating
9 that facade.

10 They say the L Street facade looks
11 like an afterthought, but as you heard tonight,
12 it's hard to see from the plans, it's, actually,
13 the same materials as there are on M and L Street,
14 or, I'm sorry, on M and New Jersey Avenue. So,
15 it's equally nice materials. They've maximized
16 the amount of projections and bays that can be
17 provided on L Street. I think Mr. Hammann said
18 that.

19 Due to the location of the interior
20 layout of the units, they put windows every place
21 they could. However, some of that wall, if you

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1 will, is a kitchen, so you can't put windows
2 there. And, the other units they are kind of
3 on a corner of New Jersey and L, they, actually,
4 already have balconies, proposed balconies, are
5 on New Jersey.

6 They talk about the alley needing
7 improved lighting. There will be lighting on
8 the ground level of the alley, it doesn't show
9 up, but it will be down lighting for safety.

10 Mr. Hammann talked about the
11 additional courts that we added and the
12 landscaping. I think Mr. Hammann and Ms.
13 Rodriguez talked about the additional courts
14 and the additional landscaping that had been
15 provided on that L Street facade to provide more
16 activity in the retail around the corner.

17 CHAIRMAN HOOD: Let's read the rest
18 of that one, because I think -- and I appreciate
19 you expediting reading the first ones, but let's
20 read the rest of that one, where the issue really
21 is.

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1 MR. FREEMAN: With respect to the
2 alley?

3 CHAIRMAN HOOD: Yes.

4 MR. FREEMAN: So it says, currently
5 it presents a blank masonry facade to the alley,
6 which is unsafe for those walking by, many of
7 whom use the alley for access to the Navy Yard
8 baseball park, I'm sorry, ballpark station.

9 So, I think, I don't want to speak
10 for them, but I think they don't understand the
11 materials, and that the materials are, actually,
12 you have the board, the material is a brick
13 three, which if I remember correctly is the
14 lowest brick on the material board.

15 CHAIRMAN HOOD: Yes, you can go on.

16 MR. FREEMAN: There are -- then they
17 talk about, we are still dissatisfied with
18 having garage access from the street, and we
19 prefer to see it accessed from the alley, which
20 is what alleys are for.

21 And then the last thing they say that

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1 they want to keep the retail. So, the issue
2 there is, I'm not a traffic expert, the alley
3 runs north to south, it's 14-feet wide, so what
4 we were trying to do from a transportation and
5 safety perspective was to not have all of the
6 cars travel south out onto M Street, because
7 that's a heavily trafficked pedestrian
8 corridor, because of the location of the Metro
9 Station right on the corner. So, we try to
10 minimize that.

11 And, adding in the garage entrance
12 off of the alley would completely eliminate the
13 retail along L Street, which is what they wanted
14 to see, because of the narrowness of the site
15 and the turns required to get in and out.

16 So, we presented that, and they do
17 say they wanted to keep the retail.

18 So, the next bullet says, if the
19 garage door has to stay on L Street, we should,
20 essentially, try to help out the property owner
21 in any way in terms of landscape, and which when

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1 we go through the public space permitting
2 process we'll look at what kind of landscaping
3 we can do adjacent to our site. However, it's
4 not our property, it's public space, and we'd
5 have to get a public space permit for that type
6 of activity. And, we believe, I think there's
7 an elevation, that the garage door has been
8 designed to read nicely from L Street.

9 The next point is the roof scape
10 -- the landscape and rooftop designs are not
11 detailed enough, nor do they, specifically,
12 mention sustainable features. That's what you
13 heard us talk about tonight, Ms. Rodriguez went
14 through her landscape plan. She talked about
15 the bio-retention ponds which we've added on
16 New Jersey Avenue. You heard Mr. Hammann talk
17 about the setbacks, the structures, and the uses
18 on the roof.

19 So, our view is that we've responded
20 to each of their points where we could, and to
21 the extent that we have a difference of opinion

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1 then I think on the retail, again, we believe
2 the retail has been designed to be an attractive
3 use and it's distinctly set apart from the
4 residential above.

5 CHAIRMAN HOOD: Okay. Thank you
6 for your comments.

7 Commissioners, let's open it up.
8 Any questions?

9 Vice Chair Cohen?

10 VICE CHAIR COHEN: Thank you, Mr.
11 Chairman.

12 I think you are being very
13 shortsighted on not getting the
14 re-certification. I think people, especially,
15 in marketing units, people aren't going to be
16 paying attention. If there's another building
17 that is certified and your's isn't, I think you
18 are going to regret that.

19 So, I would just, you know, take that
20 into consideration.

21 I also, we can go back to the roof.

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1 It seemed like there was a lot of color, that
2 grey color, I don't know why you can't make it
3 a much more green roof as well. Maybe you can
4 answer that.

5 MR. FREEMAN: Why not more green on
6 the roof?

7 MR. HAMMANN: This is a preliminary
8 plan. We haven't, you know, got further than
9 the concept here. But, the intent is to develop
10 substantial green planter areas. As yet, you
11 know, not to the exact extent, not fully
12 determined yet.

13 VICE CHAIR COHEN: Okay. Now, on
14 the alley you have -- on the alley you have some
15 open space, ground space, for the residents.
16 There's going to be trash pick-up as well on
17 that alley, and cars going up and down. So,
18 my question is, why did you design that space
19 in that place?

20 MR. HAMMANN: Oh. We put that space
21 there for a couple of reasons. One, for the

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1 residents of the building themselves, it's
2 another place to go. We have a very narrow lot,
3 and, obviously, there's not a huge amount of
4 ground area that we can work with. Most of it
5 is, actually, out on New Jersey Avenue in the
6 public realm.

7 But, it is a private space where one
8 could go, one could take pets there. And also
9 the second reason is that it can be seen and
10 open to the alley, because people do walk through
11 that and use it, whether that's a good idea,
12 or a safe things to do is another question maybe,
13 but people use it extensively. And, we would
14 like to have -- we will have it lit at night,
15 and there will, of course, be fencing separating
16 that garden area from the alley itself. But,
17 it offers a little bit of relief, not only to
18 the residents from within, but also for people
19 walking along there.

20 VICE CHAIR COHEN: Okay. So, it
21 will be public.

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1 MR. FREEMAN: Could I just add one
2 point to that? The northern-most one is at
3 grade, the southern-most one is at the second
4 floor, and that landscaping was added in direct
5 response to some of the comments we'd heard from
6 the ANC about providing more eyes on the street
7 for that alley.

8 VICE CHAIR COHEN: You don't get
9 much sun, do you, in that location?

10 MR. HAMMANN: It's, actually, a
11 western exposure.

12 VICE CHAIR COHEN: Right.

13 MR. HAMMANN: So, in the afternoon
14 -- I mean, there are big buildings across the
15 alley, too.

16 VICE CHAIR COHEN: Right.

17 MR. HAMMANN: They are not way on
18 the alley, in a couple places there's some
19 sunlight that's going to be getting through.

20 VICE CHAIR COHEN: How come there's
21 no inclusionary zoning in this property?

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1 MR. FREEMAN: It's exempt, because
2 it's in the CDR receiving zone.

3 VICE CHAIR COHEN: Okay. That's
4 unfortunate.

5 Now, the parking issue, the DDoT
6 report specified that there were just too many
7 spaces, about 83 spaces. You are still hoping
8 for that amount?

9 MR. FREEMAN: I don't want to speak
10 for DDoT. I think, after I read their report,
11 they were concerned about the spaces over the
12 amount of required being reserved for
13 residential.

14 So, we will provide, and I forget
15 the number, I think 14 of the spaces are for
16 the retail, and then the remaining are all for
17 the residential. Again, I don't want to speak
18 for them, but my sense is that they don't want
19 like a like of office people and other users
20 of the parking spaces, but the spaces will be
21 reserved for residential use.

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1 VICE CHAIR COHEN: But again, I
2 think it's an over -- you know, they may end
3 being empty and useless, not used, because you
4 are right by the subway, not subway, Metro.
5 I keep on forgetting that.

6 DDoT will comment on that.

7 Those are my questions for now, Mr.
8 Chairman.

9 CHAIRMAN HOOD: Thank you.

10 Mr. Turnbull?

11 COMMISSIONER TURNBULL: Thanks,
12 Mr. Chairman.

13 Well, thank you for getting rid of
14 the townhomes. That was one of my questions
15 earlier, I just didn't understand why the
16 townhomes were there. I think the retail makes
17 more sense.

18 I'm just curious, in that area if
19 we look at that block around there, what other
20 retail is existing? Is there -- I'm used to
21 coming up using the Metro entrance, and I'm more

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1 familiar with that, so I can't recall what's
2 on this street as it is right now.

3 MR. HAMMANN: There's a CVS across
4 New Jersey Avenue, right in front on New Jersey
5 there's a CVS there.

6 COMMISSIONER TURNBULL: That's in
7 the location map? Can you point it out?

8 MS. RODRIGUEZ: Excuse me. There's
9 a CVS here. As you know, this was a site that
10 at the time was the pioneer building here, and,
11 you know, the retail at that time was CVS. You
12 know, my gut feeling is that in the future that
13 will probably change over to a 100 percent
14 corner. There is some additional retail around
15 L, next to the hotel, so this will continue that.

16 It is residential along L.

17 COMMISSIONER TURNBULL: Okay.

18 MS. RODRIGUEZ: With residential
19 entries, which I think was why at the architects
20 at the beginning had thought it would kind of
21 continue that use.

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1 COMMISSIONER TURNBULL: Okay.

2 Thank you.

3 MS. RODRIGUEZ: You are welcome.

4 COMMISSIONER TURNBULL: I guess my
5 next question is, and I think for the most part
6 I'm okay with everything, but what bothers me,
7 I think, is the penthouse and the roof plan.

8 I think OP had some concerns
9 originally.

10 I would really like to see a better
11 plan that shows the setback lines. I'm worried
12 about the heights of some of these things. There
13 appears to be a raised terrace that goes up to
14 the pool area, and I'm worried about the
15 setbacks. I'd like to see a better detailed
16 plan that, actually, shows that.

17 And, I've got to tell you that Ms.
18 Rodriguez did a wonderful job at the ground
19 floor. I want to compliment you on that site
20 plan. I really appreciate that.

21 But, the roof plan, that elevation,

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1 in either R3 or if I go to R1, it looks like
2 the Peanuts Gang got up there with a bunch of
3 Christmas trees and just laid them out. It looks
4 really anemic.

5 MS. RODRIGUEZ: Right. Let me just
6 explain, because, actually, Mr. Hammann had
7 said, this has not been developed, and this is
8 the architect's plan. Nothing against them,
9 because I work with them a lot --

10 COMMISSIONER TURNBULL: Yes, it
11 looks some architects took some little
12 evergreens and just tucked them up there.

13 MS. RODRIGUEZ: I do design a lot of
14 these rooftop terraces. They are a wonderful
15 amenity to the residents, and they can be,
16 actually, a wonderful amenity to the City,
17 because to see the rooftop activated I think
18 is a wonderful thing.

19 COMMISSIONER TURNBULL: I agree,
20 but I just think that the way this plan -- the
21 way that looks right now, it just looks -- the

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1 building is going along with a logic and an order
2 to it, and gets to the roof and all of a sudden
3 it's like we don't have enough time, let's put
4 some little evergreens out there. It just falls
5 short.

6 MS. RODRIGUEZ: Yes, I know, you are
7 absolutely right. It will never look like this.

8 We just have not worked on it. We just finished
9 the 300 New Jersey Avenue, which was a redo.
10 I don't know if you've seen it, that rooftop
11 terrace. We had originally worked with Richard
12 Rogers on that building.

13 And, we used some efadeck, and it's
14 a fantastic terrace, and that's sort of where
15 we are intending to play, actually, with those
16 levels.

17 You know, you mentioned that it is
18 raised, and it's, actually, you know, a really
19 good tool to, actually, separate the uses a
20 little bit, so our parapet is lower, and your
21 terrace is just a little higher. So, we can

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1 do plantings in between, so it looks really quite
2 nice, and we can eliminate things.

3 I mean, it could be --

4 COMMISSIONER TURNBULL: You don't
5 want too many up lighting, you want down
6 lighting.

7 MS. RODRIGUEZ: You know, it's just
8 -- yes, just at the edges. So, it can be, you
9 know, an asset.

10 But, yes, you are correct, it hasn't
11 been developed.

12 COMMISSIONER TURNBULL: I would
13 like to see some more on that. That's one issue
14 that really concerns me, is the roof, and how
15 that really looks.

16 MR. HAMMANN: Yes, sir. I'd like
17 to, actually, second that. That is the one area
18 that is not well developed yet, and we are
19 waiting for the landscape architect to really
20 put that together.

21 COMMISSIONER TURNBULL: Okay.

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1 MR. HAMMANN: It's a wonderful
2 opportunity, and our group is very desirous of
3 developing something pretty special up there,
4 I can assure you.

5 COMMISSIONER TURNBULL: Okay.
6 Now, you talked here about lighting the alley,
7 and again, I am assuming you are talking about
8 down lighting.

9 MR. HAMMANN: Down lighting, so
10 that trucks can't hit them.

11 COMMISSIONER TURNBULL: On that
12 alley with those terraces, you get to the ground
13 floor terrace from the ground floor, but I didn't
14 understand how you got to the second floor
15 terrace. Is that only for those units?

16 MR. HAMMANN: Yes. The second
17 floor terrace, in the southern courtyard, would
18 be entered from those units.

19 COMMISSIONER TURNBULL: Okay.

20 MR. HAMMANN: We also have units
21 that are along M Street at the second floor,

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1 over top of the retail. Similarly, that would
2 be developed, and then --

3 COMMISSIONER TURNBULL: Right.
4 Are those available only for those units at the
5 end?

6 MR. HAMMANN: Yes, sir.

7 COMMISSIONER TURNBULL: Okay.

8 MR. HAMMANN: That's one of the
9 reasons also we are thinking of in a very
10 extensive rooftop development here.

11 COMMISSIONER TURNBULL: Okay.

12 MR. HAMMANN: For everybody, all
13 the residents.

14 COMMISSIONER TURNBULL: And, back
15 to the ANC, I know OP had comments about the
16 Pepco grates, but there's really not much you
17 can do with that. You are putting in new grates,
18 obviously. You are going to work with a smaller
19 type opening?

20 MR. HAMMANN: We are going to go
21 with the least amount of grate that we are

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1 allowed to do. And, actually, Ms. Rodriguez
2 here has already been exploring some different
3 alternatives.

4 We have looked at other locational
5 alternatives. This is sort of the only place
6 where we can do it that it was legal, that it
7 would fit and not do more damage on New Jersey
8 Avenue or something, at the retail along the
9 frontage there.

10 COMMISSIONER TURNBULL: Okay. The
11 fitness center is open only to residents then?

12 MR. HAMMANN: Yes, that is correct.

13 COMMISSIONER TURNBULL: Okay. All
14 right, thank you. I think, Mr. Chair, those
15 are my questions for now.

16 CHAIRMAN HOOD: Okay, thank you,
17 Mr. Turnbull.

18 Anyone else?

19 Oh, Commissioner May?

20 COMMISSIONER MAY: Okay. One of
21 the curious things about the design is the way

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1 you are keeping the M Street facade
2 perpendicular to New Jersey Avenue. Is that
3 driven by Metro underneath, or is that just a
4 design move?

5 MR. HAMMANN: It's mostly driven,
6 pretty much totally driven, by Metro.

7 COMMISSIONER MAY: Metro
8 underneath.

9 MR. HAMMANN: But, what we are
10 attempting to do is, where we can at the first
11 level, the retail which sticks up considerably
12 --

13 COMMISSIONER MAY: Right.

14 MR. HAMMANN: -- is develop that as
15 an element which holds the street edge, kind
16 of enfolds the Metro canopy and the entrance
17 to the Metro. And, it's all very light and open,
18 lots of glass, colorful, and we think it will
19 be -- make that corner quite inviting.

20 But, that otherwise would be
21 cantilevers that would be financially feasible.

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1 COMMISSIONER MAY: Right. Well, I
2 mean, it's not an uncommon condition. There
3 are other buildings, I know, that have been
4 similarly sculpted to avoid the issue of loading
5 on top of a Metro. Although, you know, it does
6 feel like there could be more done to, I don't
7 know, to be more -- to make the retail more
8 exciting. And, maybe we are just not seeing
9 a very good view of it. I don't know. But, it
10 just -- it's -- it just feels like you've turned
11 the corner at a right angle, because right angles
12 are less expensive, is kind of what it looks
13 like.

14 I don't have any specific
15 suggestions on what you could do. It's just kind
16 of the feel that I get from it.

17 You know, there was a comment from
18 the ANC that talked about the single treatment
19 of the entire facade. I, frankly, don't agree
20 with that. I agree with some other things in
21 the ANC letter, but that's not one I agree with.

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1 I prefer a more coherent treatment
2 of an entire building like this, than trying
3 to make it seem artificially like it's three
4 or four different facades, because that's what
5 some people fall back to.

6 Now, could you vary it more and still
7 stay within the same palette? Maybe you could,
8 and satisfy them. But, I think as a matter of
9 principle, trying to disguise a single large
10 building as several buildings is not -- not a
11 great design strategy.

12 Roof structure. There are some
13 images in here that make it seem like the roof
14 structure is not sufficiently set back.
15 Specifically, if you look at the elevation of
16 L Street, the colored elevation of L Street.

17 So, if you look at the setback of
18 the roof structure on the left side there, I
19 mean, I know there are angles involved and so
20 on, but that looks, you know, very seriously
21 like you've got about a 10-foot setback on an

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1 18-foot building. And, I'm not sure how, I
2 mean, I've looked at it head on, and imagined
3 how it would be drawn from the plan.

4 The plan shows it correct, but this
5 doesn't look right.

6 MR. SHER: Mr. May, just A8, which
7 is the roof plan, has all those dimensions on
8 them, and, in fact, shows that that corner is
9 18 feet, five inches back from the edge of the
10 roof at that point, where that roof structure
11 is only 15 feet high there.

12 I think, at the risk of sounding too
13 much like an architect, I think you've got a
14 head-on view of an angled facade that may make
15 that look different.

16 COMMISSIONER MAY: Okay.

17 MR. HAMMANN: If I may add to that,
18 there's also something going on here with the
19 resolution or the width of the drawings, it's
20 a little out of kilter here.

21 COMMISSIONER MAY: Yes, no, I think

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1 -- you know, well looking at it again, I think,
2 you know, I think Mr. Sher is right. Maybe it's
3 just the fact that we don't see the New Jersey
4 elevation beyond that it feels kind of, I don't
5 know, like there's something off.

6 But, I can see it now. That edge
7 that we are seeing, if you looked at this, if
8 you just projected back in here, it probably
9 is set back only 10 feet, but from the New Jersey
10 facade it's set back 18 feet. Okay.

11 So, the accessory recreational use
12 area, Mr. Sher, do you want to explain to me
13 how that works, how that complies with the Code
14 here? I mean, I know there are sort of like
15 ins and outs and what works and what doesn't,
16 and what the exceptions are and so on, but I'd
17 like it to be explained, because, you know, we
18 shouldn't be having habitable space, generally
19 speaking, and rooftop structures, but there area
20 some circumstances where we can. So, maybe you
21 can explain that better.

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1 MR. FREEMAN: I'll start, but I know
2 he's our expert.

3 COMMISSIONER MAY: That's all
4 right. I'm happy to have you answer.

5 MR. FREEMAN: 411.1 of the Zoning
6 Regulations kind of in the middle --

7 COMMISSIONER MAY: Sorry, say it
8 again, which one?

9 MR. FREEMAN: 411.1.

10 COMMISSIONER MAY: Right, that's
11 what I'm looking at.

12 MR. FREEMAN: In the middle, it,
13 actually, the citation says, on apartment
14 building roofs penthouses for storage showers
15 and lavatories incidental and accessory.

16 COMMISSIONER MAY: And, I have no
17 problem with those.

18 MR. FREEMAN: And, other enclosed
19 areas with any area permitted as a roof structure
20 used for recreational use accessory to communal
21 rooftop recreation space.

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1 COMMISSIONER MAY: Okay.

2 MR. FREEMAN: So, they haven't
3 figured it out, but it's going to be recreational
4 uses accessory --

5 COMMISSIONER MAY: To the rooftop
6 recreation space.

7 MR. FREEMAN: Yes.

8 COMMISSIONER MAY: Okay. And so,
9 the only time we really run into a problem with
10 that, because this does come up periodically,
11 is when we are in conflict with the Height Act,
12 and even though we are at 130 feet we are not
13 in conflict with the Height Act, because it's
14 a 160-foot avenue, is that what it is?

15 MR. SHER: Well, New Jersey Avenue
16 is 160-feet wide, the maximum height under the
17 Act, other than on Pennsylvania Avenue at 130.

18 COMMISSIONER MAY: Right.

19 MR. SHER: To build a 130-foot high
20 building, the Act allows --

21 COMMISSIONER MAY: A rooftop

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1 structure for mechanical purposes, but not for
2 recreational uses.

3 MR. SHER: It says spires, towers,
4 domes, pinnacles, minarets, penthouses over
5 elevator shafts and so forth.

6 What I think the Commission was
7 intending there was that maybe you could -- if
8 you had space left over in the penthouse that
9 was part of what otherwise would have been
10 designed, you could use it for communal
11 recreation, incidental to what's outside. And,
12 that's the orange space on the plan on A8.

13 COMMISSIONER MAY: Right, okay.
14 So, if it really was kind of excess, I don't
15 know, more set back might be preferable.

16 But, you know, also in 411.1 there's
17 a clause that says when it's not in conflict
18 with the act to regulate height. And, it sounds
19 like it may be in conflict, if there's an
20 absolute limit of 130 feet, because there's no
21 provision in the Height Act to allow for

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1 recreational accessory space to recreational
2 use.

3 MR. FREEMAN: We don't believe it's
4 in conflict with the Act. I'll speak for
5 myself. But, the way it's usually happened is,
6 when we get to permit if we can't do it, it comes
7 out, and it would end up just coming out, if
8 it's in violation of the Act, because a permit
9 would not be issued.

10 COMMISSIONER MAY: Right. And, I
11 seem to recall that on some past PUDs it's been
12 fixed during the review, rather than waiting
13 for that.

14 MR. FREEMAN: Yes.

15 COMMISSIONER MAY: So, I mean,
16 that's what your intention is, is the very reason
17 that I think we'd have to have some documentation
18 that you understand this is an issue, and that
19 you, you know, would expect to work it out with
20 the ZA who administers the Height Act.

21 MR. FREEMAN: We understand that

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1 that might be an issue, and we intend to work
2 it out with the Zoning Administrator when going
3 through our permit process.

4 COMMISSIONER MAY: Okay. Well,
5 I'm going to ask the Office of Planning about
6 this and see how comfortable they are about this,
7 and how it would be.

8 I mean, I'm sorry, I think I've been
9 through this before, and, frankly, I just don't
10 remember how it's been resolved every time in
11 the past, and, frankly, this is one area where,
12 you know, a little tweaking of the Height Act
13 would be helpful, but that's not -- that's not
14 our domain.

15 Okay. So, the courtyards, the
16 small courtyards that have been landscaped, I
17 don't really understand the value of them. I
18 mean, I understand the value of landscaping them
19 rather than leaving them as just, I don't know,
20 roof, but the one space is adjacent to kind of
21 back corridors, and isn't close to any kind of

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1 useable space, unless maybe, you know, you cross
2 a service hallway to get there from a restaurant
3 that might be in that corner retail.

4 And then, the other spaces,
5 basically, look likes it communal space, but,
6 in fact, it's accessible only from one unit,
7 the way it is drawn.

8 So, is there further work to be done
9 on those courtyards?

10 MR. HAMMANN: The second floor
11 courtyards that are accessible, all the units
12 start at the second floor. So, the south
13 courtyard above the fitness, for instance, is
14 accessible from a number of the units on that
15 courtyard.

16 COMMISSIONER MAY: That's not what
17 the plan seem to indicate, or unless maybe you
18 can show me where that shows in the plans.

19 MR. HAMMANN: Each of these units
20 in that courtyard would have access to that
21 terrace.

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1 COMMISSIONER MAY: What plan are
2 you pointing to?

3 MR. FREEMAN: He's pointing to the
4 second floor plan, CA6.

5 MR. HAMMANN: The second floor
6 plan.

7 MR. FREEMAN: I think what we should
8 do is add some doors, to show that each of those
9 units around that courtyard --

10 COMMISSIONER MAY: Yes, so it's
11 communal, but it's accessible from the one, two,
12 three, four, five, six, seven units that are
13 there.

14 MR. HAMMANN: Similarly, on the M
15 Street, on the second floor, staying on the
16 second floor plan here for a second, the units,
17 there are three units opening onto the terrace,
18 which is the roof of the retail along M Street.

19 It's on -- I'm sorry, I guess I wasn't close
20 to it.

21 COMMISSIONER MAY: Oh, so there's

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1 a terrace overlooking M Street?

2 MR. HAMMANN: Yes.

3 COMMISSIONER MAY: Terrace patio,
4 I see that note. Do we have a landscape drawing
5 of that?

6 MR. HAMMANN: No, we do not at this
7 point. That's not developed yet.

8 COMMISSIONER MAY: Okay. All
9 right.

10 MR. HAMMANN: But, that is our
11 intent, sir.

12 COMMISSIONER MAY: Yes.

13 MR. HAMMANN: For sure.

14 COMMISSIONER MAY: I don't think
15 this is really relevant to our review, but I'm
16 not sure it's the smartest thing in the world
17 to have a handful of units share a courtyard
18 like that, because all you need is one neighbor
19 who wants to have a big party out there, and
20 the rest of your neighbors don't. And, you know,
21 it becomes problematic.

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1 If it were communal, I might
2 understand it, but that's not really what it
3 is. Sometimes we see those things with a small
4 private area fenced, and then a communal section
5 outside of that.

6 MR. HAMMANN: Actually, our intent
7 here is to have a small terrace, bigger than
8 balcony, small balcony, and then in front of
9 that planter or green roof area, which is --

10 COMMISSIONER MAY: Are you talking
11 about the courtyard or are you talking about
12 the terrace/patio over the retail?

13 MR. HAMMANN: I'm talking about the
14 patio -- or, excuse me, the roof over the retail.

15 COMMISSIONER MAY: Yes, I was
16 talking about the courtyard. So, having some
17 sort of enclosures.

18 MR. HAMMANN: That would probably
19 be developed in a similar fashion, so that people
20 looking down from above are looking at a green
21 area. There happen to be terraces around it.

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1 We've done that on lots and lots of residential
2 buildings.

3 COMMISSIONER MAY: Okay. Did we,
4 I'm going back to the roof again for a second,
5 one last question, the platting for the roof
6 structures is just called out as metal platting,
7 is it the same metal that's being used elsewhere
8 and it shows up on our board? And, is it that
9 lighter color? Okay.

10 I've said this before, and this has
11 become a thing with me lately, but I always think
12 that rooftop structures are better off with
13 darker colors than lighter colors because they
14 receive more. It's sometimes a bit
15 counter-intuitive to be looking up and seeing
16 something dark and thinking that it still
17 recedes, but I think it does, and I think that's,
18 I mean, maybe somebody -- you might want to just
19 look at that, study some penthouses, because
20 I think that having a big bright white penthouse
21 on the top may not be the thing to do.

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1 CHAIRMAN HOOD: Any other
2 questions?

3 Commissioner Miller?

4 COMMISSIONER MILLER: I don't have
5 any questions. I may when I hear from the Office
6 of Planning and DDoT, and I may have questions
7 after they say how their initial concerns have
8 been addressed by your latest drawings and
9 plans.

10 I can see from the latest renderings
11 how you have addressed several of the concerns
12 of the ANC. I don't know if it's just in better
13 renderings, or, actually, changes that were
14 made, but it is much more attractive in several
15 respects.

16 I appreciate this is a very exciting
17 project to help contribute to the revitalization
18 of this neighborhood.

19 And, I'm pleased to see that it's
20 an all residential and retail project. Is this
21 in the alternative, though, is what you are

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1 asking for, the previously approved office and
2 retail, do you still want that to be operative?

3 MR. FREEMAN: Yes, that exists in
4 order for the prior approved case, 0732, still
5 exists, and assuming this case is approved we'd
6 like to have the ability to move forward with
7 either option.

8 COMMISSIONER MILLER: So, you don't
9 know today which one you prefer to do, or today
10 you prefer to do the plan that's in front of
11 us, the residential.

12 MR. DONOHOE: Correct. I'm Robert
13 Donohoe. You know, today an apartment project
14 is very much feasible and financiable. A year
15 from now when we break ground we hope that's
16 still the case.

17 The office concept right now is not
18 feasible for financiable, which is why we are
19 here today for the residential concept.

20 COMMISSIONER MILLER: Okay. Well,
21 I'll look forward to hearing from OP and DDoT.

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1 The only other comment I'll make about the
2 residential, even though it is really not
3 probably relevant, but just in following up on
4 Commissioner Cohen's -- Vice Chair Cohen's
5 question about inclusionary zoning. I think
6 it's unfortunate that, actually, that the City
7 exempted this area from that overlay.

8 It's not a very big requirement, and
9 I think it probably could have accommodated the
10 8 percent of units to meet the IZ requirements.

11 But, I commend you on your project.
12 I think it's a very exciting project.

13 CHAIRMAN HOOD: I, actually, just
14 want to get into the location of the bike racks,
15 but I think I'm not going to do that. I'm just
16 going to go ahead.

17 Any other questions up here?

18 VICE CHAIR COHEN: I just have a
19 minor question.

20 Where is Ann's Wigs, can you point
21 it out?

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1 MR. FREEMAN: It's the dark grey
2 area that he's pointing to now.

3 VICE CHAIR COHEN: And, how many
4 stories is that building?

5 MR. FREEMAN: I believe it's two.

6 VICE CHAIR COHEN: Two? Okay.

7 CHAIRMAN HOOD: Okay. Let's go to
8 the Office of Planning.

9 Wait a minute, do we do cross
10 examining, do we do that? Okay. Let me call
11 for them anyway.

12 Do we have anyone from the ANC, in
13 this case 6-D, present tonight? Okay. So,
14 we'll have no cross examination from the ANC,
15 not present, but they did submit a letter and
16 we'll get to that point and we'll talk about
17 it.

18 Let's go to the Office of Planning,
19 Ms. Brown-Roberts.

20 MS. BROWN-ROBERTS: Thank you, Mr.
21 Chairman, and Members of the Zoning Commission.

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1 I'm Maxine Brown-Roberts, for the Office of
2 Planning.

3 In our report, we recommended that
4 the Office of Planning supports the proposal
5 for the 13-story residential development with
6 ground floor retail, as the property has
7 generally incorporated and addressed many of
8 the criteria for the Capitol Gateway Overlay.

9 Our report also highlighted a number
10 of issues that we asked the Applicant to address.
11 They did address, I think, most of them.
12 However, there are still a few that we still
13 need some answers.

14 We had asked for a lighting and
15 retail signage plan, or some discussion of that,
16 and the submission we got today I don't think
17 those things were addressed.

18 The relocation of the Pepco vaults
19 we had asked about. We know that that's
20 something that will be addressed at the public
21 space, but the Office of Planning is on record

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1 that this is something that we are not fully
2 in support of.

3 The Applicant has also increased
4 their LEED points to LEED Silver. We think this
5 is, basically, acceptable. You know, if they
6 had gone further, we would have been pleased,
7 but that's where it is.

8 We had asked for -- to label areas
9 of the roof structure relief, and from what
10 I've seen today I don't think that we have gotten
11 the full -- that has been fully addressed.

12 We also asked for a definition of
13 the accessory recreational areas. There was
14 a discussion about, you know, if it meets the
15 Height Act. I think the Office of Planning will
16 work with the Applicant and DCRA to address that
17 issue as we go ahead.

18 The Applicant has also requested
19 special exception for the roof structure. And
20 again, we would like to see the areas of relief
21 highlighted on the plans.

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1 There's also one other issue I think
2 that we'd like to get some clarification on,
3 in that in the original submissions, where we
4 had the residential use on the ground floor at
5 the point of L and New Jersey, there were some
6 stairs that went into the residential units.

7 The new proposal that we saw tonight
8 has replaced that with retail use, and that area
9 seems to be pretty flat. And, we haven't seen
10 a grading plan or have a full understanding of
11 what happened to the grade in that area.

12 And, those were, basically, our
13 concerns.

14 Thank you, Mr. Chairman, and we are
15 available for questions.

16 CHAIRMAN HOOD: Okay. Thank you.

17 Let's go straight to DDoT.

18 Ms. Chamberlin?

19 MR. CHAMBERLIN: Good evening.

20 DDoT agrees with the proposed
21 vehicle trip generation assumption and the

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1 calculations in their study.

2 Overall, the proposed development
3 is expected to increase traffic volumes on the
4 roadway network, but the site alone would not
5 cause a significant increase.

6 However, it's important to note that
7 DDoT is aware of the planned developments that
8 are coming up in the area along the corridors
9 of South Capitol and M Street, and we are
10 currently evaluating the traffic conditions and
11 needs from a broad perspective, as we mentioned
12 here before, and then redesign and
13 reconstruction of both South Capitol Street and
14 the M Street, southeast, southwest corridor.

15 In regards to the proposed
16 streetscape, we will need further coordination
17 through our Public Space and Permitting process
18 to ensure that it meets all of our current and
19 existing standards.

20 We have also put in our report that
21 we are not in support of the vault in public

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1 space.

2 And, in our submitted report, we
3 concluded that the design review and request
4 would not adversely impact the surrounding
5 transportation network, and we had five
6 conditions, supporting measures, that we wanted
7 to see the Applicant complete.

8 In recent emails that were,
9 actually, sent to us, submitted yesterday today,
10 the Applicant has addressed most of these
11 conditions. Our outstanding concern relates
12 to the non-residential uses of their proposed
13 parking spaces.

14 The Applicant has stated via email
15 that all spaces will be for residential
16 purposes, except for the 14 spaces for retail
17 use only.

18 We are concerned that this parking
19 will be made available for other destination
20 uses, such as the ballpark, or the Canal park,
21 or offices, and these impacts have not been

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1 evaluated in their study.

2 In response to Commissioner Cohen,
3 what we have seen, with a lot of new residential
4 buildings in Petworth and in Columbia Heights,
5 they are unable to fill all the parking. They
6 can't even give it for free to their residents,
7 and they end up renting it out for day users
8 to come into the area, which are uses that
9 weren't, as we mentioned, evaluated in our
10 transportation impact study.

11 Thank you.

12 CHAIRMAN HOOD: Okay. Let me just
13 ask, Ms. Chamberlin, I did get your name right,
14 correct?

15 MR. CHAMBERLIN: Yes.

16 CHAIRMAN HOOD: Okay, good. I just
17 want to keep it right, I did do my homework.

18 Okay. Let's open it up for any
19 questions of Office of Planning or DDoT.

20 Ms. Cohen?

21 VICE CHAIR COHEN: In the case of

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1 the ballpark area, though, with parking, they
2 will be able to lease, presumably, on certain
3 days, but you are still saying that you prefer
4 that they reduce the number of spaces they are
5 going to construct. Is that my understanding?

6 MR. CHAMBERLIN: I think it's both
7 concerns. We are not quite sure what they are
8 going to be doing with the 14 retail spaces.
9 In an email, we were told they were not going
10 to be available 24/7. I'm not sure what that
11 exactly means, if it will be available for
12 ballpark or not. We would prefer that it wasn't
13 available for other uses, but hasn't been
14 reviewed in their transportation impact study.

15 We did put in our report that we
16 expect a low need for on-site parking for this
17 location, and they are above the zoning
18 requirement.

19 VICE CHAIR COHEN: All right. So,
20 I think the Applicant needs to address that
21 issue.

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1 And, the issue that you brought up
2 about the -- I'm sorry -- all right, I just --
3 all right, let me go on to OP with my question
4 there.

5 Can you tell me why this particular
6 overlay is exempt from IZ? Surprise, surprise.

7 MR. LAWSON: We kind of expected
8 that question.

9 Yes. All of the TDR -- TOD
10 receiving areas, all of the areas that receive
11 density through the downtown TOD zone are exempt
12 from IZ.

13 And, the reason for that is that IZ
14 was anticipated and always planned to be a system
15 where in return for the affordable units you
16 were granted additional density, sometimes
17 additional height, to accommodate that density.

18 In the receiving areas, there is no
19 additional height to give. In other words, you
20 can do the maximum height and the maximum density
21 that's permitted in the District in a by right

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1 scenario. So, there was no bonus. It was
2 always intended to be a requirement, but a
3 requirement with a bonus attached to it, and
4 this is one of those areas where there was no
5 opportunity for a bonus, so it was exempted.

6 VICE CHAIR COHEN: Okay. And, my
7 other question, and that was with the vaults.

8 It seems like on New Jersey Avenue they
9 attempted to move them as close to the buildings
10 as possible. What more can they do to achieve
11 the vaults being out of the public space as much
12 as possible?

13 MR. CHAMBERLIN: I mean,
14 ultimately, we'd want it completely off of
15 public space and on private space, and then the
16 second option, generally, we put it in an alley,
17 anywhere that it's not impeding pedestrian flow
18 and traffic.

19 In this case, they are proposing the
20 vaults on L Street, which is a much narrower
21 street, and only allowing for a little bit over

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1 9-foot sidewalks, when our requirement for
2 sidewalk width in a commercial area is ten feet
3 clearance.

4 VICE CHAIR COHEN: Okay, thank you.

5 CHAIRMAN HOOD: Any other questions
6 for DDoT or Office of Planning?

7 Mr. Turnbull?

8 COMMISSIONER TURNBULL: No,
9 Commissioner May had raised his hand, so I think
10 you missed him.

11 CHAIRMAN HOOD: Okay. Let's go to
12 Commissioner -- because he doesn't usually raise
13 his hand -- let's go to Commissioner May first.

14 Commissioner May?

15 COMMISSIONER MAY: Okay. I won't
16 claim to understand.

17 Now I lost my question.

18 Oh, yes. The ANC raised the issue
19 of the use of the -- or they prefer the use of
20 the alley for access to the garage, parking
21 garage.

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1 What's your take on that? I mean,
2 you usually push for the same thing, but maybe
3 not on a 14-foot wide alley. I don't remember.

4 MR. CHAMBERLIN: Correct.
5 Normally we would have, and in researching I
6 guess the previous zoning case for this, the
7 Applicant had provided information regarding
8 safety and the WMATA vaults, et cetera, et
9 cetera, and how they couldn't accommodate and
10 make it safe, given that they wanted this alley
11 to be just one way, and it would just increase
12 the volume a lot.

13 And, it's just interesting in the
14 ANC comment, they mentioned, I thought, that
15 they'd like using the alley for pedestrian
16 access as a cut through, is that not -- but they
17 mentioned -- it contradicts then if they want
18 the garage to be off of that alley that would
19 just increase even more conflict with vehicles
20 and pedestrians.

21 COMMISSIONER MAY: But, in any

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1 case, you are not inclined to push for a garage
2 entrance off of the alley.

3 MR. CHAMBERLIN: No, in this case
4 we are okay where it is proposed.

5 COMMISSIONER MAY: Okay. I think
6 it is kind of unfortunate, because there are
7 some large and somewhat unfortunate curb cuts
8 in that vicinity. But, I think it's in the matter
9 of right projects, it just seems like there's
10 some large expanses of, you know, truck passage
11 that one has to navigate in that vicinity.

12 All right, that's it. Thanks.

13 CHAIRMAN HOOD: Okay.
14 Commissioner Turnbull?

15 COMMISSIONER TURNBULL: Is the
16 alley one way now?

17 MR. CHAMBERLIN: It's currently
18 unsigned, and I believe in the previous zoning
19 order, and we might have added this in the
20 report, that we wanted to see just some better
21 signage there. It's currently not signed as

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1 a one way, but we agree that the one way would
2 be preferable.

3 COMMISSIONER TURNBULL: It looks
4 like traffic would go from L Street to M Street.

5 MR. CHAMBERLIN: Correct.

6 COMMISSIONER TURNBULL: So, trucks
7 exiting the alley would be making left or right
8 they would be crossing M Street.

9 MR. CHAMBERLIN: No, there's a
10 median right now.

11 COMMISSIONER TURNBULL: There's a
12 median out there? That's right.

13 MR. CHAMBERLIN: So, they would
14 have to make a right.

15 COMMISSIONER TURNBULL: You'd
16 always have to make a right. Okay. You are
17 right. I forgot about that.

18 Okay, thank you.

19 CHAIRMAN HOOD: Commissioner
20 Miller?

21 COMMISSIONER MILLER: Was your --

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1 you said most of the concerns you had outlined
2 in your report had been addressed -- was the
3 top bullet on page 7 regarding possible
4 mitigation measures to improve safety and reduce
5 crashes at all way stop at L Street and New
6 Jersey, was that addressed?

7 MR. CHAMBERLIN: Yes. They
8 submitted some information via email, which I
9 requested that it be submitted in a more formal,
10 with more details. Essentially, they've done
11 some analysis that's shown that there wasn't
12 any stop sign there previously. It was an
13 uncontrolled intersection, which after the stop
14 signs went up the accident rates were
15 eliminated.

16 COMMISSIONER MILLER: And, you
17 don't -- do you anticipate because of this
18 project, or in combination with maybe other
19 projects, that there might need to be
20 singularization of that intersection, or
21 singularization of where people will be turning

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1 into the parking garage or the alley?

2 MR. CHAMBERLIN: Not at this point,
3 the volumes wouldn't justify a warrant for a
4 single. Maybe in 20 years, but not yet.

5 COMMISSIONER MILLER: And, have
6 they addressed the dedicating one parking space
7 for car sharing? You might have said that.

8 MR. CHAMBERLIN: Well, this would
9 go back to the parking. What I was told by the
10 Applicant, which is car sharing, generally, will
11 always -- when they want a spot inside a
12 building, they want that spot to be accessible
13 24/7.

14 And, per the Applicant, they stated
15 that there wouldn't -- the parking space would
16 not be accessible 24/7, so car sharing wouldn't
17 be interested in putting a spot in there.

18 COMMISSIONER MILLER: Thank you,
19 Mr. Chairman.

20 CHAIRMAN HOOD: Actually, sorry, I
21 missed Commissioner Miller's last point about

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1 the -- I think you were talking about the car
2 sharing. And, I'm sorry, I didn't hear your
3 -- I was actually reading, doing something else.

4 Could you give me that answer again?

5 MR. CHAMBERLIN: Sure. So, car
6 sharing companies want access for their vehicles
7 to be inside a private building available 24/7.
8 And, the Applicant stated that parking would
9 not be accessible and available 24/7 to the
10 public, to the general public. So, a car
11 sharing company wouldn't be interested in
12 putting a spot in there, if it's not accessible.

13 CHAIRMAN HOOD: So, I know
14 previously we had discussions about the security
15 issues. Okay. I was just wondering.

16 COMMISSIONER MILLER: Mr.
17 Chairman, I meant to ask the question you were
18 going to ask earlier on the bike rack. Did they
19 address the bike rack at each entrance?

20 MR. CHAMBERLIN: Yes.

21 COMMISSIONER MILLER: And, is there

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1 a Capitol Bikeshare facility nearby anywhere?

2 MR. CHAMBERLIN: There's right
3 across catty-corner across the street in front
4 of the DOT.

5 COMMISSIONER MILLER: Okay, thank
6 you.

7 CHAIRMAN HOOD: I, actually, was
8 going to -- I was just wondering if we had enough
9 bike racks, and in this case. I usually don't
10 ask that question. But anyway, I just decided
11 the decline to.

12 You'll be happy to know,
13 Commissioner May, I was going to ask if we had
14 enough.

15 MR. CHAMBERLIN: That's a good
16 question.

17 CHAIRMAN HOOD: Okay.

18 COMMISSIONER MAY: I always count
19 on you to make sure we have enough bike racks.

20 CHAIRMAN HOOD: All right. Any
21 other questions of either the Office of Planning

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1 or DDoT? Okay.

2 Let's go to the ANC. As has already
3 been stated, and I think we'll make some comments
4 towards the end, about the ANC letter and what
5 we would like to -- I believe we would like to
6 see.

7 I know a lot of it has been
8 addressed, but they have a laundry list of
9 concerns, some that may have been dealt with,
10 I'm just not sure.

11 But, this letter is dated for today
12 at 2:06. It says, we are writing to express
13 ANC 6-D's, 6's, I'm sorry, dissatisfaction with
14 the development proposed by Donohoe Development
15 for 11/11.

16 But, it goes on to talk about,
17 although the ANC has been in communication with
18 the development team for more than six months
19 regarding this project, the development team
20 did not make any substantial effort to respond
21 to or adjust their plans until just a few days

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1 before they came before our ANC on October 15,
2 2012, and it goes on and it has the list.

3 At the properly noticed meeting ANC
4 6-D meeting, at which a quorum was present,
5 the Commissioners voted 6-0-1 to oppose this
6 development, and it goes on.

7 So, we'll probably ask a few more
8 questions at the end.

9 Let's go to any other government
10 reports, do we have any other reports than what
11 we had previously? I didn't see any.

12 I understand we don't have any
13 witnesses, but let me just call for them for
14 the record.

15 Do we have any organizations or
16 persons in support?

17 Any organizations or persons in
18 opposition?

19 And, I guess we can have some
20 closing, any rebuttal. I don't know if you have
21 any, but any closing.

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1 MR. FREEMAN: We have just some
2 additional information to kind of respond to
3 some of the things we heard tonight. Let's
4 kind of work backwards, with respect to the
5 parking.

6 And, Chris Kabatt, our
7 transportation expert, can speak to this, just
8 to clarify, of the parking spaces there are 14
9 retail. They are not 24/7, because the retail
10 is not going to be 24/7.

11 And, the residential, which is of
12 a ratio of, approximately, .5 is less than what
13 has been approved by the Commission in a number
14 of other cases. So, it's, actually, not a large
15 amount of ratio-wise of parking.

16 And, we have no intent to lease the
17 residential spaces out, or the retail spaces
18 out to anyone other than the people that live
19 in the building.

20 With respect to the OP report, the
21 location of the Pepco vaults, obviously, and

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1 DDoT mentioned that as well, that is, obviously,
2 something we will have to deal with and resolve
3 during the public space permitting process,
4 which the Commission has recognized is the forum
5 in which we deal with that if it can't be on
6 L Street. We'll have to figure out where else
7 to put them. Frankly, there are a number of
8 constraints with respect to the location of the
9 vaults, but we will, obviously, have to get a
10 permit to install those vaults.

11 I think I'd heard more information
12 regarding the roof structure relief, and that's
13 something we'll have to do anyway, so we are
14 prepared to address that.

15 And, Ms. Abdul-Rahman, Siti can talk
16 more about the lighting and retail signage plan,
17 and kind of go around the building and describe
18 kind of how that will work on the building.

19 MS. ABDUL-RAHMAN: The lighting is,
20 actually, a very important aspect of the
21 building design, is a major part of the design.

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1 What we have done is, we have
2 incorporated the lighting element as part of
3 the building structure. So, if you see on the
4 canopy that's wrapping around the retail area,
5 we have incorporated lighting with the sun
6 shading device. So, the building will be
7 illuminated at night, and will enhance the
8 pedestrian experience who walk on M Street and
9 New Jersey Avenue.

10 And, as far as signage, we have
11 provided a lot of flexibility for them to provide
12 signage. We have shown on the prospective view,
13 and prospective view of the building, we have
14 signage on the canopy, on top of the canopy,
15 and we also provide flexibility for them to
16 provide signage on the building entrances and
17 the store-front system.

18 I mean, the developer is not going
19 to stop a retailer to provide signage to their
20 retail, to create their own identity. And,
21 we've done everything we can in order to

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1 accommodate signage as much as we can.

2 MR. FREEMAN: And, one more point.

3 There was a question about, and Rick may be
4 better to answer this, about what happened to
5 the stairs on New Jersey Avenue.

6 MR. HAMMANN: Sure. I think the
7 question had to do with the front stoops that
8 we had when we had sort of a duplex, two-story
9 townhouse option. And, what we did is, we were,
10 actually, raising the floor a little bit at that
11 point of the townhouse within the building
12 higher than the sidewalk, to, actually, create
13 a kind of a front stoop, if you will, with steps,
14 et cetera.

15 Now that we are doing retail, of
16 course, we don't want that, we want to maximize
17 the height of the retail space that we have
18 available there in that floor, at that location.

19 So, we've put the floor level flush, obviously,
20 with the paving, which is relatively flat in
21 that area.

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Thank you.

MR. FREEMAN: Mr. Chairman, I think that concludes our brief rebuttal, and we are prepared to answer any final questions you have.

CHAIRMAN HOOD: Okay. Commissioners, do we have any rebuttal questions?

Vice Chair Cohen?

VICE CHAIR COHEN: Yes. I still think maybe I'm not on the same page with you with math. I still believe that there is more parking than you need, that there may have been other, you know, Zoning Commission approvals, but you are sitting on top of a Metro Center -- I mean, the Metro.

So, I'm kind of trying to follow you on the parking. I still believe DDoT thinks there's too much parking for this project, and since you are going to have 14 for retail, we are still -- I mean, I don't want to beat this, but am I in agreement with you, DDoT, on the

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1 parking issue, or are you okay with it? I don't
2 want to --

3 MR. HENSON: Jamie Henson, from
4 DDoT.

5 A .5 ratio, or, approximately, a .5
6 ratio on residential projects is, generally,
7 pretty good. This is not necessarily our normal
8 position, or normal condition. If it was, say,
9 on H Street I would call it excellent, but on
10 top of a Metro station that's three stops --
11 three or four stops from the center of downtown,
12 it's not, necessarily, horrible, but it's not
13 as aggressive as it could be either.

14 I mean, I can't get -- you know, it's
15 hard to give a definitive answer, they shall
16 do this. I mean, can they -- do we think they
17 can go lower? Yes. Is it horrible and the
18 worst thing we've ever seen? No.

19 VICE CHAIR COHEN: Why don't you
20 just not make one additional lower level, it
21 would save you money, and then you could offset

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1 that with a few inclusionary zoning.

2 MR. FREEMAN: Mr. Donohoe.

3 MR. DONOHOE: The other apartment
4 buildings in the market are closer to a .7 space
5 per unit ratio, and they are at or near capacity,
6 based on our recent surveys in the market. And,
7 it's really, it's a marketability issue for us.

8 We don't want people to not move into our
9 building because we've run out of parking.

10 VICE CHAIR COHEN: Then can you give
11 us that information for the record, please?

12 MR. DONOHOE: For the other
13 buildings?

14 VICE CHAIR COHEN: Yes.

15 MR. DONOHOE: Sure.

16 COMMISSIONER MAY: You know, I'm
17 not inclined to often go out on a limb, when
18 it comes to things that I think are not really
19 in our domain, but this is just the Capitol
20 Gateway Overview review, and the issue of the
21 number of parking spaces is not really directly

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1 stated in that review. So, that's why I'm not
2 getting too concerned about it. Otherwise, I'd
3 be, you know, inclined to, you know, support
4 you.

5 But, I mean, I'm just not losing any
6 sleep over this, because I don't think it's that
7 important -- really a critical part of what we
8 are supposed to be reviewing here.

9 And, I often have to hold myself
10 back, because there are a lot of things I want
11 to say that I would normally say if this were
12 a PUD review.

13 VICE CHAIR COHEN: Well, you know
14 me well enough, I'll say whatever is on my mind.

15 COMMISSIONER MAY: Yes. Anyway,
16 thanks.

17 COMMISSIONER TURNBULL: Mr. Chair,
18 maybe Ms. Brown-Roberts can also weigh in on
19 this, talking about signage. And, since we have
20 a -- we are showing a canopy here, and we are
21 looking at some other signage, which looks like

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1 it's attached to an overhang. Is that correct?

2 And, I'm not sure if that's really
3 what you were looking for when you talked about
4 signage and graphics. You were looking for a
5 better plan.

6 MS. BROWN-ROBERTS: I think we were
7 looking for something that would explain to us
8 what is their signage program.

9 COMMISSIONER TURNBULL: Yes.

10 MS. BROWN-ROBERTS: You know,
11 here's something that shows a particular theme
12 that they wanted to have, you know, but also
13 have some flexibility to it. I think that was
14 the direction they were going.

15 COMMISSIONER TURNBULL: I would
16 agree. I think what Ms. Brown-Roberts is
17 getting at is that you are providing
18 opportunities for something, but when we are
19 looking at the retail, trying to develop this
20 whole building, isn't there something more --
21 she's looking for a theme, some kind of something

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1 that's more exciting that develops along this
2 whole stretch, something that ties it all in.

3

4 And, I think -- and, I feel it's a
5 little bit light, what you are trying to do.
6 I mean, I think it doesn't convey some of the
7 other things that you are trying to do on your
8 building, and I really think you need to take
9 a better look at that, as far as integrating
10 that with your whole building.

11 Ms. Brown-Roberts, am I --

12 MS. BROWN-ROBERTS: I'm in
13 agreement.

14 COMMISSIONER TURNBULL: Okay. All
15 right. Thank you.

16 CHAIRMAN HOOD: Any other questions
17 or comments on the rebuttal presentation?
18 Okay.

19 Do you have any closing remarks?

20 MR. FREEMAN: Thank you, Members of
21 the Commission. We believe from what we

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1 presented tonight we believe that we meet the
2 standards for review under the Capitol Gateway
3 provisions, as set forth in the Zoning
4 Regulations.

5 We are happy to provide the
6 additional information that's been discussed
7 tonight, and we would request your approval of
8 our application at some point.

9 Thank you.

10 CHAIRMAN HOOD: I was wondering if
11 he was going to ask for a bench decision, but
12 he didn't do that. Okay.

13 We have some things that we need.

14 Can we go ahead and list them?

15 Ms. Schellin, were you keeping a
16 list? Okay.

17 MS. SCHELLIN: Let me go down the
18 list before we look at dates.

19 Commissioner Turnbull said he'd
20 like to see plans showing the setback lines,
21 the roof plan elevation. He, specifically,

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1 talked about R-3 and R-1, it looked like
2 evergreens were just stuck up there. He'd like
3 a better roof plan with a couple of sections
4 to see what's going on up there.

5 Commissioner May asked that you
6 address the courtyards at the alley. He also
7 asked that maybe take a look at some darker
8 colors for the penthouse.

9 Commissioner Cohen thinks there's
10 more parking than needed. She'd like the
11 information provided -- the information on the
12 parking ratios of other buildings provided.

13 OP, during their testimony, and
14 follow-up with the Commissioners, they'd like
15 to know if the signage program, and I believe
16 the areas of relief, they wanted that
17 highlighted on the plans.

18 I think the issue of whether the
19 retail would be available during the games was
20 answered, and so that would be all I have.

21 VICE CHAIR COHEN: Ms. Schellin, I

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1 think that we do need to make sure that the ANC
2 can either update their report, because we need
3 to give them great weight, and right now they
4 are not approving the project.

5 MS. SCHELLIN: We can still give
6 them great weight, I think, with the oppose.

7 COMMISSIONER MAY: I wouldn't say
8 that I necessarily agree with all the issues
9 the ANC raised, but it's a little disturbing
10 to get such a strong vote against a project like
11 this, where, you know, I think they understand
12 the kind of review this is. And, a lot of the
13 issues go to the core issues of the Capitol
14 Gateway Overview -- I mean, the Overlay review.

15 So, you know, it is kind of
16 unsettling, and we are not talking about an ANC
17 that's, you know, pulling things out of the air.

18 This is a very experienced ANC, with a number
19 of -- I mean, with very reasonable Commissioners
20 who understand what their role is, and take it
21 seriously, and don't go overboard. And, to have

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1 them come out so strongly against it is, I think,
2 troubling.

3 So, I would really like to see the
4 Applicant have another run at convincing the
5 ANC that this is a project worthy of approval
6 on, you know, whatever grounds they can.

7 I also think that for the OP, I know
8 that there was some discussion of lighting, but
9 I think, actually, more information on lighting
10 might be appropriate and helpful based on what
11 the Office of Planning had requested.

12 And, I really do want them to go into
13 some detail on the accessory use of the roof,
14 and the appropriateness of that, and how they
15 think it does or doesn't meet, you know, or scale
16 it back if it does not, in fact, meet 411.1.

17 CHAIRMAN HOOD: I would just agree
18 with what I heard about the ANC. It gives me
19 cause, I mean pause, that, hopefully, and I know
20 the letter was dated for today, so I don't know
21 if they had the latest developments.

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1 Obviously, they did, but I would associate
2 myself with the comments I've heard in
3 relationship to the ANC.

4 Okay. Any other comments? Anybody?

5 Okay. Ms. Schellin, do we have any
6 dates?

7 MR. FREEMAN: Can I just ask one
8 question, so that I can make sure that we are
9 proceeding in accordance with the Zoning
10 Commission's wishes?

11 We are happy to meet with the ANC
12 again, and go over the plans. But, on some
13 things we just fundamentally disagree with them,
14 in terms of the building program.

15 So, we are happy to go with them
16 again, but we might achieve the same result in
17 terms of a vote. So, we are happy to meet with
18 them again, but I just want that to be clear,
19 that we may come to the same place. Hopefully
20 not, but I just want to make sure that we are
21 clear on that point.

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1 CHAIRMAN HOOD: I think we are clear
2 when I look and see the date of the letter that
3 was submitted. I just wanted to make sure they
4 had some of the information you all provided,
5 and I heard the architect mention how he's been
6 working with the ANC.

7 So, obviously, that list was longer
8 than that. So, but anyway --

9 COMMISSIONER MILLER: Well,
10 obviously, Mr. Chairman, I'm not sure that the
11 ANC did see the renderings that are dated today
12 as well. There's renderings dated October 5th,
13 and then there was renderings that they dated
14 today. So, I'm not sure, at least that's what's
15 in front of us, in front of me, so I'm not sure
16 they did see that, and I think that they did
17 -- I think some of the issues had been addressed,
18 some they had met with disagreement and they
19 did not get a favorable vote, but I think they
20 should share at least with the ANC if they
21 haven't already.

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1 CHAIRMAN HOOD: And see, that was
2 one of the questions we asked early on, did the
3 ANC see the latest and greatest, and, obviously,
4 not. But, their letter was dated today, so,
5 you know, that was one of the questions that
6 was asked first thing, but, obviously, I don't
7 know if it was a miscommunication or what.

8 But anyway, be it as it is, we need
9 to go back and at least revisit.

10 COMMISSIONER TURNBULL: Well, and
11 I think you are going to be redoing the roof
12 plan, or showing us a better concept, and at
13 least developing that. So, I think that was
14 one of their issues, too, was the roof. So,
15 I think that would be worth sharing with them.

16 COMMISSIONER MILLER: And, the
17 articulation along the alley, because that brick
18 or whatever it is, is more articulated on the
19 latest plans. It shows the courtyards that you
20 see, which you didn't see on the previous plan.

21 You saw the retail wrapping around more clearly

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1 than you didn't even see on the previous plan.

2 So, I think some of the issues are addressed
3 by the latest renderings.

4 COMMISSIONER MAY: Mr. Chairman,
5 you know, I would also suggest that if there
6 are areas where there is just a plain
7 disagreement, that, you know, the Applicant can
8 explain why they still meet the threshold for
9 approval under the Capitol Gateway Overlay
10 review.

11 CHAIRMAN HOOD: Okay. Anybody else?
12 Are we all on the same page?

13 Ms. Schellin, do you have any dates?

14 MS. SCHELLIN: Yes, sir.

15 There's, based on what the
16 Commission is asking, that they do these
17 revisions and also meet with the ANC again, we
18 are going to have to go with a decision in
19 December.

20 So, I think if we allow a month for
21 them to -- that way they can maybe get to the

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1 next ANC meeting, so if we could have these
2 additional documents and responses regarding
3 the ANC meeting November 26th, 3:00 p.m., and
4 then responses from the ANC by 3:00 p.m.,
5 December 3rd, and we'll put this on the December
6 10th agenda.

7 CHAIRMAN HOOD: Are we all on the
8 same page?

9 MS. SCHELLIN: If we could get the
10 draft order by the 26th of November also.

11 CHAIRMAN HOOD: Okay. Anything
12 else? All right.

13 With that, I want to thank you for
14 your participation tonight, and this hearing
15 is adjourned.

16 MR. FREEMAN: Thank you.

17 (Whereupon, the above-entitled
18 matter was concluded at 8:25 p.m.)

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