

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: :
: :
1319 South Capitol Owner, : Case No.
LLC - Design Review @ Square : 20-18
653 :
: :
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Monday,
October 26, 2020

Video Teleconference

The Public Hearing of Case No. 20-18 by the
District of Columbia Zoning Commission convened at 4:00
p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.
MARY NAGELHOUT, ESQ.
LORI MONROE, ESQ.
MAXIMILIAN TONDRO, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from
the Public Hearing held on October 26, 2020.

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

4:00 p.m.

CHAIRMAN HOOD: Ladies and gentlemen, we are convened and broadcasting this public hearing by video conferencing.

My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner Shapiro, Commissioner May, and Commissioner Turnbull. Also, by the Office of Zoning Staff, Ms. Sharon Schellin, and Mr. Paul Young, who will be handling all of our virtual operations.

The subject of this evening's hearing is Zoning Commission Case No. 20-18. This is a design review of buildings and structures on South Capitol Street, at Square 653, Lots 14, 15, 53, 54, 60-64, 68, 70, 810, 811, 831.

And today's date is October 26, 2020.

This virtual public notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter, and the platforms used are Webcast Live, WebEx, and YouTube Live. A video will be available on the Office of Zoning's website after the hearing.

All persons planning to testify must sign up in advance, and will be called by name at the appropriate time. At the time of sign up, all participants will complete the oath of affirmation required by Subtitle Z, 48.7.

1 Accordingly, all those listening on WebEx or by phone will
2 be muted during the hearing, and only those who have signed
3 up to participate or testify will be unmuted at the
4 appropriate time. When called, please state your name and
5 home address before providing your testimony. When you are
6 finished speaking, please mute your audio.

7 If you experience difficulty accessing WebEx or
8 with your telephone call in, or have not signed up, then
9 please call our OZ Hotline Number at 202-727-5471. If you
10 wish to file written testimony or additional supporting
11 documents during the hearing, then be prepared to describe
12 it and discuss it at the time of your testimony.

13 The hearing will be conducted in accordance with
14 provisions of 11Z DCMR, Chapter 4 as follows: Preliminary
15 Matters, Applicant's Case, Report of the Office of Planning,
16 also the Report of the Department of Transportation, Report
17 of Other Government Agencies, Report of the ANC, Testimony
18 of Organizations, which will have five minutes, and
19 individuals which will have three minutes. And we will hear
20 the following order for those in support, opposition, and
21 undeclared. Then we will have rebuttal and closing by the
22 Applicant.

23 Again, the OZ Hotline Number is 202-727-5471 for
24 any concerns during this proceeding.

25 At this time, the Commission will consider any

1 preliminary matters. Does the staff have any preliminary
2 matters?

3 MS. SCHELLIN: At Exhibit 9, the Applicant is
4 requesting a waiver of the requirement for notarized
5 affidavits of posting and maintenance due to the COVID-19.
6 It asks the Commission to waive that. That's at Exhibit 9.

7 CHAIRMAN HOOD: Let's see if we have a general
8 consensus by a show of nodding of the heads, and we do.

9 MS. SCHELLIN: Okay. Then the next preliminary
10 matter proffered expert witnesses. First, at Exhibit 12B we
11 have Caroline Warlick Levins and Hany Hassan. Hany Hassan
12 has previously been accepted. I'm not sure if Caroline Levin
13 has. I only see previously accepted after Hana Hassan.

14 COMMISSIONER TURNBULL: I can't pull up Levins
15 resume if she's a licensed architect.

16 MS. SCHELLIN: Maybe we could bring Megan Hottel-
17 Cox on.

18 CHAIRMAN HOOD: I'm sorry, Mr. Turnbull, I'm
19 sorry, Mr. Turnbull what did you say, I'm sorry?

20 COMMISSIONER TURNBULL: I said for -- well,
21 obviously Hany Hassan, we've dealt with him before. My only
22 question is, Caroline Warlick Levins she's got a degree in
23 architecture, but I don't know if she's a licensed architect.

24 CHAIRMAN HOOD: Okay. So why don't we hold off
25 on her for a second, and let's see if we have anything else.

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1 We are fine with Hany Hassan I believe. It's just --

2 COMMISSIONER TURNBULL: Yes, absolutely.

3 CHAIRMAN HOOD: Mr. Turnbull, we need to check on
4 the licenses and letters.

5 So let's go with -- do we have anybody else?

6 MS. SCHELLIN: Yes. Loren Helgason, Studio 39,
7 she's been before the BZA, but we do not see that she's been
8 before the Zoning Commission. And she's being proffered in
9 landscape architecture.

10 COMMISSIONER TURNBULL: He's fine.

11 MS. SCHELLIN: I'm sorry, I said she, sorry.

12 CHAIRMAN HOOD: Let's do this, Ms. Schellin, let's
13 do all the rest, because I see that we have three more. It
14 looks like we've previously accepted all of these.

15 MS. SCHELLIN: Mike Babcock, previously accepted,
16 Erwin Andres, previously accepted, just ask that this
17 previously accepted be accepted in this case.

18 CHAIRMAN HOOD: So only thing, Commissioners, do
19 we want to accept Ms. Helgason, who was accepted by the BZA,
20 do we want to accept her here in the Zoning Commission? I'm
21 sure one of us may have been sitting on that case.

22 Any objections?

23 COMMISSIONER MAY: I have no objection. It's a
24 Mr. Helgason, but I have no objection.

25 CHAIRMAN HOOD: Okay, Mr. Helgason. Okay. So no

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1 objections to everyone we've previously accepted, including
2 Mr. Helgason. Sorry about, we called her Ms. Helgason, but
3 Mr. Helgason.

4 Let's go to -- let's bring up Ms. Hottel-Cox,
5 let's bring her up and talk about Levins, Caroline Levins.

6 MS. HOTTEL-COX: Thank you, Mr. Chairman.

7 I'll let Caroline speak to her credentials. I
8 mean, you can also bring Jeff Utz in, working on this
9 project.

10 CHAIRMAN HOOD: Ms. Hottel-Cox, are you going to
11 be presenting tonight, or is Jeff Utz?

12 MS. HOTTEL-COX: Jeff will be presenting.

13 CHAIRMAN HOOD: Okay. All right.

14 MS. LEVINS: Hi. This is Caroline Warlick Levins.
15 I have been practicing in D.C. for about 11 years. I am not
16 licensed in D.C., but I do have over ten years of experience
17 working in the D.C. area.

18 I am LEED AP accredited.

19 CHAIRMAN HOOD: Okay. Any other questions of Ms.
20 Caroline Levins?

21 COMMISSIONER TURNBULL: Well, my comments would
22 usually only give -- I understand she's got a lot of
23 experience, but we've usually reserved an expert in
24 architecture to someone who has been licensed in
25 architecture.

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1 CHAIRMAN HOOD: Okay.

2 COMMISSIONER TURNBULL: Well, if he's an
3 architectural historian, he has a PhD in architectural
4 history.

5 CHAIRMAN HOOD: Okay. I think that's our normal
6 process, unless I hear otherwise, Mr. Utz, we will listen to
7 Ms. Levin's testimony.

8 Let me go to Commissioner Shapiro.

9 COMMISSIONER SHAPIRO: So from what Ms. Levins
10 says, she is not licensed in D.C. Is she licensed elsewhere?

11 MS. LEVINS: I am not.

12 COMMISSIONER SHAPIRO: Okay, thank you, Ms.
13 Levins.

14 CHAIRMAN HOOD: Okay. So thank you, Ms. Levins.
15 Unless I hear otherwise, Commissioners, we will listen to Ms.
16 Levins's testimony and not give her expert status at this
17 time, but we'll listen to her testimony.

18 Mr. Utz, do you have anything, any preliminary
19 matters? If not, we can get started.

20 MR. UTZ: Nothing, nothing further. Thank you,
21 Chairman Hood.

22 So good afternoon. I'm Jeff Utz.

23 MS. SCHELLIN: How much time did you guys need for
24 your presentation?

25 MR. UTZ: Can we go with 45 minutes?

1 MS. SCHELLIN: Commissioners, do you guys need a
2 45-minute presentation?

3 CHAIRMAN HOOD: So let me say this, Mr. Utz. If
4 you are going to take 45 minutes, I'd like you also to make
5 sure you get within those 45 minutes all those issues with
6 the -- there were mainly by the ANC, but also the Southwest
7 Neighborhood Association. If you could hit those issues
8 included in your 45 minutes, I think that would be
9 sufficient.

10 MR. UTZ: Okay, we'll do that. And thank you,
11 thank you for your time today, we really appreciate the
12 opportunity to be before you.

13 I am here, along with Megan Hottel-Cox, with the
14 law firm of Goulston and Stoors, on behalf of the Applicant,
15 1319 South Capitol Owner LLC in Case 20-18.

16 Altogether we have five witnesses today. Greg Van
17 Wie, with Jefferson Apartment Group, who will testify on
18 behalf of the Applicant team. Caroline Warlick Levins, with
19 Beyer Blinder Belle, who we just talked about, Loren
20 Helgason, of Studio 39, who we talked about as well, Mike
21 Babcock with Sustainable Building Partners, who will testify
22 as the sustainability consultant of the project, and then
23 Erwin Andres, of Gorove Slade, who will testify as the
24 project's transportation consultant.

25 As you know, the application requests design

1 review approval of a new residential development at 1319
2 South Capitol in Southwest D.C. It is in the CG-2 Zone. As
3 part of the Capitol Gateway Zone, this project is subject to
4 design review at the Commission due to its frontage on South
5 Capitol Street itself.

6 The project will contain over 300 new residential
7 units in a highly articulated contact sensitive building,
8 that is within the height and density allowed as a matter of
9 right.

10 Can we, actually, bring up the presentation?
11 Thank you. And if you can advance to the next slide that
12 would be appreciated. Thank you.

13 The property, as you can see on this diagram, is
14 an L-shaped parcel, that fronts on South Capitol, and row
15 house lots on the east, N Street on the north, a public alley
16 and Syphax Village on the west, and the 110-foot tall Camden
17 Building to the south.

18 The design of the project has been tailored to
19 complement and integrate the surrounding community fabric,
20 including the use of significant setbacks from the
21 surrounding row homes, and materials and detail are drawn on
22 the surrounding fill context.

23 The potential for neighborhood serving commercial
24 uses along South Capitol has also been integrated at the
25 request of the community.

1 Although the property is not historically
2 designated, it was designed with an eye towards historic
3 preservation, ultimately, incorporating dense existing row
4 houses and setting back significantly from South Capitol
5 Street where those row homes exist.

6 The project meets the design review standards as
7 detailed in our filing for approval by the Commission,
8 including consistency with the Comprehensive Plan, and it is
9 also in accordance with the Southwest Neighborhood Plan.

10 The project has been the subject of a great deal
11 of community discussions and negotiations for several years,
12 culminating in the design you see today. The Applicant has
13 met extensively with the community, including the Southwest
14 Neighborhood Assembly, the Syphax Village, and ANC 6D, and
15 we greatly appreciated of the significant time and investment
16 these groups and individuals have made to working with us on
17 this project.

18 Next slide, please. Thank you.

19 The team is particularly proud to be here with the
20 support of the Office of Planning, DDOT and ANC 6D.
21 Specifically, regarding the Office of Planning, their report
22 recommends approval and includes three conditions regarding
23 the townhouses and materials for the project design that are
24 shown on this slide, and the Applicant agreed to those
25 conditions.

1 The OP report also recommends sustainability
2 enhancements, specifically, lethal Version 4 (phonetic) and
3 increasing the size of the solar arrays on the project, along
4 with including information regarding the quantification of
5 the energy generation for the project.

6 The Applicant agreed to those additional
7 recommendations as well.

8 Regarding the DDOT report, their report states
9 that they have no objections of the certain conditions.
10 Again, the Applicant agrees to their conditions, and Erwin
11 will detail those further in his testimony.

12 Next slide, please. Thank you.

13 Additionally, ANC-6D is in support of the project
14 with conditions, which we have agreed to. Specifically, the
15 conditions are as shown on this particular slide, and they
16 are that the Applicant will comply with the terms of these
17 four agreements that exist on the property. Like I said,
18 there are many that result from the extensive community
19 outreach here, and the Applicant intends to honor and live
20 by all those agreements.

21 The second condition is that the four vertical
22 homes along the N Street frontage will be incorporated as
23 vertical homes, and further, that these homes will be
24 designated as IV if permitted by the D.C. agencies, DHCD and
25 DCRA. This is something that the Applicant has committed to.

1 I know there was a question in the ANC testimony about why
2 the pre-hearing statement had both flats and the vertical
3 homes in it. And the answer is because that was filed the
4 day after the ANC-6D administrative meeting, and about a week
5 before the ANC meeting that we had a few weeks ago.

6 The third condition is that the Applicant will
7 share copies of the Voluntary Clean-Up Action, and health and
8 safety plan, as part of the participation in the Volunteer
9 Clean-Up Program, and that the Applicant will schedule a
10 meeting with the company performing that activity, ANC-6D,
11 DOEE, and the community. We agree to those terms and the
12 Applicant is happy to do it.

13 The fourth item is that the project will not
14 include digital or neon signage. And as we indicated on page
15 four of Exhibit 12 that is a commitment that the Applicant
16 is happy to make. So it's on the record already.

17 Next slide, please.

18 The ANC letter -- yes, slide number five, please.
19 Thanks.

20 The ANC letter also includes some additional
21 considerations, that it describes as elements for further
22 discussion. We've incorporated many of these, I would say
23 most of these, and we'll walk through these particular
24 elements are part of our presentation, as you mentioned,
25 Chairman Hood. I won't detail them all now, but this is a

1 snapshot of all of those considerations in one place, and we
2 can talk about them as we walk through the project in more
3 detail.

4 So, with that, the Applicant again greatly
5 appreciates the time and energy of the agencies and the ANC,
6 and the community, to discuss and refine the project, to be
7 able to bring it to the state that it's in today. We
8 appreciate their thoroughness, and we appreciate the reports
9 of OP and ANC.

10 We also note that SWNA submitted a letter of
11 support into the record as Exhibit 20, and Syphax Village
12 submitted a letter of support as well. We know there have
13 been some letters about vision, and we intend to address
14 those points as well in the presentation.

15 With that, I turn it over the Greg Van Wie of the
16 Applicant.

17 MR. VAN WIE: Great, thank you, Jeff, and good
18 afternoon. I thank you for the opportunity to speak today
19 regarding 1319 South Capitol.

20 My name is Greg Van Wie, with Jefferson Apartment
21 Group. I'm a Senior Vice President, and along with Fortis
22 Companies we are co-developers and owners of this property
23 and sponsors of this project.

24 The current partnership acquired this property in
25 May of this year, although the Fortis Companies' involvement,

1 their principal, George Chopivsky's involvement goes back for
2 multiple years prior to that.

3 We were initially attracted to the opportunity to
4 provide another key and fill development along the monumental
5 South Capitol Boulevard to fill in the street wall and a
6 missing piece in the Grand City Boulevard that South Capitol
7 represents, that is presented by what is today largely a
8 vacant and under-utilized collection of surface parking lots
9 and vacant row homes.

10 As Jeff noted, both since Jefferson Apartment
11 Group has been involved and going back to Fortis' involvement
12 for several years, we have both worked with key stakeholders
13 in that time, including the ANC and, in particular, the
14 Single Member District Commissioner, Rhonda Hamilton, SWNA
15 and the immediate neighbors to try and craft a development
16 plan that responded to, and sometimes conflicting and
17 repeating considerations and concerns about the development
18 of this site.

19 In particular, on the case of SWNA and the ANC,
20 a desire to protect, retain and incorporate significant
21 portions of the historic fabric of Southwest D.C., and the
22 historic row homes that exist, both on South Capitol Street
23 and on N Street.

24 So over that time as the design has evolved, we
25 worked closely and met repeatedly with all of those

1 organizations, as well as the immediate neighbors, to listen,
2 to incorporate feedback, comments, and concerns, and,
3 ultimately, I think we arrived at a project design and plan
4 that is the better for that process. So we are glad to be
5 here with, as Jeff noted, unanimous support of the ANC and
6 with SWNA. Although Jefferson Apartment Group is a relative
7 newcomer to those conversations and those meetings, as Jeff
8 said, we are well versed and intend to live up to the
9 requirements of the various agreements that have been
10 negotiated with the neighboring property owners and the
11 community stakeholder organizations over that period of time,
12 including a development agreement, as amended, of record
13 between the development ownership group and SWNA.

14 The conditions and considerations noted by Jeff
15 associated with the ANC's approval, with OP's recommendation
16 for approval, and then lastly with some of the more granular
17 good neighbor agreements detailing the roles and
18 responsibilities, and requirements of how we will behave,
19 both prior to, during, and after construction relative to our
20 immediate neighbors.

21 I want to stress here that JAG and Fortis intend
22 to be long-term owners of this property and of the project
23 upon completion. Jefferson Apartment Group, in addition to
24 being a development company also has a penthouse property
25 management company that will take over day-to-day property

1 management and become the base and day-to-day manager of the
2 property upon completion. So we are not going anywhere, and
3 intend to live up to and maintain those relationships, and
4 are committed to being a good neighbor over that long term.

5 One of the other important agreements that exists
6 with the neighbors is an access easement agreement between
7 ourselves and the owners of the South Capitol row homes, as
8 well as the owners of the commercial space on the corner of
9 N Street and South Capitol and the remaining N Street
10 townhomes.

11 That access agreement is signed, and will be
12 recorded prior to the start of construction, and is intended
13 to replace the series of ad hoc individual easement
14 agreements that exist between the individual South Capitol
15 row home owners and the previous ownership of the larger 1319
16 South Capitol parcels.

17 That agreement intends to provide access to the
18 rear of the South Capitol townhomes, and establish for all
19 of the benefit of those owners ingress and egress, both to
20 the existing east/west alley access off of South Capitol
21 Street, and then continuing across to the west the former
22 public alley, which is now subject through a reported public
23 access agreement, and connects to the northwest 16-foot alley
24 up to N Street to provide neighbors access to the wider
25 neighborhood.

1 And then lastly, although not parties to the SWNA
2 agreement or the ANC vote, I do want to address quickly the
3 relationship with the immediate neighbors, Mr. Greg Keagle,
4 and Ms. Sheila Saddamar, we have worked extensively over the
5 years with both of those neighbors, including recent calls
6 and meetings in person, to attempt to address their concerns.

7 Most recently, and most immediately, we will
8 acknowledge their concerns surrounding site security and
9 cleanliness in the COVID environment. I will take full
10 responsibility for a lack of eyes on the site over the
11 progress of the spring and summer, and we have recently moved
12 to address those issues. And, in fact, today I mobilized a
13 contractor to the site to start an extensive clean up and
14 security effort on the site.

15 So unfortunately, those issues -- efforts were
16 promulgated over the summer, but we do take those concerns
17 seriously, and we have moved to address them as quickly as
18 we were able to.

19 You can continue forward and quickly to slide
20 nine. These are images of the site in context again, the
21 parcel map, as Jeff described, and here the project vision,
22 I will turn it over to Caroline Warlick Levins with BBB to
23 discuss.

24 Thank you.

25 MS. LEVINS: Thank you, Greg.

1 So we have some bullet points here, pointing out
2 our project vision. We wanted to integrate with the context,
3 really thinking about the existing rowhouses, and how we can
4 be cognizant of their siting.

5 We were thoughtful about its compatibility with
6 the neighborhood. We also have extensive streetscape
7 improvements, which our landscape architect will elaborate
8 on later in the presentation. We want to blend the public
9 and private spaces.

10 And lastly, a cohesive facade design. One thing
11 that was very important to us, thinking about the context of
12 the neighborhood is not having a back to this building. So
13 we have a cohesive facade design that wraps around all three
14 faces of the building.

15 Next slides, please.

16 So starting off, this is a site plan of the
17 project. We have a ten-foot alley that bisects the site
18 running east/west with access off of South Capitol Street.
19 N Street, up at the top of your page provides access through
20 an existing 16-foot alleyway, that gets you to a parking ramp
21 taking you down to three stories of below-grade parking.
22 This also gives access to trucks for loading and trash.

23 The area in yellow that you see in this plan is
24 indicating our residential lobby and amenity spaces. The
25 access to the residential lobby is off of that ten-foot wide

1 public alleyway.

2 The orange area that you see surrounding is
3 actually residential units, so we have residential units on
4 the left side of terraces, facing Syphax Village. We have
5 units wrapping the loading and the trash areas. And, in
6 addition, we'll elaborate on this later, we have four
7 existing row homes on the north side of the page that we are
8 keeping as vertical townhouses and integrating into the
9 design of the building.

10 On the southern end of the page we have three
11 townhouses that will face South Capitol, and the plan for
12 those is to be live/work units.

13 And lastly I wanted to talk a little bit about the
14 massing of the building. As you can see, we have a facade
15 that is stepping back towards the south end of the alley.
16 This is in response to the siting of the existing row homes,
17 we wanted to give a lot of air and light to those row homes,
18 and instead of bringing our building to the property line of
19 the alley, we've pulled that back with three steps, bringing
20 in light and air.

21 Next slide.

22 This first rendering is looking from South Capitol
23 Street towards the east side of our building. The overall
24 concept of the facade is a mixture of masonry and glass. We
25 have a double-height opening concept, with an A-B window

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1 pattern that wraps around the entire building, bringing in
2 more light into the corners, with more glassy corners as you
3 can see in this rendering.

4 Another aspect is the scale of the row homes. We
5 created a base at our building that feels a little bit
6 different than the tower above. We wanted this to be
7 compatible with the neighborhood. So in terms of the scale
8 it's the same height as the row homes that line South
9 Capitol, and it also has a little bit of a more traditional
10 feel incorporating some of the elements and details of the
11 row homes into our base.

12 We also wanted to incorporate as many balconies
13 as possible. We are trying to focus on outdoor space,
14 thinking about the era of COVID, so not only do we have
15 projecting balconies, but also recessed into the building.
16 We have terraces on top of the stepping facade, as well as
17 terraces on the penthouse.

18 Next slide.

19 This is a view from the corner of N Street and
20 South Capitol. This rendering allows you to see the cohesive
21 design between the height of the row homes and the scale of
22 the base, so that it feels cohesive along the street.

23 We do have some balconies along the facade on
24 South Capitol that do project two feet into the 15-foot
25 setback requirement. All of the balconies on this project

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1 will be a mixture of glass and metal rails, in order to allow
2 a lot of sight and light through them.

3 You can see in this rendering as well the idea of
4 the stepping facade that's really pulling away from the
5 existing row homes.

6 Next I want to highlight on this rendering the
7 north side of the building is pulled back 15 feet from the
8 existing N Street row homes.

9 Next slide.

10 This is a view from South Capitol, looking at the
11 new townhouses that we're incorporating. The idea is that
12 these are live/work units, so you can have a small office on
13 the first floor, and your living area on the second floor.

14 One other thing that we are utilizing is that we
15 raised these townhouses three feet from the finished floor
16 of the sidewalk, in order to give some privacy from the
17 sidewalk area.

18 We are also incorporating details -- next slide --
19 from the existing row homes, so as you can see we've rotated
20 the brick 45 degrees underneath cornices, and we are also
21 incorporating a soldier course on top of both of the windows
22 at the base.

23 Next slide.

24 This next rendering is a view of the space between
25 the existing rowhouses and our residential lobby. We are

1 creating a playful landscape pattern on the hardscape
2 elements there, with some bollards for safety. We are also
3 incorporating a lot of green space along the side of the
4 existing row homes. The idea is to really improve the street
5 and create a nice space for those to meander through and
6 enter the building.

7 You also see some bike racks. The concept is that
8 we do have some short-term biking, bike storage right outside
9 of the front door of the lobby.

10 Next slide.

11 This next rendering is a view of the residential
12 lobby looking south towards South Capitol. You see a large
13 window bay there, and we are also proposing the idea of
14 stamped brick for the building signage, so that it's cohesive
15 with the architecture of the building.

16 Next slide.

17 This next view is a view of the north side of the
18 building, so you can really see that 15-foot setback from the
19 existing row homes. The plan is that the facades will stay
20 intact. We will have some landscape improvements in front
21 of the row homes. They will stay as vertical townhouses and
22 connect to the rest of the building at the ground floor.

23 We've also incorporated a brick band right below
24 the glass tower in order to transition from brick to glass,
25 keeping the design above cohesive.

1 Next slide.

2 This next rendering is a view of the west side of
3 the building. Syphax Village is in the foreground of this
4 rendering. Since we have a relatively long facade on this
5 side, we've broken it down into four separate bays, with the
6 utilization of recesses that are also balconies. Again, we
7 are trying to incorporate as much outdoor space as possible.

8 We've also pulled the brick portion of the
9 building down one story to help with the transition of scale
10 up to our building.

11 And lastly, in terms of the brick color choice,
12 we have the same brick materiality on three all sides of the
13 building, again, the focus on a cohesive design. This is not
14 a back skin, this is a highly designed skin that we want to
15 give the neighborhood to the left.

16 Next slide.

17 This is a view on the west side as well, taking
18 you down to the existing parking lot of Syphax Village. We
19 wanted to be cognizant of the architecture around especially
20 Syphax Village. So if you look at the image on the far
21 right, there's some interesting horizontal details in the
22 brick of Syphax Village, as well as some soldier coursing and
23 cornices.

24 So in the base of the west facade, we are also
25 incorporating that horizontality, soldier coursing, as well

1 as a cornice.

2 Next slide.

3 This is a view looking south from the 16-foot
4 alley that gives you entrance into our parking lot and
5 loading. We wanted to point out the separation between
6 Syphax Village and our building, and the amount of open space
7 between the two.

8 Next slide.

9 This is a photo montage looking north on South
10 Capitol. Our proposed building is the orange brick in the
11 background. And, as you can see, we do have minimal
12 projecting balconies out into the South Capitol setback.

13 Next slide.

14 This is a view looking south on South Capitol,
15 with our new proposed building incorporated, as well as the
16 existing row homes and their landscape improvements.

17 Next slide.

18 This is a page giving you an understanding of the
19 materiality. We are proposing a Glen-Gery brick, Monarch
20 Velour. It's a beautiful mixture of an orange brick and a
21 slightly iron spot orange. And it's beautiful in person,
22 it's a shame with the virtual meetings we can't pass around
23 the material.

24 We are also incorporating a glass system, with a
25 dark gray slab-edge cover, as well as other details that

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1 you'll see throughout.

2 On the far left, this is giving you a visual of
3 the balcony details, and how transparent they will feel.

4 Next slide.

5 So just running through the typical building
6 plans. The plan on the right is our typical parking level.
7 We are planning on three levels below grade, approximately,
8 180 parking spaces. We do plan on a large bike room amenity
9 that will be on the P1 level.

10 We have three elevators, two main banks. One
11 that's more of a loading elevator that will access all three
12 of those parking levels.

13 Next slide.

14 This is a detail page of the live/work townhouses
15 that we're proposing along South Capitol. We have a tall
16 first floor, roughly, 15 feet, so you'll have a grand first
17 floor and internal stair that takes you up to the second
18 floor, which will be the living quarters for the offices.

19 And as you can see in this section, we have
20 elevated those townhouses three feet above the grade of the
21 sidewalk.

22 Next slide.

23 This is giving you an indication of the typical
24 residential floor plan. We have, roughly, 310 residential
25 units in our building. The plan on the left is the second

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1 floor, which is atypical from the rest of the floors, and
2 this shows you those four vertical townhouses on N Street
3 that will connect at the first floor.

4 Another thing I wanted to point out on this page,
5 on the left plan, is how far away we pulled our building from
6 the existing row homes. We are roughly 60 feet from the
7 southern facade of the first row home you see there in gray
8 outside of our property to our front door, and roughly 40
9 feet from the back side of the row homes to the face of our
10 building.

11 And from the frontage, so from South Capitol
12 Street to our building, it is roughly 90 feet. So again, our
13 focus was really pulling our building away as far as we
14 could, giving as much light and air to those existing row
15 homes.

16 Next slide.

17 The plan on the left is our penthouse level. We
18 are planning for seven residential units, amenity space, and
19 a pool on this level. We will have a mixture of terraces for
20 the units, green roofs, as well as a dog run up on the west
21 side, giving space for those with dogs to go to the roof or
22 to the first floor of the building, which our landscape
23 architect will elaborate on in a moment.

24 The plan on the right is our mechanical penthouse
25 space. We are compliant with the one-to-one setback. We

1 will have all the mechanical space above. We are also
2 planning on roughly 1,000 square feet of solar panels, as you
3 can see on the southern half of the plan. And we also have
4 the potential for vertical solar panels on that facade which
5 is eight feet tall.

6 Next slide.

7 There are some areas for which we are asking for
8 relief. The first area is our rear yard. In some portions
9 of the building, we are compliant with the 15 foot
10 requirement. There is one area where we are asking for
11 relief, where we are measuring 15 feet to the center line of
12 the alley, and we are measuring 11 feet from the outside face
13 of our projecting balconies to the property line.

14 The next area that we are asking for relief is our
15 court, which is between the existing row homes and our new
16 building.

17 And lastly, we are asking for relief for the
18 projecting balconies into the 15-foot South Capitol Street
19 setback, as well as incorporating some terraces and steps
20 into that zone. We are also proposing for some canopies to
21 fall in that 15-foot setback.

22 Next slide.

23 This is a sheet that's outlining our plans for
24 inclusionary zoning. We are planning on roughly 22,472 GFA,
25 which equates to roughly 24 units. So the areas in red is

1 giving you an indication of how we've allocated those spaces.
2 This area is in flux. We are still working to work out the
3 details of this, but we will always comply with the 22,400
4 square feet that we have shown you on this page.

5 Next slide.

6 I wanted to zoom in a little bit on the N Street
7 townhouses. The plan on the left is the ground floor. The
8 plan on the right is the second. For the existing line of
9 those row homes, it's, roughly, where you see that swinging
10 door at the end. So in order to give them the amenity of
11 connecting to our building, the garage, the amenity spaces,
12 and also add another bedroom and den, we are planning on
13 extending those and connecting them to a corridor there on
14 the south of the page.

15 And above, we have two notches heading into them,
16 in order to give windows to the interior bedroom. These
17 units will have one bedroom on the front face and another
18 bedroom on the back.

19 Next slide.

20 And lastly, we wanted to talk a little bit about
21 the shadow studies that we've done. We've run all four
22 seasons at morning, noon, and afternoon. And as you can see
23 in the wintertime in the afternoon, there is shadow on those
24 existing row homes.

25 And in terms of Syphax Village, really in the

1 morning time in the winter it's a little bit worse, but we
2 do have such a significant setback from Syphax Village that
3 the shadows do not impact them quite as much. This is a new
4 development, so we will have shadow impacts, but because of
5 our massing we tried to be cognizant of those row homes and
6 their impact on the light and air.

7 Next slide.

8 Next, I'm going to turn it over to Loren, with
9 Studio 39, to talk through our landscape process.

10 MR. HELGASON: All right, thanks, Caroline.

11 Next slide, please.

12 So this is a bit of an overview, and I will hit
13 on some high points here. Caroline has touched on a number
14 of them already, but to start from the top of the page, the
15 N Street townhomes, you can see the four lead walks. We are
16 going to pick up the character of the neighborhood of those
17 kind of front yards retaining that character, openness, and
18 strategy of plantings and the like.

19 Walking around the site then, to the townhomes on
20 South Capitol Street, Caroline had mentioned about the
21 upgrades to the plantings and the zones between the facade
22 of the townhomes, the existing townhomes, and the sidewalk.
23 The existing sidewalk and street trees will stay intact as
24 is. They are currently up to the standards of the design
25 guideline.

1 Then kind of the third element of the streetscape
2 is the area in front of the lobby and the new townhomes in
3 the building on the very south part of the page. That's
4 where we have the setback and the ability to fully implement
5 the design guideline of a second row of trees that I think
6 you've seen in some of the slides already, and we'll have
7 enlargements coming up here.

8 And then, we have, of course, the center of the
9 site is the hardscape and landscape area, where we've taken
10 sort of a playful approach for the hardscape of sweeping
11 curves, of pavers and the like. Again, we'll have some more
12 enlargement on that, specifically, with the lighting in a
13 coming slide.

14 And then, another area to point out while we are
15 on this slide is the bottom left, the area facing Syphax
16 Village. We have some ground-level patios there that would
17 have evergreen plantings, so there's a bit of a privacy
18 between those and the neighbors'.

19 Next slide, please.

20 So this is an enlargement of both the townhomes
21 on N Street, which I already touched on, and the central
22 space, that we really feel is a valuable urban respite for
23 pedestrians coming off the street.

24 The setback that Caroline spoke of, you can see
25 they really pan out in the value of the space there. We have

1 quite a large space in front of the lobby. The south side
2 of the alley is delineated for vehicles by bollards. The
3 north side, it bleeds off the dedicated alley a little bit.
4 Then we have more space there as well for both pedestrians
5 and cars.

6 And the next thing that will be tied into the next
7 slide I believe, or coming slide, is the dog relief area up
8 against the existing townhomes, that dark green area, I'll
9 elaborate that on another slide coming up.

10 Next slide, please.

11 And this is talking about where I said we could
12 fully implement the design guidelines for South Capitol
13 Street. And what you see here is what you've seen in other
14 views, with maybe a little more detail in terms of
15 dimensions. We have a two-foot loading zone behind the curb,
16 followed by a six-foot tree pit with granite set pavers
17 between the tree pits. And then, we have the ten-foot public
18 sidewalk, and what I call the inboard row of trees and the
19 patios in this case.

20 One thing to make a note of is the property line,
21 right-of-way line, lands not perfectly with the sidewalk, so
22 what we have is, approximately, a little over a foot within
23 the second row of street trees is where that property line
24 lands.

25 Next slide.

1 Which, I should say, not atypical for South
2 Capitol.

3 This slide is something that we came back to the
4 ANC with, with more information about site lighting,
5 specifically, in this urban respite space. We have four
6 types here.

7 The top of the page here we have, approximately,
8 three locations identified for pole lights, two directions
9 that we are considering going with that. One is this idea
10 of a multi-fixture pole, where it's spotlights that are very
11 much designed infield, directed infield, so you can the
12 precise lighting and very little if no spillover.

13 Then the other -- and those would be a taller
14 pole, slightly taller, and the idea is those fixtures are not
15 eye-grabbing.

16 And in the upper right, you see those are two
17 fixtures in the other direction. We are considering that our
18 kid of traditional/industrial inspired approach to pole
19 lights.

20 The bottom right is the bollards that we were
21 seeing and discussing. Those are illuminated, so doing dual
22 duty there.

23 In the middle of the page, the purple, those are
24 ingress lights on the facade of the units that exit out onto
25 the courtyard.

1 And then lastly, the bottom left there again, kind
2 of as you move further from the street into the space, the
3 L-shaped space, those are mini bollards that go near where
4 those access points are, but there's no need for a taller
5 bollard. It's something to bring the scale down and the
6 light level.

7 Next slide, please.

8 The dog relief area, I'll touch on this one. You
9 can see it there in the center of the page. It is artificial
10 turf that both the -- you can see the image on the upper
11 right, the turf and the material beneath it are very
12 permeable, that have an under drain system that collects the
13 waste, and that is the typical application of it. We kind
14 of went above and beyond and had kind of a sure-fire approach
15 to this, where we added a surface drain up at grade, just as
16 if it was a hardscape area. That's not typically done, but
17 we want to ensure that this is kind of foolproof and long
18 term very much performs as it needs to, to clean the site.

19 We are very interested in, obviously, maintaining
20 this properly. And so the idea that that pet waste bags
21 would be located there as well as a hose that would be washed
22 off two to three times a day, you know, approximately, as
23 needed. Clearly, it was something that after a property
24 manager comes in they can fine tune the hours and frequency
25 of that to make sure that -- to ensure that it is cleaned up

1 properly.

2 And then, the last thing I'll mention, we do have
3 the idea of locating either by a transition in pavers or a
4 commemorative plaque the location -- the footprint of the
5 existing townhomes to be removed. You can see the black
6 dashed line on the page there.

7 Next slide, please.

8 And I will pass that to my colleague, Mike
9 Babcock.

10 MR. BABCOCK: Thank you, Loren.

11 So in terms of the sustainability position for the
12 project.

13 Next slide, please.

14 Originally, the position the project was pursuing
15 was LEED Silver, which, certainly, is above code requirements
16 in the District.

17 However, since then we are, actually, pushing for
18 a more aggressive position with regards to LEED in general.
19 We are looking at a holistic approach for the project, energy
20 efficiency, high-performance thermal enclosure, LED lighting
21 as Loren mentioned, to really address the light pollution as
22 you transition from, you know, the stadium into a more urban
23 -- or more residential context, and really pushing
24 sustainability and energy efficiency further.

25 Next slide, please.

1 You'll notice, as Caroline mentioned, we are
2 looking at 1,000 square feet of PV, which, you know, to look
3 at and address DOE's comments and the OP report, pushing
4 energy efficiency further, specifically, the on-site
5 renewable position.

6 As you can see, roofs in D.C., there's always a
7 lot of competing priorities between amenity space,
8 mechanical, solar, green roof, pet areas, and what we are
9 looking at is currently 1,000, which is above the original
10 position, as well as more either vertically to shield
11 mechanical, all still early in design. So looking to
12 maximize our available area to push solar on site.

13 We are also really focusing on indoor
14 environmental quality, by reducing our stormwater management
15 position, so we, actually, improve the rainwater management
16 to the 80th percentile.

17 And we are also looking at life cycle assessment
18 and embodied carbon of the facility.

19 Next slide.

20 Under full transparency, what we are showing here
21 is our path to Gold, and ownership, and Jefferson Apartment
22 Group, are committing to Gold. There's many different ways
23 of getting there. We think to align with the District's
24 objectives for greenhouse gas emission reductions, moving
25 forward you'll see we are really pushing the performance in

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1 the energy efficiency category, looking to increase our on-
2 site renewable, also looking at offsets, and also improving
3 the energy efficiency of the building, and at a Gold level.

4 Next slide.

5 I'll pass it off to Gorove and Slade.

6 MR. ANDRES: Good evening, Chairman Hood, Members
7 of the Commission. For the record, Erwin Andres, Gorove
8 Slade Associates.

9 A lot of these figures you've seen already.
10 Caroline did a great job of identifying the access. This is
11 the site location.

12 Next slide.

13 These are the existing facilities, I think the
14 important elements.

15 Next slide.

16 Are the access to Metro Rail, we are,
17 approximately, relatively close to both Metro Rail stations,
18 as well as good bus access. We are providing transportation
19 to manage our plan that's comprehensive, that we coordinated
20 with DDOT and all of parking and loading facilities meet
21 requirements.

22 Next slide.

23 With respect to the site plan, we've -- what's
24 been identified are the two public alleys that enter into the
25 square, that allow us access to both the garage and loading,

1 along with the proposed easements, and easements that are
2 currently recorded.

3 Next slide.

4 As part of our coordination with DDOT, we've
5 developed a TDM that is consistent with a lot of the TDM
6 plans that you've seen in the Capitol Gateway. So with
7 respect to the TDM that we are providing here, again, it's
8 a TDM that we've worked out with DDOT.

9 Next slide. Next slide.

10 And as part of their conditions, they've
11 identified two conditions. The first is to provide,
12 essentially, two easements. One that runs northward from the
13 east/west existing public alley, and one that runs east/west
14 that connects the ten-foot public alley with the 16-foot
15 north/south public alley.

16 In concept, we agreed to this DDOT condition.
17 Right now, there is, actually, a recorded easement for the
18 ten-foot east/west alley, and then there's an unrecorded
19 private easement for the 12-foot north/south easement.

20 Next slide.

21 In addition to that, DDOT also requested as part
22 of their conditions, three additional elements that we agree.
23 So with that I'm available for questions.

24 MR. UTZ: Great, thank you. So with that, that
25 runs through our somewhat condensed, but hopefully, just

1 under the wire presentation. We are happy to answer any
2 questions that the Commission might have.

3 CHAIRMAN HOOD: Okay, thank you, Mr. Utz, and to
4 the team. We appreciate your presentation. I know I have
5 one or two questions, but I will go last. I will ask
6 Commissioner May, do you have any questions or comments?

7 COMMISSIONER MAY: Yeah, just a couple of
8 questions.

9 So I appreciate the fact that you've been
10 responsive to the reports by OP and DDOT. In particular,
11 with regard to the OP request and your statements about LEED
12 aspirations or what your commitment is on LEED.

13 I mean, you are going for LEED Gold. I assume
14 that means that you are going for certification, too, which
15 was a point that OP had made in their report, right?

16 MR. BABCOCK: That is correct. We are working
17 through kind of our path, because it's, you know, depending
18 on which direction we go, like I said, it's an emphasis on
19 energy. But, we are going for the formal certification at
20 that level.

21 COMMISSIONER MAY: Okay. The next question I had,
22 I mean this is just the design review as opposed to a full
23 PUD evaluation. So my questions are a bit limited.

24 I have a question though about the, what's shown
25 as an easement between the building and the townhouses on

1 South Capitol.

2 Maybe you want to bring up that plan.

3 MR. UTZ: Sure, that's page 10, I believe, of the
4 presentation, would be ideal.

5 COMMISSIONER MAY: Okay. So, yeah, and thinking
6 about that in relation to the site development, the landscape
7 plan for that area, I'm just wondering what's -- maybe you
8 talked about this and I missed it, but what's the point of
9 having that easement area there? Is that to provide rear
10 access to the two -- the couple of townhouses that are not
11 part of this development?

12 MR. UTZ: It is, yes, that's exactly what it is,
13 so the gray row homes there, and it actually extends a bit
14 north as well, to allow for some of that row home-level
15 vehicular traffic.

16 COMMISSIONER MAY: Okay. So in that 12-foot wide
17 easement area, they'll, eventually, be able to drive vehicles
18 back there and access the rear of the project.

19 MR. UTZ: Correct.

20 COMMISSIONER MAY: Okay. Twelve feet is not a
21 very wide area if you are actually going to like try to drive
22 a vehicle into a parking space in a yard. Is that what you
23 are thinking is going to happen, or is it really just about
24 having access to that, as opposed to being able to park a
25 vehicle in the back yard?

1 MR. VAN WIE: Just to be clear, the hardscaped
2 area itself is, actually, wider than 12 feet. The easement,
3 in its legal language is limited to that 12 feet, but the
4 hardscape plan for that space does provide additional space
5 on our property for vehicular circulation within that space.

6 COMMISSIONER MAY: And why isn't the easement just
7 wider there to guarantee that in perpetuity?

8 MR. VAN WIE: We wanted to design that space to
9 also accommodate pedestrian movements in the majority of the
10 time in which there are not vehicles circulating in and out
11 of that space.

12 As you can see here, we do have three residential
13 units on the ground floor of the new building that do have
14 direct access into that space. So we have provided those
15 units with small stoops or front yards that are not given
16 over to that vehicular circulation space.

17 COMMISSIONER MAY: Yeah, but I mean, it could be
18 -- that could still be maintained if the easement were wider.
19 It just seems a little odd to have an easement that's not
20 actually a functional alley to serve the townhouses.

21 MR. UTZ: So the alley that it intersects with is,
22 actually, ten feet wide. There's a ten-foot wide east/west
23 segment that's not shown on this particular page, but it
24 continues that east/west segment from South Cap over to the
25 16-foot alley at the rear.

1 Yeah, the whole system is contemplated to be as
2 historically been really more geared towards this smaller
3 rowhouse, you know, individual vehicular concept. It will,
4 actually, widen out when you get to this particular
5 north/south segment of this easement. So there's a
6 filtering, there's a natural filtering already based on where
7 the traffic will come from and go.

8 COMMISSIONER MAY: Okay. It just seems a little
9 odd still.

10 So what will the -- what is that space, actually,
11 going to look like? I mean, we see plans of it, but I
12 haven't seen any sort of rendering of that courtyard space,
13 that space between the rear yards of the (audio interference)
14 that they are building, do you have that view?

15 MR. HELGASON: Yeah, I can speak to that. If you
16 can flip to somewhere around slide 34, one of the enlarged --
17 that one will work.

18 So what you can see is, this is kind of where we
19 took the 12-foot zone and made it a little more generous
20 hardscape vehicular, graded hardscape.

21 And then, where we have the townhomes counting
22 from the bottom up, the first one and the fourth one, those
23 are kind of just green spaces that will be the backyards of
24 those townhomes. The white areas are the townhomes off-site,
25 so there is, the idea is that, you know, those two green

1 spaces are kind of a continuation of what may or may not
2 happen in the other backyards. And then, we have the
3 meandering kind of patterning of hardscape that leads you
4 from the sidewalk up into that space.

5 MR. UTZ: There is a rendering that shows it to
6 a degree on page 15. It shows that image that Loren was just
7 referencing, coming from the South Cap streetscape into the
8 site.

9 Yes, thank you. It's a tricky area to get a shot
10 of, but this was intended to encapsulate that, plus the
11 entrance.

12 COMMISSIONER MAY: Yeah, I looked at that quite
13 a bit, and I wasn't quite getting it. It's what's around the
14 corner that's kind of hard to understand.

15 MR. HELGASON: So what the person who is standing
16 by the green wall, that's where the dog relief area is.

17 COMMISSIONER MAY: Yes.

18 MR. HELGASON: And, beyond that, both in the
19 distance, mainly in the distance, would not be just a flat
20 green turf like it's showing here. This is, primarily, shown
21 for massing and character.

22 But, anywhere that is not the pet relief area
23 would have plants of some massing substance. You know, they
24 would be 12 to 36 inches. So it's nothing that you'd be
25 walking across landscape areas, it would be similar to what

1 you see in the front yards on the right.

2 COMMISSIONER MAY: Okay. And last question about
3 that area. Part of the easement area is not on your
4 property, it still belongs to the one townhouse. What's
5 happening there, do you have -- I mean, are you getting an
6 easement from that property owner in order to develop it that
7 way?

8 MR. UTZ: Yes. So there is, actually, an easement
9 that has been signed, but not yet recorded. It runs along
10 that area that's hatched and shown on page 10.

11 COMMISSIONER MAY: Yeah.

12 MR. UTZ: Yeah, that, actually, involves another
13 property as well. So wherever it travels over another
14 property, it incorporates that property as a subservient
15 parcel to the easement itself.

16 So that is, you know, the parties are still
17 working out the kind of final details of that easement to
18 allow it to be recorded, but it actually exists in an
19 executed form.

20 COMMISSIONER MAY: Okay. So there's no impediment
21 to you developing that entire area the way you intend to
22 develop it.

23 MR. UTZ: Right. This is in accordance with that
24 and vice versa.

25 COMMISSIONER MAY: Okay. Great. That's it for

1 my questions. Thank you.

2 CHAIRMAN HOOD: I'm going to thank you,
3 Commissioner May. Let's go to Commissioner Shapiro.

4 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. A
5 few questions. First, a design question. I think it was on
6 Slide 20 -- page 20. There was a view from the south.
7 That's correct. So I'm just maybe missing this. But this
8 one seems to stand out as having much less masonry and much
9 more glass. Am I just misreading that, or is that right?
10 I guess this is a question for Ms. Levins.

11 MS. LEVINS: Sure. So the northern portions of
12 the building, which is the space that you can see and then
13 in the background, you're seeing some of the stepping (audio
14 interference). All of those spaces are facing due north.
15 We're thinking about filler orientation.

16 COMMISSIONER SHAPIRO: I'm sorry. I'm sorry to
17 interrupt, Ms. Levins. I apologize for interrupting. I'm
18 just having a little trouble ---

19 MS. LEVINS: Can you hear me better?

20 COMMISSIONER SHAPIRO: A little bit.

21 MS. LEVINS: Sorry, it's spotty on my end as well.

22 COMMISSIONER SHAPIRO: No worries.

23 MS. LEVINS: Okay, so the northern -- the northern
24 portions are more glassy, but we do have a significant amount
25 of masonry on the west and the east. It just so happens in

1 this rendering it's capturing those northern portions of the
2 building that are more glassy.

3 COMMISSIONER SHAPIRO: So I'm just reflecting
4 something that you said about how you were -- there really
5 wasn't going to be a back to the building. So my quick
6 reaction is this feels a little bit more like the back of the
7 building.

8 MS. LEVINS: Understood. I think from our
9 perspective, the idea was with something more glassy, we do
10 have some masonry bands running through. We have a lot of
11 balcony, so this is going to feel quite beautiful. I think,
12 you know, it's not a back facade with metal panel or CMU.
13 It's going to be a high-end glass facade with balcony. So
14 I think from our design perspective, we do feel that it's
15 going to be a high-end field.

16 MR. UTZ: This particular image also -- it's a
17 little bit -- it's blocked by the tree that's shown there to
18 the lower left. The image that's on page 17 of the
19 presentation shows this same facade from a slightly different
20 perspective that gets you past that tree. There's another
21 tree, but if you show page 17, it allows you to see how it
22 exists with the row homes, which is kind of a key attribute
23 of that facade as it's been discussed over the years to allow
24 those homes to exist separately from the addition above. Now
25 those homes are built right into the building. And that's

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1 where those vertical row homes -- the vertical units will
2 exist. The row homes themselves will extend back into the
3 building. So there's kind of a purposeful use of materiality
4 along that facade. The brick did predominate at the ground
5 level -- the first two levels. And then the glass still with
6 masonry bands to exist above it to try to not overtake that
7 back facade to allow those homes to have their own vertical
8 presence.

9 COMMISSIONER SHAPIRO: Okay, all right. Thank
10 you, both for that. So next question, what I -- there was a
11 number of concerns expressed about light and air and
12 specifically your shadow studies meant to address that. I
13 was having trouble tracking what the shadow study was showing
14 me. If we could pull that one up. I think that was -- I
15 honestly don't remember what slide that was.

16 MR. UTZ: That is Slide 31.

17 COMMISSIONER SHAPIRO: Okay. Can we get Slide 31?

18 MS. LEVINS: Yeah, so this -- this slide, each
19 column is a different season. So at the top, it's in the
20 morning time around 10:00 a.m.

21 COMMISSIONER SHAPIRO: Ms. Levins, let me jump in.
22 Apologies, let me jump in real quick.

23 MS. LEVINS: Okay.

24 COMMISSIONER SHAPIRO: What I wanted to do is
25 locate this in relation to the concerns that are expressed

1 in the letters. So who's complaining? Who has the concerns
2 and how do I make sense of that here? Hold on a second.
3 Sorry, I'm working from home. Somebody's at the front door.
4 I apologize.

5 So if you could help me do that, that would --
6 that's what I'm looking at. And I get the seasons. I'm just
7 trying to figure out, you know, where the townhomes are that
8 the concerns are.

9 MR. UTZ: So the townhomes that submitted the
10 letters are two up on South Capitol. It's 1311 and 1313
11 South Capitol. So taking that top left image for example,
12 you see the little stand of row homes on South Cap. The
13 southernmost row home is actually part of this property. The
14 one immediately above that and then the one immediately north
15 of that are the two row homes that submitted letters around
16 this concept. Although 1311 is the one that was mostly
17 focused on it.

18 COMMISSIONER SHAPIRO: So then, Mr. Utz, if I'm
19 making sense of this that they're going to be -- the shadow
20 -- the shadowing is really some noon, some afternoon, winter,
21 and that's pretty much it.

22 MR. UTZ: So I think it's a noon and afternoon
23 consideration. You know, I'm not sure exactly where the kind
24 of crossover point is. Caroline can probably speak it better
25 -- to that better.

1 COMMISSIONER SHAPIRO: Only in the winter season
2 though, right?

3 MR. UTZ: There will still be some shadowing --
4 there will still be some shadowing on there during I believe
5 all seasons in the kind of later p.m. hours at least. There
6 will still be some shadow impacts kind of inevitably as the
7 result of the kind of building.

8 COMMISSIONER SHAPIRO: I'm not reading that from
9 the shadow study.

10 MR. UTZ: Yeah. So I think the afternoon version
11 shows what I'm talking about. The bottom row shows what I'm
12 talking about. You know, there are some -- there are some
13 impacts of shadows on the homes. We don't think that they're
14 particularly egregious given an urban context along South
15 Capitol where, you know, the matter of right building height
16 for this parcel and that set of parcels is the same. It's
17 110 feet, 7.2 every hour, 90 percent lot occupancy -- no,
18 this building is 70 percent lot occupancy.

19 Particularly given the setbacks that Caroline was
20 mentioning along the south, it steps back 60 feet. You can
21 see the kind of staccato pattern here in the outline of the
22 building. And then to the west of those row homes, it sets
23 back 40 feet from the structure -- even more from the front
24 of their property. So the goal really is to cut a wide swath
25 away from those homes and kind of preserve them and give them

1 their own entity, even more than a historic preservation
2 would likely do in other parts of the city.

3 COMMISSIONER SHAPIRO: Okay. Okay, thank you.
4 And just a last question about the sustainability design.
5 And Mr. Babcock, could you talk about the PV and you going
6 from 600 to 1,000. Which slide should I be looking at here?
7 I didn't take a note of that.

8 MR. BABCOCK: Yeah, if we can go to one of the
9 roof plans. The one that shows kind of the area that we're
10 looking at for photovoltaics. What I was basically getting
11 at is part of the setbacks reduce the footprint as well. And
12 when we're looking at solar storm water management,
13 mechanical, you know, roof space becomes -- you start to see
14 competing priorities. The area where --

15 COMMISSIONER SHAPIRO: Let me interrupt. What
16 slide are we on? Because I'm looking at it separately on a
17 different -- what slide? I can't --

18 MR. BABCOCK: 27.

19 COMMISSIONER SHAPIRO: Thank you.

20 MR. BABCOCK: It's the bottom right area. We're
21 looking to leverage our ability both in terms of where it is
22 positioned on the site. But with the L-shaped building --
23 and you can kind of see the mechanical footprint. And then
24 the green roof, it becomes challenging to put solar all over
25 the place. Right? Because you need an open roof for

1 mechanical heat rejection. So we're looking at allocating
2 and pushing at least 1,000 square feet in that quadrant of
3 the building -- lower right. That little box you see in
4 grey. We're also exploring vertical, which is precedent for
5 using as mechanical shading. For the mechanical penthouse,
6 you get a duality there. You certainly lose production by
7 going vertical as opposed to, you know, purely roof mount.
8 But what we are looking to do is potentially maximize that
9 exposure in that area to the extent possible without
10 compromising some of the other programs on the roof.

11 COMMISSIONER SHAPIRO: Get up to the 1 percent?

12 MR. BABCOCK: Yeah. And actually we're looking
13 at potentially doubling that offset to at least 2 percent if
14 we can. What's nice about the solar is the efficiency.
15 Solar has considerably gone up, you know, since we were doing
16 solar in D.C. about 10 years ago to now, which is great
17 because our production value is going up. So we're looking
18 at probably a 2 percent offset. But again, it's more a
19 function of reverse engineering what we can get in there.
20 So we know the target and we recognize from DOE what we want
21 to try and achieve here. And we'll push it to the extent we
22 can fit it.

23 COMMISSIONER SHAPIRO: Okay. Okay, thank you.
24 That's all I have for now, Mr. Chair. Thank you.

25 CHAIRMAN HOOD: Okay, thank you. Let's go to

1 Commissioner Turnbull.

2 COMMISSIONER TURNBULL: Thank you, Mr. Chair.
3 Thank you for your presentation. Interesting project. I
4 take it, it's got a lot of articulation of the site that
5 really is going to fit in very nicely, I think. I like when
6 you talk about contextual aspect of the project. And having
7 four sides, we've seen a lot of times where the back of the
8 building gets to be ignored. And we've gone through a lot
9 of great effort at times to make applicants go back and redo
10 the fourth side because they -- we like to think of it as a
11 holistic, that you're part of the whole city. And that the
12 city -- the project like this has four sides. So the fact
13 that you've done that I think is very commendable.

14 I guess I had a lot of questions originally that
15 Commissioner May asked about the alley and your boundaries
16 and how things fit in the back. So that explains a lot. I
17 think it's still very tight. If I look back on -- go to
18 Slide 19. Can you pull that up? So the parking lot back
19 there on the other property does have a fence around it. Do
20 you see any constraint with pulling in a truck or anything
21 else into your -- down your ramp? I mean it looks tight.
22 I think you said you've got the easement, you've got a 10-
23 foot, and then you've got that little walkway. Do you feel
24 adequately that you can make -- the cars can actually come
25 in and out easily, along with that alley that goes right

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1 through your building?

2 MR. UTZ: Yes. This is something we've looked at
3 and other folks should jump in if they want to comment
4 instead of me. But if you go to Slide 10, it shows this in
5 the plan. It does look tight in this diagram. It's probably
6 a little bit less tight in reality. But this shows that
7 parking entrance. So parking is down near the ramp. You can
8 see it. The loading is up farther north, closer to the N
9 Street curb cut for the alley. There is (audio interference)
10 out there, one of the elements that's in the Good
11 Neighborhood Agreement with Syphax Village is an easement
12 agreement over a piece of the area between the dotted --
13 between the dotted red lines right where the --

14 COMMISSIONER TURNBULL: Okay.

15 MR. UTZ: Yeah, right where the purple arrow
16 points down into the ramp. On the left side of the dotted
17 line that demarcates this property, that's a portion of the
18 Syphax Village, just divided up into many kind of vertical
19 sublots. This easement would go over the one that's shown
20 here in red dotted lines. So it would allow for those (audio
21 interference) the garage with pedestrian vehicle -- more
22 resident vehicles.

23 COMMISSIONER TURNBULL: Okay. If you could go
24 back now to the other slide that we just had. Now on --
25 yeah. Now on your plan it shows that these are little --

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1 there are entrances into these units all along here at the
2 back on the right. The brick wall -- the sidewalk that's in
3 front of that brick wall is a brick sidewalk. Does that
4 match the --

5 MS. LEVINS: This is Caroline.

6 COMMISSIONER TURNBULL: Yes.

7 MS. LEVINS: So I just want to clarify. These are
8 terraces on the back side of the unit. So the entrance to
9 these units is from the interior corridor in the building.

10 COMMISSIONER TURNBULL: Okay, right.

11 MS. LEVINS: So what you're seeing is a brick
12 retaining wall. We do have a grade change there that we have
13 to mitigate. But there will be landscape elements, so the
14 idea is that these are back terraces to the unit. But they
15 won't -- they're not meant to be entrances from the west side
16 of the site.

17 COMMISSIONER TURNBULL: Okay. But they can go out
18 there and be in that space?

19 MS. LEVINS: Yes.

20 COMMISSIONER TURNBULL: Is there a fence or is
21 there anything -- other than the brick wall, is there any
22 fencing or what do you have back there?

23 MS. LEVINS: There will be a fence. It's not
24 portrayed in this one drawing, but it will be --

25 (Simultaneous speaking.)

1 MS. LEVINS: -- landscape elements in a sense,
2 yes.

3 COMMISSIONER TURNBULL: Now who will -- the
4 sidewalk on the other side that we're looking at -- the
5 sidewalk on this side -- yes, in the easement area, who
6 provides that?

7 MR. VAN WIE: The foreground in this rendering is
8 actually the Syphax Village property. So that is a private
9 rear yard and parking pad for -- it's a small stick of row
10 homes on the Syphax Village property. So this is a separate
11 area than that.

12 COMMISSIONER TURNBULL: So you have no -- so you
13 have no access for that space back there then?

14 MR. VAN WIE: That's correct. There is an
15 existing fence that is owned by Syphax Village and is on
16 their property.

17 COMMISSIONER TURNBULL: Okay. I think that the --
18 I think what I like about this project is the degree of the
19 articulation, the accentuation of the brick. And you've gone
20 to great lengths to design the brick work. I think you've
21 met -- whatever guidelines you were going for, you met them.
22 I think that it's -- I think it's very interesting work. I
23 think it makes a lot of sense. I think it's going to add a
24 lot to the project. As Commissioner Shapiro was talking
25 about the back of the building -- and technically I guess

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1 this is really the back of the building. And it looks like
2 -- it looks like it could be a little bit -- the same thing
3 all the way along.

4 I wish there was a way to make it a little bit
5 more indented to break up some of the massy. I know you've
6 tried to do that. I think the brick -- the amount of brick
7 work you have does soften it and adds some interest to what
8 might have been have been a very mundane facade. I like the
9 idea that you have all the balconies -- the insets and the
10 exterior -- and the balconies that project. I think that's
11 done a lot to it.

12 I really don't have a lot of issues with the side
13 of the building per se. I think you've done an interesting
14 job. I think I could make a point for a lot of different
15 things on how you might want to try to tweak certain areas,
16 especially the area that Mr. Shapiro was talking about at
17 first with the amount of glass. It seems like it hits a lot
18 of -- it's very striking when you first see it until you see
19 the building on an angle and then it softens it a bit. So
20 the brickwork softens a big glass facade.

21 I'm trying to think of what -- oh yeah, the ANC
22 made a comment about the style of brick -- Kings Mill brick
23 that they would prefer and you've shown that as an alternate.
24 What's your feeling on that?

25 MR. VAN WIE: So again, I can start to answer and

1 then folks can jump in because it's always dangerous when the
2 attorneys talk too much about the design. This is something
3 we've spent a lot of time on over the years -- literally over
4 the years. This brick that is showing on this facade was
5 selected intentionally instead of Kings Mill. Kings Mill is
6 the coloration they've shown on the materials page as the
7 alternative like you mentioned. The design is intentionally
8 crafted to not mimic Syphax Village's historic building,
9 which is actually shown coincidentally on this page as well.
10 The historic school building -- the clip is over to the right
11 side.

12 What we found when we were looking at the context
13 here, really BBB more than me obviously, is that the
14 immediate surrounding context has a variety of coloration,
15 a variety of styles. And it's not all red brick. In fact,
16 it's a lot of different colorations that we thought the
17 chosen color, which is this Iron Spot Brick that has more of
18 an orange hue to it, complemented better than a red building
19 would -- a red brick coloration would. In particular, this
20 color matches some of the communities farther to the west --
21 not that much further to the west.

22 The James Creek community actually has this same
23 orange coloration for quite a bit of those buildings. So we
24 thought that it actually took those hues from around the area
25 and allowed us to set apart from the Syphax Historic Building

1 itself. And that's kind of why we integrated the detailing
2 that's shown here -- the soldier coursing and such is
3 purposefully intended to draw the physical form of the
4 building into this building, but not over-mimic the color.

5 And then the other thought that we -- we didn't
6 want too dark of a facade here, so that it didn't seem to
7 looming. The red brick is darker than this and it would make
8 the mass read bigger. So we kind of purposefully tried to
9 soften that. And then when you consider that with the glass,
10 we tried to make the facade a little lighter along this
11 facade.

12 COMMISSIONER TURNBULL: I would agree with you.
13 I think that the selection of the Glen-Gery brick that you
14 have on this particular building of what we're looking at on
15 the screen, I think it's fine. There's nothing wrong with
16 the Kings Mill brick, but I think you've made a good argument
17 for -- especially the way the building is shaped I think with
18 the townhouses and with the building kind of making an L-
19 shape and sitting back. I think you make a very good
20 argument that this building should set its own pace. It's
21 a separate entity. It's not that -- I mean the coloration
22 of the brick and the coloration of the other brick, you're
23 going to get that similar patterning. But I think the more
24 orangey look of this brick, I think will fit in very well.
25 I have no problems with going with -- well I guess I have no

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1 problem with going with either brick. But I think -- my own
2 personal preference would be for the brick that you selected
3 originally.

4 Mr. Chair, I will relinquish the microphone right
5 now. I have no questions, maybe later.

6 CHAIRMAN HOOD: Okay. Thank you, Commissioner
7 Turnbull. Vice Chair Miller?

8 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
9 thank you to the Applicant's panel for their -- for your
10 presentation. I think it's -- this is a design review case.
11 And I think it's in general a very impressive design that has
12 a lot of attractive features including the brick that's been
13 talked about in the glass. And the balconies -- all the
14 balconies and the terraces and the open spaces and the
15 canopies and the insets and the setbacks. Everything that's
16 being done to try to fit it into the context of the
17 neighborhood and the surrounding townhomes.

18 There are townhouse structures currently on both
19 N Street and South Capitol Street. Is that correct?

20 MR. UTZ: Correct, yes.

21 VICE CHAIR MILLER: And the -- is anybody living
22 in those currently?

23 MR. UTZ: Not on this site.

24 VICE CHAIR MILLER: Do you know when they last
25 were being lived in or being occupied?

1 MR. UTZ: Greg, I'm not sure if you know the
2 answer to that.

3 MR. KEAGLE: I believe it's been a long time.

4 MR. VAN WIE: It's been years. My counterpart,
5 George Chopivsky, may be able to answer that specifically.
6 But yes, it has been years. And there is fairly --

7 MR. CHOPIVSKY: Yes, it's been four or five years.

8 VICE CHAIR MILLER: And so the concept is that the
9 -- I don't know, I think this was -- I appreciate all the
10 conditions that you've agreed to in response to concerns or
11 requests that were made by ANC 6D, other members of the
12 community, Office of Planning, and DDOT. And the changes
13 that had been made both to comply with DDOT conditions and
14 the environmental upgrade to LEED Gold commitment and all of
15 the design changes.

16 Back to the townhouses, so I think you've
17 committed to the N Street townhomes being part of the
18 affordable housing mix in this project. Is that correct?

19 MR. UTZ: It is correct, yes. We've started those
20 discussions with DHCD. So yeah, we hope that they will
21 approve that allocation. They are always -- they would like
22 to sometimes see the unit types broken up and distributed
23 throughout the building. But in this case, you know, these
24 are larger units. They're going to be, you know, historic
25 and significant, and pretty fantastic. So we hope that DHCD

1 and DCRA reviews will allow us to put eyes on units there.
2 But that is the direction of the project. That's the desire.

3 VICE CHAIR MILLER: I would hope so too. And I'll
4 ask the Office of Planning for their -- about where those
5 discussions are. So what are the -- how many bedrooms are
6 in those -- there are four units -- four townhouses on N
7 Street? So how many bedrooms in each, or that's to be
8 determined?

9 MR. UTZ: No. We do have -- we actually have a
10 slide that shows this detail. If we can pull up Slide 30 of
11 the presentation, it shows this with specificity. So if you
12 look at the left side, to outline the row homes as they exist
13 now is kind of shown by where those internal doors go to the
14 dens. You know, they're not very deep units. So these are
15 actually extended back into the building to give you the den
16 and then actually give you the corridor to connect to the
17 building to give you the den and then actually give you the
18 corridor to connect to the building and the amenities.

19 So the trick is get as much light to the rear of
20 these units as possible. So along the exterior, you have the
21 chance to do that. But then that's why Caroline was
22 describing the terraces to give windows to these interior
23 components.

24 VICE CHAIR MILLER: So it's one three-bedroom and
25 three two-bedrooms. Is that what I'm reading?

1 MR. UTZ: Yes. One three-bedroom, at least one
2 two-bedroom. And then, you know, on the others, our hope is
3 that their views -- there's two bedrooms, plus dens. But
4 they actually -- you know, that's subject to further
5 discussion with DHCD. They might actually have to swat them
6 down honestly.

7 VICE CHAIR MILLER: And they want to -- why do
8 they want to swat them down?

9 MR. VAN WIE: In other words, they will -- they
10 will have a rent established set as if they were a one-
11 bedroom unit, although functionally they will live like a
12 two-bedroom plus den unit.

13 VICE CHAIR MILLER: Will they be the equivalent
14 of -- they'll be rental, right?

15 MR. UTZ: Yes.

16 VICE CHAIR MILLER: So are they the equivalent of
17 -- or no more than 60 percent median family income?

18 MR. UTZ: Correct.

19 VICE CHAIR MILLER: Yeah. And is that -- is this
20 square footage part of the 22,000 --

21 MR. UTZ: Yes.

22 VICE CHAIR MILLER: -- currently that you're
23 committing to, to meet the inclusionary zoning requirement
24 or is this going to be above it?

25 MR. UTZ: This is part of it.

1 VICE CHAIR MILLER: This is part of it. And are
2 these the units that you have a concept of live-work, or is
3 that South Capitol?

4 MR. UTZ: That's the South Capitol units.

5 VICE CHAIR MILLER: Okay, so moving to the South
6 Capitol units. There are four townhouses there or five
7 structures?

8 MR. UTZ: So there are three new townhouse
9 components that are shown best on page 25. That's the detail
10 that shows what these town house units are. So there's
11 really -- there are three new townhome units that are built
12 into the kind of addition that's on the south part of this
13 parcel. And then there are two row homes that exist in the
14 span of row homes now currently on South Cap that are further
15 north also on the site. Part of the piano keys that will be
16 renovated as part of that. It's not expanded, just
17 renovated. But these three shown in light blue are the live-
18 work units.

19 VICE CHAIR MILLER: And the live-work -- the live-
20 work aren't part of the -- these units aren't part of the
21 inclusionary zoning affordable housing (audio interference).

22 MR. UTZ: They're not. They're part of the kind
23 of denominator of the entirety of the residential square
24 footage in the building. But they are not currently slated
25 as inclusionary zoning.

1 VICE CHAIR MILLER: But I think I saw somewhere
2 that if -- or maybe on one of your slides -- that if the
3 live-work thing didn't work out or the commercial part didn't
4 work out, you were going to consider or add them to the
5 affordable housing mix or no?

6 MR. UTZ: So that was on the slide summarizing the
7 ANC's considerations. So the ANC broke up their letter into
8 two components; the conditions and the considerations. So
9 the first of those slides were the conditions that we just
10 agreed to in their totality. And then the second slide was
11 the consideration slide that we have been kind of piecemeal
12 discussing throughout this. We haven't talked about that
13 bullet, but I was going to come back at the end and bat clean
14 up on that slide.

15 But on that particular element, we're happy to
16 come back to the ANC and kind of share the -- share the
17 information on the use that's in there, the success. And
18 indeed putting a live-work concept in there -- the work part.
19 That's been the subject of quite a bit of discussion with the
20 ANC. That was actually included at the request of the ANC.
21 But the rest of the concept about converting those to
22 affordable isn't something that we can commit to outright
23 right now. Yeah, we're willing to discuss what users go in
24 there and those sorts of considerations and keep them posted
25 on the marketing efforts of that space.

1 VICE CHAIR MILLER: So the possible conversion of
2 them to affordable units if the live-work doesn't get
3 marketed or sold isn't going to be part of your proposed
4 order for this case.

5 MR. UTZ: Yes. So those are designed to be -- you
6 know, live-work, they are designed to be targeted towards,
7 you know, a commercial user. The hope is that there's
8 something that will allow for (audio interference) retailer
9 service to go in there. You know, that comes with a
10 different -- kind of a different design that actually might
11 take it outside of the -- even the unit type that would allow
12 for them to be IZ. Our hope is to have these not drawn into
13 that. That would be kind of a separate set of requirements,
14 you know, designing them. Live-work characteristics is kind
15 of the direction that we hope to steer this part of the
16 building. And make it the best that it can be in that
17 category.

18 VICE CHAIR MILLER: And who are -- and what are
19 the potential users that you're seeing for that space? I
20 think I saw some signage --

21 MR. UTZ: Yeah.

22 VICE CHAIR MILLER: -- like a dentist or
23 something. Is that -- did I see that?

24 MR. VAN WIE: Sure. This is Greg Van Wie with
25 Jefferson Apartment Group. We've actually delivered a

1 project in downtown Orlando, Florida that has a similar live-
2 work concept. In that case, those spaces have been utilized
3 by both commercial and pure retail users that sort of run the
4 range of some personal medical uses like a dentist or an
5 esthetician and even a barber shop. We've had fitness
6 instructors who've, you know, taught a range of different
7 types of fitness classes out of that space. We've had
8 artists use it as a showroom and a workshop for their
9 purposes. And then we've also had some more purely retail
10 uses like an ice-cream shop or, you know, a pick-up and drop-
11 off for a dry-cleaner, those types of uses as well. But it's
12 intended to be as flexible as possible is the goal.

13 VICE CHAIR MILLER: And those are two-bedroom
14 live-work units?

15 MS. LEVINS: Roughly two-bedroom -- two-bedroom,
16 one den.

17 VICE CHAIR MILLER: Yeah, okay. And the -- that's
18 not part of the -- well how much retail is in this project,
19 3,500 square feet? Beyond this live-work, there's 3,500
20 square feet of retail, or is this live-work part of the
21 retail?

22 MR. UTZ: This live-work is part of that retail
23 number, so we assumed -- in that figure that exists in some
24 of the filings, that assumes that these are used on the first
25 floor for retail or commercial. And then also that the two

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1 row homes that are part of the project are used for
2 commercial as well. It's the maximum possible commercial
3 footprint. So in the case of parking -- and by parking, we
4 kind of took the worst case, highest requirement scenario --
5 and actually the unit count would stay the same in that --
6 regardless, it would still say approximately 310 potentially.
7 So we took the worst case of both to establish the high water
8 marks.

9 VICE CHAIR MILLER: Okay. And just one last
10 question about -- well it's -- the view of the plaza, I guess
11 is the entrance plaza from South Capitol. It was Slide 29
12 on the hard copy I'm looking at. I'm not sure if that's the
13 number of what's on your PowerPoint. But it's where you had
14 the bollards and the --

15 MR. UTZ: Yeah, Slide 15, I think, looking into
16 the plaza?

17 VICE CHAIR MILLER: Yes.

18 MR. UTZ: Yeah.

19 VICE CHAIR MILLER: Yeah, I had it -- it's listed
20 as 29 on what I'm looking at. But I think it's -- yeah,
21 there it is. Yeah, that's the same one. So this is the
22 entrance off of South Cap -- a one-way entrance off of South
23 Capitol into all of the parking and loading. And is this
24 where everything comes in for -- this is where the 180 cars
25 are going to come in?

1 MR. UTZ: So we haven't --

2 MS. LEVINS: No, this -- go ahead, Jeff.

3 MR. UTZ: Go ahead, Caroline.

4 VICE CHAIR MILLER: Well I guess -- can you tell
5 me how is this going to function and the bollards? And
6 what's the -- how is this going to function?

7 MR. ANDRES: So Commissioner Miller, with respect
8 to access to the loading and access to the garage, all of
9 those drivers actually will be coming in off of N Street.
10 So I'm not sure if we have a -- you can go to page 10 of the
11 plans.

12 VICE CHAIR MILLER: Okay, I see -- I see the DDOT
13 report that shows that. Okay.

14 MR. ANDRES: Yeah. So the primary reason why
15 those people will be entering off of 10th Street is that
16 they'll be coming down that 16-foot alley and turning left
17 into the garage. They won't be able to make that turn if
18 they're coming in off of South Capitol Street. The intent
19 of that drop-off area that you saw on South Capitol Street
20 with the bollards, that's primarily for ride share for Ubers.
21 You know, somebody wants to get picked up at this -- at this
22 location. That is where they will be picked up because
23 there's no parking along South Capitol Street. So that alley
24 provides them an opportunity to pull off South Capitol
25 Street. And then when they exit, they're going to exit

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1 essentially through the alley to the north-south alley to get
2 back up to N Street.

3 VICE CHAIR MILLER: So if you can go back to that
4 Slide 15, I guess it is. So cars will only be going on the
5 right side of that?

6 MR. ANDRES: Of those bollards.

7 VICE CHAIR MILLER: Of the bollards.

8 MR. ANDRES: That's correct. And then there's a
9 little pull-off area to allow them to pull off so that keeps
10 the alley totally clear.

11 VICE CHAIR MILLER: So why is the -- and that dark
12 grey is a permeable surface, but it's a hard surface? It's
13 a permeable surface?

14 MR. HELGASON: No. Nothing is intended to be
15 permeable at this time. That's something we're considering
16 as we move through refining our GAR study. But those are
17 just representative of different materials -- different
18 pavers.

19 VICE CHAIR MILLER: All right. So why wouldn't
20 the -- to the left of those bollards, why wouldn't it be all
21 green instead of pavement? Or mostly green where the darker
22 grey has --

23 MR. HELGASON: Yeah, a part of that's the approach
24 to the lobby. You can see the canopy sticking out.

25 VICE CHAIR MILLER: Okay, yeah.

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1 MR. HELGASON: And then in the foreground --

2 CHAIRMAN HOOD: I think we could --

3 MR. UTZ: Go ahead.

4 VICE CHAIR MILLER: Maybe it's just a perspective,
5 but it just seems like an awful lot of concrete. But maybe
6 you intend for it to evolve into more landscape.

7 MR. HASSAN: I think the plan shows this better.
8 This is Hany Hassan with BBB by the way.

9 MS. LEVINS: I think that --

10 (Simultaneous speaking.)

11 MR. HASSAN: The other plan with the landscape --

12 MR. HELGASON: Around 34, 35.

13 MR. UTZ: 34.

14 MR. HASSAN: So a large part of this area is
15 landscape, but the area in front of the lobby itself is
16 paved. So maybe in the perspective it appears to be just too
17 large.

18 VICE CHAIR MILLER: Yeah. Maybe it's just ---
19 okay. All right. Well those are my questions, Mr. Chairman.
20 And I appreciate all the work that's been done and the
21 progress that's been made to get this far. And we'll look
22 forward to hearing the Chairman's questions and the public
23 testimony. Thank you.

24 CHAIRMAN HOOD: Okay. Thank you, Vice Chair. Mr.
25 Andres, let's talk about the transportation demand management

1 plan. The first bullet, it says "Provide welcome packets to
2 all new residents." And I'm looking at page 48 of your
3 (audio interference). And the last bullet talks about we'll
4 hold a transportation event for residents, employees, and
5 members. And it goes on to talk about what's going to happen
6 for three years. Is there a way that we could take that last
7 bullet and all of that information -- and even if it's not
8 people coming out and doing some type of presentation, but
9 put it into that first bullet. Is that the intent? Because
10 I think that's very crucial, the last part of all the
11 activities will be taking place to bring awareness to the
12 residents.

13 MR. ANDRES: So the intent of the first bullet is
14 directly -- is specifically for the residents -- the people
15 in the building. The intent of the last bullet is
16 essentially the transportation coordinator associated with
17 the building is essentially provide these promotional events
18 to get people excited about not driving. And so in that
19 sense, not only are they catering to the residents, but also
20 everybody in the general public. And so that's the
21 distinction between the first bullet and the last bullet.

22 CHAIRMAN HOOD: So I thank you for that
23 clarification. But the bullet, I think -- so it won't stop
24 for the residents. I appreciate you doing this (audio
25 interference) but the last bullet, "won't stop for the

1 residents who occupy the building."

2 MR. ANDRES: Yeah. No, the residents will
3 continually get these welcome packets. You know, once
4 they're printed up, they're part of the lease package. These
5 events that DDOT -- DDOT actually asked us to put this quote
6 in because it's something that they're trying to get
7 coordinated with all the new developments coming on board.
8 Trying to essentially promote non-driving throughout the
9 District.

10 CHAIRMAN HOOD: So I just want to make sure that
11 we're covered because for three years people will be moving
12 in. That building is going to be a while. Every three years
13 there's going to be other people moving in. I want to make
14 sure that they're educated on that as well. So I'm sure --
15 hopefully I would ask that also be included in the welcome
16 packet as moving forward.

17 MR. ANDRES: Yes.

18 CHAIRMAN HOOD: The other thing is my whole
19 questioning has changed since I've heard the (audio
20 interference) for this presentation. I didn't really see --
21 I'll be frankly honest, when the ANC said they supported the
22 project, I knew you all had been working on it for three
23 years. But I'm glad to hear now that they support it. I
24 look forward to that coming right out. And maybe that was
25 their way (audio interference) questions, that may have been

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1 a way to say we support it, but I just didn't read it like
2 that. So I'll be waiting to hear from Chairperson Fast and
3 also the other neighbors as well. I don't have a lot of
4 questions.

5 I think that was pretty much it. Hold on, let me
6 see. I also agree with DDOE's comments as well about the
7 array or are you still looking at that? And I guess that
8 will go to Mr. Utz.

9 MR. UTZ: So we didn't agree to that. Yes, the
10 play was increased from 600 square feet to 1,000. And then
11 they also asked what the -- what that meant on a performance
12 basis. So it's 2 percent of the common area is powered from
13 that.

14 MR. BABCOCK: We continue to explore energy
15 efficiency in the building. The density of energy goes down.
16 The offset can go up as well. So it's a -- not only is it
17 putting solar on the building, but also the building being
18 more efficient helps to increase that percent also as well.

19 CHAIRMAN HOOD: I'm not sure if Commissioner
20 Shapiro is satisfied with his questions about the (audio
21 interference). So I'm not sure if there's a way that we
22 clarify that. If he's satisfied, I'm fine. But if you're
23 going to clarify, I would say that we can (audio
24 interference) exactly the position. At least that's where
25 I am with that. If he's not going to ask for it, I'll just

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1 back off of it and try to figure it out as well.

2 The other question that I have is this is right
3 across the street from the stadium. How is all that -- the
4 deliveries and -- how is that going to be coordinated? And
5 I'm sure it's got to be coordinated because we can't have
6 deliveries and all this stuff going on even if it's on the
7 backside while you're having game day. Has that been
8 discussed or did I miss it in the record or something?

9 MR. ANDRES: So Commissioner Hood, if you look at
10 -- if we can get the Slide 10 back up.

11 CHAIRMAN HOOD: Is this is in the -- this is in
12 your part of the presentation in the PowerPoint?

13 MR. ANDRES: Yes. So with respect to all of the
14 deliveries, all of the deliveries are coming in off of N
15 Street because it will be difficult for some of the trucks
16 to come in off of South Capitol Street. So in that respect,
17 the deliveries associated with this development will be
18 coming in on off N Street and coming south in that 16-foot
19 alley that's being widened essentially by an easement.

20 What's important is that -- given that this is
21 mostly a residential building, the move-ins and move-outs are
22 typically in smaller trucks that are -- that are
23 prescheduled. And so in that instance, the activities are
24 always going to be managed such that, you know, if there are
25 any issues related to game day, that can be -- that can be

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1 managed.

2 CHAIRMAN HOOD: So Mr. Andres, are you going to
3 have a problem -- I mean Mr. Andres and Mr. Utz, would you
4 have a problem committing to some (audio interference) can't
5 put conditions on this, but some (audio interference) I don't
6 think. Somewhere we would not have move-in days on days of
7 games. Because one of the things that we've heard on the
8 Commission when we talk to the stadium -- the baseball
9 stadium and everything in that area, we don't want to start
10 creating -- we're already going to have (audio interference).
11 We don't want to create additional impacts on that community.
12 I would ask -- if you can't answer now, I would ask that you
13 look at that at a later time and make sure if you can get
14 back and let me know what the discussions were.

15 The other thing, Mr. Utz, in your final conclusion
16 -- if you could talk a little bit about how you all meet the
17 (audio interference) of this whole project. If you could
18 reinforce that at the end, I think that would be very
19 helpful.

20 That's all of my questions. Let me go back and
21 see if there's another round. Commissioner Turnbull?

22 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
23 just have one issue. And obviously you've -- I think you
24 already addressed it or you have no problems with it. The
25 townhouses on South Capitol that are work houses, work-living

1 units, do you have any issues with accessibility for a
2 business, you've got to climb up stairs to get to it? Does
3 that enter into the question at all in your analysis?

4 MR. VAN WIE: Those units are provided an
5 accessible route accessing the rear of those units from the
6 ground floor. So the access from the sidewalk is not an
7 accessible route. But there is an accessible route going
8 through the lobby.

9 COMMISSIONER TURNBULL: Of the interior, I get it.

10 MR. VAN WIE: Yes.

11 COMMISSIONER TURNBULL: All right. Thank you very
12 much.

13 CHAIRMAN HOOD: And you know, something I was
14 thinking about. I think with Commissioner Miller's
15 questioning, sometimes applicants need to start thinking --
16 and this is my first time mentioning this and I'll probably
17 mention it some more. Sometimes you need to think outside
18 the box when we're talking about (audio interference)
19 affordable housing. Sometimes some of the neighbors can
20 benefit too. And I don't know this can be done. I'm talking
21 out loud. I'm just throwing this out here. And I'm going
22 to start throwing at it more often. If you have a few folks
23 who living in Syphax or somewhere in the neighborhood who may
24 want to move into the site, why not offer one or two units
25 and let them be able to reside for the same amount of what

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1 they're paying where they are now? So I just threw that out
2 there. Let's start being creative. Let's start thinking
3 outside the box. And it's something that I'm not going to
4 just mention to you all, but I'm going to mention that from
5 here on out. (Audio interference) thinking outside of box.

6 Any other questions or comments, Commissioners?
7 Okay, let's go to -- Fast. Does she have any cross-
8 examination? Can we bring her up? Chairperson Fast, do you
9 have any cross?

10 MS. FAST: Can you hear me? I'm sorry.

11 CHAIRMAN HOOD: Yes. Yes, we can hear you.

12 MS. FAST: Okay, great. Sorry. Thanks, Chairman
13 Hood. No, we don't have any cross examination at this point.

14 CHAIRMAN HOOD: Okay. Hold tight, we'll come
15 right back to you shortly. Let's go to the Office of
16 Planning and Department of Transportation, their reports.
17 Mr. Jesick and Mr. Zimmerman, I believe.

18 MR. JESICK: Thank you, Mr. Chairman. This is
19 Matt Jesick. Can you hear me?

20 CHAIRMAN HOOD: Yes, we can.

21 MR. JESICK: Great. So my camera is very slow.
22 I apologize about that. Okay. Thank you again, Mr. Chairman
23 and members of the Commission. The Office of Planning has
24 reviewed this design review application against the criteria
25 of Subtitle K, Chapter 5 and Subtitle X, Chapter 6. And the

1 application would meet those criteria including encouraging
2 an active pedestrian street scape and a safe pedestrian
3 environment. Minimizing blank facades and providing building
4 articulation. Reinforcing South Capitol Street's status as
5 an important civic boulevard. And establishing a preferred
6 use. That being residential, which is called out as a
7 preferred use in the CJ Zone.

8 The project would not be going beyond Matter of
9 Right IZ height and density. And the design would not be
10 inconsistent with the written policies and latest maps of the
11 comprehensive plan. In our written report, we neglected to
12 address the Southwest Small Area Plan. But if the Commission
13 would like, we'd be happy to supplement the record with a
14 memo addressing how this project would not be inconsistent
15 with the Small Area Plan.

16 Finally, we are pleased to hear this evening how
17 the design has been revised to address our concern about
18 sustainability. And that the Applicant will be meeting
19 (audio interference) and also providing additional solar
20 capacity on the roof of the building.

21 So with that, we can recommend approval subject
22 to the conditions noted in our report, which would ensure
23 that the design meets the criteria of the Capitol Gateway
24 Zone. Thank you and I'm happy to take any questions.

25 CHAIRMAN HOOD: Thank you, Mr. Jesick. I will say

1 that the (audio interference) will be sufficient. We would
2 appreciate that. Do we have -- before we ask our questions,
3 do we have anybody from DDOT?

4 MS. SCHELLIN: I believe it's Mr. Zimmerman. He
5 may need to let us know --

6 CHAIRMAN HOOD: If not, we have their report.

7 MS. SCHELLIN: -- if he's logged in or not.
8 (Audio interference) a phone number. So I don't know what
9 his phone number is. If he could text me really quick, then
10 I would know what his -- I mean if he could email me, I would
11 know his phone number. But I don't know if he's called in
12 or not. I don't have a phone number for him. We've got
13 three callers.

14 CHAIRMAN HOOD: Okay. I'll tell you what, we
15 don't have anybody from DDOT. DDOT does have a report. It's
16 Exhibit -- let me pull it up here. It's Exhibit No. 18.
17 District of Columbia, Department of Transportation is
18 committed to achieving exceptional quality of life goes on
19 and on. I always look for those lines. If one my colleagues
20 sees the line and tells us what their position is. I believe
21 it's support. I think I saw somewhere else. Mr. Utz, DDOT
22 supports this project. Correct?

23 MR. UTZ: Correct. They had some conditions that
24 we agreed to regarding the easements and some additional TDM
25 measures. So we integrated all of those.

1 CHAIRMAN HOOD: Okay. And that's on the DDOT
2 report on page 4. Thank you, Mr. Utz. I knew it was
3 mentioned somewhere. I think it was in your presentation.
4 They recommend approval with those conditions as noted. It's
5 on page 4 of their report.

6 All right, are there any questions or comments
7 from either Office of Planning -- don't ask for DDOT because
8 I'm representing DDOT. But any questions from Office of
9 Planning? Commissioner Shapiro?

10 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
11 do have a question for DDOT, so I'll ask Mr. Jesick and Mr.
12 Andres. Was there any discussion around pedestrian movement
13 across the street -- across South Capitol? I mean it's
14 pretty neat to be across from the ball park. Any
15 improvements to the median strip? I don't even know. (Audio
16 interference). You've been in the middle of it. What kind
17 of conversations were you involved in?

18 MR. ANDRES: Sure. So typically in an instance
19 like this, given that South Capitol Street obviously carries
20 a significant amount of commuter traffic. And you know,
21 obviously it's a gateway into the city. There's a
22 significant amount of construction going on right now because
23 there will be a new oval associated with the new South
24 Capitol Street bridge south of our site. And as part of
25 that, the District is looking at new signals, new re-timing,

1 and identifying areas where a pedestrian should cross South
2 Capitol Street. And given that, we are at a mid-block
3 location, it's not -- it's a situation where DDOT wouldn't
4 allow for a crossing essentially in front of our building.
5 It's not a safe condition, especially since it carries
6 commuter traffic that is not associated with the stadium at
7 all. So in that instance, we would direct anybody leaving
8 the building if they wanted to go to the stadium to just go
9 to the corner where there's a signal to allow them to cross
10 safely.

11 COMMISSIONER SHAPIRO: So there's no conversations
12 about any kind of artistic or other kind of perhaps barrier
13 along the median or anything along those lines?

14 MR. ANDRES: At this point, no. And there's
15 nothing -- there is nothing planned as far as South Capitol
16 Street -- South Capitol Street bridge reconstruction.

17 COMMISSIONER SHAPIRO: Okay, thank you. That's
18 all I have, Mr. Chair.

19 VICE CHAIR MILLER: All right. Commissioner, any
20 questions or comments for the Office of Planning or DDOT?
21 Vice Chair Miller?

22 VICE CHAIR MILLER: Thank you, Mr. Chairman and
23 thank you, Mr. Jesick for your written report and your verbal
24 report and your offer to provide a supplemental report on
25 consistency with the Southwest Small Area Plan. We do have

1 information on that from the Applicant, but I think it would
2 be helpful to have that also from the Office of Planning.
3 Do you have anything in writing or in discussions that you
4 had with DHCD regarding the inclusionary zoning mix in this
5 project and particularly for the N Street townhouses as to
6 what DHCD's position is?

7 I thought the ANC's position that I thought the
8 Applicant was trying to accommodate was that all of the N
9 Street units -- townhome units would be part of the
10 inclusionary zoning mix. And someone can correct me if
11 that's wrong when the ANC comes up. But I would agree with
12 that. I think that's a unique opportunity to provide larger
13 sized units at a more affordable level at a scale --
14 townhouse scale that a lot of southwest as an addition to the
15 medium and high-rise buildings that Southwest also has. But
16 the townhouse type of building is a particularly welcome
17 development -- as part of this feature that's part of this
18 development. So do you have any information on DHCD's
19 position on that or that you can provide us? I don't want
20 to lock them into anything if it's against -- if there's
21 ongoing discussions with the Applicant and the community.
22 But do you have anything further on what their -- what their
23 position is on IZ for the townhomes?

24 MR. JESICK: No is the short answer. We haven't
25 had those discussions with DHCD. But the Office of Planning

1 certainly supports that configuration. Like you say, it's
2 a unique opportunity to have family sized housing units with
3 access directly to the street. And there was an idea that
4 was generated by members of the community, so certainly OP
5 supports that idea. And we can convey our support to DHCD
6 as they go through their approval process.

7 VICE CHAIR MILLER: I think that would be helpful
8 and useful and I appreciate your saying that. Thank you very
9 much. Thank you, Mr. Chairman.

10 CHAIRMAN HOOD: Thank you, Vice Chair. Let me
11 look and see if any other of my commissioners have any --
12 okay, not seeing any -- okay, so we're good. All right. The
13 next thing is the other government reports. I think we spoke
14 about all of them including EDOE. I didn't see any others.
15 I appreciate Mr. Jesick always making sure that as many
16 agencies respond as possible.

17 Let's go the ANC's report. Chairperson Fast, if
18 you're ready, you can begin.

19 MS. FAST: Thank you. Good evening, Chairman Hood
20 and Zoning Commissioners. I'm Gail Fast. I'm Chair of ANC
21 6D. And I represent Southwest, Navy Yard, and Buzzard Point.
22 As stated in our report filed with the Zoning Commission, ANC
23 6D voted 7-0-0 to support with conditions the Zoning Case 20-
24 18, design review located on South Capitol Street and part
25 of the Capitol Gateway overlay.

1 I'd like to start by saying that ANC 6D has been
2 in negotiations with the Applicant for the past three years
3 to create a project that honors the historical character of
4 Old Southwest. And while we have ironed out a lot of them
5 and was happy to hear some of them tonight from the
6 Applicant, we do still have some details that we'd like to
7 get resolved. And hopefully get the request of the Zoning
8 Commission to include in the final order.

9 The Southwest Naval Yard Assembly or SWNA has led
10 the preservation of the current sanitary homes on N Street
11 and South Capitol. Their executed agreement with the
12 Applicant specifically on page 3 details that those N Street
13 homes shall have the appearance of four separate row
14 dwellings and function as four single-family housing units
15 within the larger multi-family project. So we are really
16 happy to hear tonight that the Applicant has agreed to that
17 condition.

18 The vertical row house style that we are
19 advocating for is actually a win for the project and it's a
20 win for the community and potentially a model for other
21 redevelopment the likes of which we have not seen in any
22 other Southwest project in the past 19 years. And it creates
23 meaningful preservation of an important piece of Old
24 Southwest history, which are the sanitary homes while
25 creating family-sized units, something rarely seen in multi-

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1 unit development. So we say carpe diem, let's seize that
2 moment.

3 However ANC did not see -- and I know we've talked
4 about it tonight -- in the Applicant's submission that their
5 commitment to rent those homes as part of their IZ
6 requirement at 60 percent of MFI. Even though they did agree
7 to it on page 4 of their executed agreement with SWNA. We
8 then hope that, that commitment can be included in the final
9 order.

10 Finally, we did add that we always are concerned
11 about affordable housing. And so we looked to the Zoning
12 Commission to help us advocate for those live-work units that
13 if they are not successful, the Applicant will consider them
14 as affordable units. Preserving historical integrity in this
15 project is paramount. ANC 6D requests that the Applicant
16 reconsider the Kings Mill brick design. I know Commissioner
17 Turnbull and others didn't think so, but we feel that the
18 design of the new building that faces Half Street as
19 Commissioner Shapiro has indicated which is all glass, really
20 could use some of this bricking to reduce the impact of the
21 building's massive scale on those lower row home houses. We
22 think that we could -- we would like to see as another
23 recommendation to use that same brick above or partially in
24 the first two to three stories above the N Street homes to
25 reduce the dominance of the glass on the sanitary housing and

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1 the nearby Syphax Village and James Creek.

2 While the Applicant has verbally agreed there will
3 be no neon, digital signage, lighting on the building, ANC
4 6D has been misled on previous projects such as the Meridian,
5 the Kelvin, and especially the NOVEL where each night the
6 magnificent view northward along South Capitol Street towards
7 the Capitol dome is marred by 130-foot iridescent blue sash.
8 We strongly request the Zoning Commission require the
9 Applicant to put their promising in writing and to also
10 commit to appropriate signage curation on both N Street and
11 South Capitol row houses to narrate their history, including
12 a brick outline of the footprint of the houses that are to
13 be removed.

14 DOEE confirmed that there is total petroleum
15 hydrocarbon or TCPs contamination, PAHs, PCBs, and RCA metals
16 in the soil and ground water at the project site. Any time
17 there is a need for an environmental cleanup, there are
18 concerns of the overall impact it will have on the residents
19 who live nearby. ANC 6D was glad that the Applicant agreed
20 to and will develop a voluntary cleanup action and health and
21 safety plan as a part of their participation in DOEEs
22 voluntary cleanup program in an attempt to mitigate health
23 risks to nearby residents and/or businesses.

24 ANC 6D is requesting the Applicant place silt
25 fencing around the site and provide air purifiers to any

1 resident around the periphery who requests one. The
2 Applicant has also agreed to commit to scheduling meetings
3 with the company performing the cleanup, ANC 6D, community
4 members, and DOEE staff in order to walk through their plan
5 prior to the start of the cleanup. And provide additional
6 reports of the cleanups progress upon request by the ANC.
7 ANC 6D still has some concerns about how the two pet relief
8 areas are to be managed. Therefore we are requesting the
9 Applicant provide a checklist of their maintenance and
10 cleanup procedures to be included in the final order.

11 Since the project has some special trees, ANC 6D
12 is requesting the details of any tree marked for removal and
13 replacement or as a new planting be reviewed by the ANC. In
14 addition, we ask that an ongoing landscape management plan
15 be included in the final order to address long-term
16 maintenance of trees, shrubs, and ground cover, flood
17 prevention, and storm water management based on DOEES
18 recommendation.

19 As with all the development projects happening in
20 Southwest, ANC 6D is requesting the Applicant provide a
21 detailed construction management plan prior to the start of
22 construction, including a plan for management of truck
23 arrival and departure that will not disrupt traffic flow from
24 the South Capitol Street bridge. With respect to the parking
25 issues raised in DDOTs report, ANC 6D supports the number of

1 parking spaces proposed by the Applicant and disagrees with
2 DDOTs suggestion to reduce that number.

3 First, the Applicant has proposed more multiple
4 family-sized units, the many recent developments for which
5 we are very grateful since this supports the demographic
6 diversity that the community aims for and the Southwest Small
7 Area Plan underwrites. Second, while we have supported
8 increasing protected bike lanes and scooter corals throughout
9 Southwest, we are losing on-street parking that many
10 residents still depend on. We lost 30 to 35 spaces on P
11 Street in conjunction with the Anacostia River Trail bike
12 lanes. And DDOTs proposal for two cross walks on Canal
13 Street have already been dismissed by both DDOT and ANC 6D
14 since even DDOT agreed it eliminated too many parking spaces.
15 We ask that DDOT continue to work with ANC 6D on finding the
16 proper balance between the competing needs of all our
17 residents.

18 ANC 6D also thinks that the Applicant has made
19 appropriate distinctions between the alley on South Capitol
20 Street for pick-up and drop-off and the alley on N Street for
21 access to the parking garage. However, we ask that more
22 detail be provided to ensure the garage traffic does not
23 create traffic issues on N Street. We also ask that pick-up
24 and drop-off from South Capitol be managed appropriately with
25 signage or otherwise as DDOT has suggested so that stopping

1 or standing on South Capitol does not become a problem.

2 We do not agree with DDOTs request that the
3 easement behind the houses on South Capitol Street extend to
4 the parcels that wrap around the corner from the end houses
5 on South Capitol, the corner store, and end houses on N
6 Street. While the Applicant does not own and may -- the
7 Applicant does not own and may be developed at some future
8 point. These parcels also include a parking lot, which
9 permits access and should be addressed at a later date with
10 that developer if and when those combined lots are
11 redeveloped. ANC 6D requests the traffic patterns that have
12 been proposed by the Applicant be clarified and adopted in
13 the final order.

14 Finally as we have said, this has been a long
15 process. However, the result is fully executed, good
16 neighbor agreements with adjacent owners on South Capitol and
17 the Syphax Village Condominium, crane, swing agreement, a
18 rededication to the public use of the alley adjacent to their
19 site after project construction, and an agreement with SWNA
20 that helps preserve and memorialize the historical character
21 of Old Southwest. That concludes ANC 6D's testimony. I look
22 forward to answering your questions.

23 CHAIRMAN HOOD: Okay. Thank you, Chairperson
24 Fast. If we could just -- I want to back up. We're going to
25 come back to Chairperson Fast's testimony shortly, but I'm

1 going to ask Ms. Schellin if she could read, DDOT has some
2 technical issues. If you could read their report. Hopefully
3 there's only two or three lines to this sentence because I
4 think we have their report.

5 MS. SCHELLIN: It is very short. Mr. Zimmerman
6 sent me an email -- actually that's the wrong one. So let
7 me switch screens and I'll read that.

8 COMMISSIONER SHAPIRO: I see Mr. Zimmerman --

9 MS. SCHELLIN: Well actually he's --

10 (Simultaneous speaking.)

11 MS. SCHELLIN: He's actually already -- he's come
12 back on if you guys want to finish the ANC and go back to
13 him.

14 CHAIRMAN HOOD: No, I really want to hear from Mr.
15 Zimmerman first. We can do that right quick because there
16 may be some things tying into some of the things that
17 Chairperson Fast mentioned.

18 MS. SCHELLIN: Okay. He's back on.

19 CHAIRMAN HOOD: Are you on board, Mr. Zimmerman?
20 Okay. Mr. Zimmerman, you can go ahead with your report. I
21 gave it, but I didn't give it as good as you would.

22 MR. ZIMMERMAN: Good evening, Chairman Hood and
23 members of the Commission. For the record, I'm Aaron
24 Zimmerman at DDOT. DDOT is very supportive of the
25 Applicant's proposal. As you've heard in their presentation,

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1 they have agreed to most of the significant transportation
2 conditions noted in our report. These include constructing
3 missing programs and crosswalks at two intersections, three
4 years of bike-share memberships for residents, expanding
5 bike-share throughout ANC 6D, and providing DDOT a copy of
6 the easement agreement when it's complete.

7 There were also several other minor additions and
8 revisions to the TDM plan requested in our report that were
9 not captured in Mr. Andres's presentation such as not leasing
10 surplus parking to neighbors and stadium goers. And
11 providing six collapsible shopping carts, also a couple
12 others. DDOT expects that these will be included as well.

13 So with the agreed-to conditions and the minor
14 revisions and additions to the TDM plan I just noted all
15 included in the final zoning order, DDOT has no objections
16 to the approval of this design review application. I'd be
17 happy to answer any questions. Thank you.

18 CHAIRMAN HOOD: All right. Thank you, Mr.
19 Zimmerman. Commissioners, any questions -- any follow-up
20 questions for Mr. Zimmerman? I think Commissioner Shapiro,
21 you had a question.

22 COMMISSIONER SHAPIRO: Maybe it's more of a
23 comment than a question, but I just -- I imagine given the
24 ballpark across the street and observing behavior right at
25 that section of the block -- even my own behavior right at

1 the section of that block -- cars stop there; ride-shares,
2 other things. There's just a lot of activity there
3 associated with the ballpark across the street. So I'm
4 imagining one thing that's going to happen now is people are
5 going to use that entryway as a way to come and go from the
6 ballpark. And you know, is there any thought around that?
7 Is that just from the developer's perspective, Mr. Van Wie,
8 is that just okay? That's just the way this one works?
9 Because it happens now.

10 MR. ZIMMERMAN: If I understand the question
11 correctly, are you referring to people using that 16-foot
12 alley (audio interference) as a way of getting -- kind of
13 cutting through the block?

14 COMMISSIONER SHAPIRO: I mean so it's not uncommon
15 for people to be dropped off on that side of South Capitol
16 and then walk across the street to go to the ball game.

17 MR. ZIMMERMAN: Well right now, I mean it's -- you
18 know, parking is restricted along there. They shouldn't be
19 doing that. And as part of this Applicant's proposal, you
20 know, they are going to, you know, have a little pull-off
21 area for their residents. So I'm not sure exactly what can
22 be done, but that's something that we can -- you know, I can
23 take note of your concern for sure. And when we go into
24 public space permitting with the Applicant (audio
25 interference).

1 COMMISSIONER SHAPIRO: I think we lost Mr.
2 Zimmerman. So, Mr. Van Wie, I guess that's why it feels more
3 of a comment. I think the reality of it is people are going
4 to use -- I imagine, people are going to be using that
5 alleyway -- that entrance in as a place to be picked up and
6 dropped off for ball games.

7 MR. VAN WIE: I think we would hope that the
8 limited width of the existing curb cut into the 10-foot alley
9 would discourage, you know, non-residents or people who
10 aren't intending to go to the building as their destination
11 from turning into that alley as was the design of the
12 pavement patterns, which would, we hope, signal that its, you
13 know, evasive to private property and function more like
14 private property. And then also the 10-foot width of the
15 alley itself moving west towards the 16-foot alley. And the
16 fact that it passes underneath the building, we hope would
17 be additional signals that it's not intended for cut-through
18 traffic or game day traffic.

19 COMMISSIONER SHAPIRO: Yeah and I guess I would
20 just say, you know, unless you stand out there with a -- I
21 don't know, a baseball bat, it's going to be happening. And
22 you know, at some level we were hoping to solve a problem for
23 that section of the street. It's just there's going to be
24 an impact on your project, I imagine. And you know, that
25 will be the price that you pay for living in this interesting

1 area. So it's more of a comment. That's all I have, Mr.
2 Chair.

3 CHAIRMAN HOOD: Okay, thank you. Mr. Zimmerman
4 is back. What I would suggest -- or was back -- but what I
5 would suggest is sometimes we wait a moment -- because
6 sometimes as I've learned from Ms. Schellin and Mr. Young,
7 sometimes it takes a minute for things to catch up. So when
8 you see the little square or triangle at the top, it might
9 take a minute to catch up. So Mr. Zimmerman went out, but
10 he came right back. So let's see if we have any other
11 questions or comments from Commissioners. I'm looking.
12 Okay, not seeing. Vice Chair? Okay.

13 All right, thank you very -- oh, hold on, Mr.
14 Zimmerman. I lost you for a second. I was going to ask the
15 Applicant do they have any cross. And I was going to ask
16 Chairperson Fast. (Audio interference) does the Applicant,
17 you have any questions for Mr. Zimmerman?

18 PARTICIPANT: We do not.

19 CHAIRMAN HOOD: Ms. Fast, do you have --
20 Chairperson Fast, do you have any questions for Mr.
21 Zimmerman?

22 MS. FAST: Yes. We just -- as I think we stated
23 in our report, we just want to clarify DDOTs -- in their
24 report, the request about the easement behind the homes on
25 South Capitol Street extending to the parcels that are not

1 the Applicant's that wrap around the corner. So I we can get
2 some clarification on that. We don't feel that it is part
3 of this project. Those parcels which include right now, a
4 parking lot, which the permit, you know, has access already,
5 should really be addressed with that developer if and when
6 they decide to redevelop the lot and not be included in this
7 project.

8 MR. ZIMMERMAN: Yeah. In fact, Commissioner Fast,
9 I agree with everything that you just said. I've had a
10 number of conversations with the Applicant since our -- since
11 we drafted our report. And you know, we agree that, that 12-
12 foot (audio interference) should not be for primary access
13 to that -- to that corner property. You know, initially what
14 we were thinking -- what we at DDOT were thinking to try to
15 eliminate curb cuts on both of the streets. And maybe
16 there's some way to have some kind of cross-property access
17 that would be allowed. Just given (audio interference) we,
18 you know, totally agree with you and agree with the Applicant
19 that, that's really not intended for that purpose. It's
20 really for row homes. So we don't -- I don't have any
21 disagreement with you on that.

22 MS. FAST: Okay, thank you.

23 CHAIRMAN HOOD: Okay. Thank you, Mr. Zimmerman.
24 I think that's all the questions we have for you. We
25 appreciate you being able to come back more and answer those

1 for us.

2 Let's go back to Chairperson Fast. (Audio
3 interference) the way it says "negotiations" and I started
4 my reading right there. So for some reason, I always look
5 for those key words. Let's see if we have any questions or
6 comments on Chairperson's Fast testimony. I will say I
7 really appreciate all the thought and attention that was put
8 into this for your colleagues and what you all have done to
9 put into this letter. It's a lot and very detailed, very
10 constructive. And it pinpoints a lot of things that this
11 developer and other developers that are doing down in your
12 area. It shows that you all have a holistic view of trying
13 to put everything together. So I really appreciate this
14 letter. It was very detailed and had a lot of information
15 in there that I'm hoping that either way you all still park,
16 that the Applicant would still work for you. And the other
17 applicants will still work with you to close the gap.

18 But I did have an issue though, Ms. Fast with the
19 neon lights. I sure hope none of those cases were Zoning
20 Commission cases. If they were, would you just let us know?
21 Because a lot of times, Applicants come and tell us what
22 they're not going to do. And now we find out, you called out
23 a list of five different things of neon lights of what, you
24 know, has been done. And I would hope that this Applicant
25 who's already asserted and said that they would not do that,

1 so we greatly appreciate it.

2 Let me open it up to my colleagues. Commissioner
3 May, do you have any questions for Chairperson Fast? Mr.
4 Shapiro? Commissioner Turnbull? Commissioner Turnbull?
5 Commissioner Turnbull? Okay, I see -- let's wait a minute.
6 He'll come back.

7 MS. SCHELLIN: I think he's frozen, yeah.

8 CHAIRMAN HOOD: Mine does that too and it cuts off
9 and I don't know -- let's go to Vice Chair Miller while we
10 wait for Mr. Turnbull to come back.

11 VICE CHAIR MILLER: No questions, Mr. Chairman.
12 Just to thank Chairperson Fast for their ANC's work with the
13 Applicant on this project and with the community.

14 CHAIRMAN HOOD: Let's give Commissioner Turnbull
15 a minute to come back on. When he comes back on, I'll
16 probably go off. Vice Chair, you always be ready now. You
17 never know when this thing is going to cut off.

18 VICE CHAIR MILLER: I'm ready. Until I'm frozen,
19 I'm ready.

20 CHAIRMAN HOOD: I still have a triangle -- a
21 triangle on his.

22 COMMISSIONER SHAPIRO: Mr. Chair, can I ask Chair
23 Fast a question while we're waiting for Mr. Turnbull?

24 CHAIRMAN HOOD: Sure, go right ahead.

25 COMMISSIONER SHAPIRO: Yeah, Commissioner, I'm

1 just curious about -- you touched on this a bit, but you
2 know, I think we're going to hear -- hear about it a bit more
3 in a few minutes. But just from your perspective, the flavor
4 of the conversations around the housing affordability and the
5 level of affordability, et cetera, et cetera.

6 MS. FAST: Yeah, so obviously we were very excited
7 and the Applicant, you know, whole heartedly agreed to keep
8 the townhomes on N Street as townhomes and family-sized
9 units, which we have not seen -- I think the last townhomes
10 that were built were in 2001 at Capitol Square in Southwest.
11 So it's been a long time since we've actually seen them. And
12 while they are following the standard IZ requirement, I
13 believe that they exceeded the 8 percent by 8.4 or 8.6. As
14 you know in Southwest, our community always wants and feels
15 that we need more affordable housing. So while obviously the
16 Applicant's meeting all the requirement by law and this is
17 a design review case, you know, our hands are essentially
18 tied at this point.

19 We did ask though, I think -- and we put it in our
20 report, that if that live-work, which is a very new concept
21 and will be a very new concept for Southwest does not end up
22 coming to fruition, we feel that again, having the ability
23 to have those kind of townhomes -- they'll be two-bedroom
24 units -- walk-up units that we would love to see those
25 converted to affordable housing. But I'm sure you'll hear

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1 from many of our constituents that the affordable number is
2 not enough. And I think that, that's, you know, pretty
3 standard from us when it comes to that.

4 COMMISSIONER SHAPIRO: Okay. Thank you for that.
5 And just one quick comment we just had. I've actually even
6 personally been involved in a project where live-work space
7 was designed as affordable housing. So the live-work units
8 were affordable units. So it can be done. So yeah, I just
9 wanted to throw that in as well.

10 MS. FAST: Yeah. No, and you know, the live-work
11 actually in the affordable realm makes much more sense
12 because they're small enough units for the work space. And
13 that's the one problem that retail in terms of trying to get
14 neighborhoods serving retail is those spaces are always just
15 way too large and too expensive for young entrepreneurs,
16 artists, all those folks to be able to afford those spaces.
17 So it would be great to see them as affordable as well.
18 Thank you.

19 COMMISSIONER SHAPIRO: Thank you. Thank you
20 indulging me, Mr. Chair.

21 CHAIRMAN HOOD: Okay. Thank you, Commissioner
22 Shapiro. I see Mr. Turnbull has made it back with us. Mr.
23 Turnbull?

24 COMMISSIONER TURNBULL: Sorry for leaving. I
25 think Webex thought I was undesirable or something. I got

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1 bumped off or Norton thought I was a security risk. No,
2 getting back to Commissioner Fast was talking about the
3 building on South Capitol with all the lights. And I think
4 that building may have been a matter of right. I don't
5 believe the Zoning Commission was involved in anything. It's
6 right on the corner. It's very prominent and you see it.
7 I know what she's talking about. It's hideous.

8 But we've had some cases before, Mr. Chairman,
9 where we've had applicants that come in and they want to put
10 the lights on the side to accent a certain thing. We've had
11 some very minor amounts. There has not been a great deal.
12 But what the Commissioner is talking about is the glaring
13 overdoing of lights to accentuate the articulation of the
14 building. And it's just -- it really stands out. And it's
15 probably -- it's more of a nuisance to everyone else in the
16 community. So it's sad, but I believe that building was done
17 as a matter of right. So I'm not going to apologize for it
18 because we had nothing to do with it. But it's a sad state
19 when you get something like that, that can totally make a
20 neighborhood feel that it's out of place. It's in the wrong
21 context.

22 MS. FAST: I will go back, Commissioner Turnbull.
23 I believe that they came to us for some design review. And
24 it was not in their design review package that they would
25 have that illuminated sash kind of thing. So I'm going to

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1 go back and double check, but I'm pretty sure we did design
2 review.

3 COMMISSIONER TURNBULL: So we may have looked at
4 it, but without the lights.

5 MS. FAST: Correct, yes. The lights were new to
6 everybody.

7 COMMISSIONER TURNBULL: Oh, okay.

8 CHAIRMAN HOOD: Okay. So thank you, Mr. Turnbull
9 and thank you, Chairperson Fast for continuing to look at
10 that because I tell you, communities and applicants and the
11 Zoning Commission, we work hard in trying to especially close
12 the gap. And I always have had a problem when people don't
13 follow what we've all agreed to. So I'm not going to
14 discourage this, but you know, we've got to stay within the
15 compliance. If you come down here and present something to
16 the Commission, please stay within it.

17 And I'm not talking about just the Applicant --
18 it's unfortunate. This was said with this Applicant, but I'm
19 talking about all the applicants. You know, communities work
20 real hard. The Zoning Commission works hard. We've kind of
21 got to close the gap if there is a gap. And then to go out
22 and just do whatever you want or figure out a way to willy-
23 nilly, just go ahead and finagle and just do it is very
24 disrespectful, I think to the residents of the city. And
25 being a resident, I have a problem as well.

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1 So anyway, I guess I've lectured long enough.
2 Let's see if we have any other further questions of
3 Chairperson Fast. I don't see anyone. Okay, all right.
4 Does the Applicant have any questions of Chairperson Fast,
5 Mr. Utz?

6 MR. UTZ: No, thanks.

7 CHAIRMAN HOOD: Okay, all right. Again, Ms. Fast,
8 we thank you for all the work you all do. And we will see
9 what we can do within our range, especially in design review.
10 So thank you for all the work that you've done.

11 MS. FAST: Thank you, sir.

12 CHAIRMAN HOOD: All right. Ms. Schellin, we have
13 -- I believe we do have a witness with us.

14 MS. SCHELLIN: Yes, we do.

15 CHAIRMAN HOOD: Can we do support first?

16 MS. SCHELLIN: Yes. So for the proponents, we
17 have Ryan Pierce, Robert Smith, Coy McKinney. And they all
18 three -- I saw them all listed as attendees.

19 CHAIRMAN HOOD: We will go in order in which your
20 name was called. I think Mr. Smith is first --

21 MS. SCHELLIN: Ryan Pierce.

22 CHAIRMAN HOOD: Oh, Ryan Pierce is first.

23 MS. SCHELLIN: Yes.

24 CHAIRMAN HOOD: And then Robert is second and Coy
25 --

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1 MS. SCHELLIN: Robert Smith is first -- I mean --
2 yes, Robert Smith would be second and Coy McKinney third.
3 Mr. Pierce is representing the History Task Force for SWNA,
4 so he has five minutes on the clock.

5 CHAIRMAN HOOD: Okay. Mr. Pierce, let's begin.
6 You may begin.

7 MR. PIERCE: All right. Thank you all for
8 allowing me to speak and have a comment, and I just wanted
9 to kind of briefly address the components of the project,
10 which I have been focused on in my role as the history task
11 force chair for SWNA.

12 As everyone said, there have been a series of
13 lengthy and ongoing discussions between the developers and
14 various groups in the community about a lot of different
15 aspects of the projects, some prior even to my involvement.
16 I have participated in the last couple of years specifically
17 in an effort to retain some of the historic character of the
18 site, mainly through the retention of the historic fabric in
19 the townhomes and to create an appropriately complementary
20 design for the new construction.

21 I believe the current design being submitted is
22 in part an outcome of all of that and includes important
23 commitments from the developers to rehabilitate the townhomes
24 that it owns on South Capitol and to retain significant
25 portions of the M Street homes. As you've seen, significant

1 to the M Street homes specifically is the commitment that
2 they've made to integrate them into their new building as
3 that vertical style townhome that is multi-bedroom layout and
4 to make those units affordable.

5 This will retain not only the physical nature of
6 the townhomes through preserving the facade but also help
7 retain the historic character through the use, which has
8 historically been for working class residents in the
9 neighborhood. And through that affordable commitment they
10 will retain both that physical and communal character. They
11 have also extended the rear portion to create a more family
12 -- larger family sized housing, which can also provide modern
13 amenities while retaining the historic integrity through the
14 facade portion they had promised to preserve.

15 It's a unique opportunity in preserving both the
16 function and the historic fabric. And the design of the new
17 construction has also been thoughtfully considered through
18 the negotiations and discussions we've had to attempt to
19 complement and integrate with the surrounding neighborhood
20 in a better way than other buildings in the neighborhood
21 honestly have.

22 There has also been the consideration to include
23 public art, as was mentioned I believe by the Commissioner,
24 and other historic signage which will highlight and educate
25 residents and visitors to the site of the history of the site

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1 and the neighborhood. The development group has signed a
2 variety of agreements that have already been mentioned with
3 SWNA as well as with other nearby residents. And it's the
4 expectation that they're going to comply with those
5 agreements and maintain good communication with everyone in
6 the community and adhere to the designs that they are
7 offering, which have embraced a more thoughtful treatment of
8 the historic fabric and its placement in the adjacent
9 cityscape. I wanted to voice my support for the submission.
10 Thank you.

11 CHAIRMAN HOOD: Okay. Thank you, Mr. Pierce. Mr.
12 Smith.

13 MR. SMITH: Yes. My name is Robert Smith. I am
14 a designated representative for Syphax Village Condo
15 Association. We have about five board members, and we have
16 all looked at the different iterations of the good neighbor
17 agreement, and we're speaking on behalf of Jeff Utz and Greg
18 Wie, and they've been really patient with us as far as
19 scheduling and also as far as just reading some of the --
20 changing some of the document and kind of getting the drafts
21 together and kind of satisfying the concerns we had. So
22 we're in support, and then for the integrity of this
23 agreement and partnership, we like the way things are moving.
24 We're impressed by it, so we'd like to move forward and, you
25 know, just support this movement, this transaction.

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1 CHAIRMAN HOOD: Okay. Thank you, Mr. Smith.
2 Let's go to -- and we may have questions, so if you all can
3 just standby. Mr. McKinney.

4 MR. MCKINNEY: So I think there was a
5 miscommunication because I'm an opponent rather than
6 proponent.

7 CHAIRMAN HOOD: Okay. Ms. Schellin, do we have --

8 MS. SCHELLIN: Yeah, he's listed as a proponent,
9 so he must have clicked the wrong one then.

10 CHAIRMAN HOOD: That's okay. No problem. Let's
11 keep -- let's see if we have anybody else in support. Not
12 seeing anyone, Commissioners, any questions of either one of
13 these witnesses who are in support? Not seeing anyone.
14 Okay. Does the Applicant have any questions of either one
15 in support? Mr. Utz?

16 MR. UTZ: We do not. Thank you.

17 CHAIRMAN HOOD: Okay. Thank you. Thank you both
18 for your work that you do and also thank you for your
19 presentations tonight to the Zoning Commission. Thank you.
20 Let's call opposition. So we'll start with Mr. McKinney
21 first and any other opposition.

22 MS. SCHELLIN: Yes. We have Gregory Keagle who
23 is representing, or actually, he is just representing
24 himself. He's the homeowner. And then we have Christopher
25 Williams, Rachel Davis, and then we will have one undeclared,

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1 Ms. Kathlin Wynn, when she is finished.

2 CHAIRMAN HOOD: Okay. Let's just bring up those,
3 just those right now that are in opposition. I'd like to see
4 everybody. If you would, and you're up to it, you can cut
5 your video on so we can see you. If not, just let us know
6 when you begin. So Mr. McKinney, you may begin.

7 MR. MCKINNEY: Good evening, Commissioners. My
8 name is Coy McKinney. I've been a resident of Southwest
9 since 2010. For my full concerns with this project, please
10 refer to Exhibit 25. I'm opposed to this project due to the
11 pitiful amount of affordable housing it will produce. D.C.'s
12 affordable housing crisis has disproportionately affected
13 Black Washingtonians. Certainly in the age of Black Lives
14 Matter, Black homes must also matter. I also oppose this
15 project because it goes directly against the wishes of
16 Southwest residents as expressed to the Southwest Small Area
17 Plan, which states that quote, that residents, quote,
18 overwhelmingly expressed their desire to maintain the
19 economic and racial diversity that makes the community
20 stronger and more vibrant.

21 I take the position that because this is design
22 review, they want the Southwest residents be ignored. I
23 can't help but to point to a handful of months ago my inbox
24 was filled with emails from just about every company I'd ever
25 done business with and even some I'd never heard of talking

1 about how they were committed to doing the work of fighting
2 racism, that they were listening and promised to do better.
3 But it wasn't just businesses but organizations, law firms,
4 civic associations all stated their commitment to righting
5 the wrongs of racism. The words of Dr. Ibram X. Kendi,
6 author of How to be an Anti-Racist, started appearing
7 everywhere, a quote of his, a racist is someone who is
8 supporting a racist policy by their actions or inactions.

9 Another quote, a racist policy is any measure that
10 produces or sustains racial inequity between racial groups.
11 So let's apply it here. Median income for Black families in
12 D.C. is around \$40,000 a year, merely a third of what it is
13 for white households. And the Mayor's October 2019 Housing
14 Equity Report stated that the majority of units that have
15 been produced have been targeted towards those making 120
16 percent of the MFI, which is about \$100,000 a year.
17 According to the Office of the Chief Financial Officer, the
18 number of market rate units increased 13 percent in the third
19 quarter of 2019 and averaged nearly \$2,700 a month up in
20 rent, which means you need to be earning \$97,000 a year to
21 not be considered housing cost burdened.

22 It's easy to see then that market rate units cater
23 predominantly to white individuals and families. 92 percent
24 of the units in this project will be market rate. This
25 neither caters to the racial and economic diversity Southwest

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1 residents called for nor is an accepting model of equity and
2 inclusion. Sadly, projects like these have become all too
3 common in Southwest, which is why the median income has
4 increased 110 percent. Housing prices have risen 55 percent.
5 The Black population has decreased, and the white population
6 has more than doubled. The only way things change is if
7 people in positions of power and influence act boldly. The
8 question becomes then, how committed to anti-racism is the
9 Commission. And so for that, I urge you to demand more
10 affordable housing units in this project. Thank you.

11 CHAIRMAN HOOD: Okay. Thank you. You can hold
12 tight. Let's go to the next person called. Was it Mr.
13 Williams?

14 MS. SCHELLIN: Mr. Keagle.

15 CHAIRMAN HOOD: Mr. Who?

16 MS. SCHELLIN: Keagle.

17 CHAIRMAN HOOD: Mr. Keagle. I don't see him. Oh,
18 I see him. Mr. Keagle, you may begin.

19 MR. KEAGLE: Hello. Good evening everybody. I'd
20 just like to touch real quick because I don't have much time,
21 first with just the issues I have overall. The rear yard
22 flexibility they're asking for, although it doesn't affect
23 my property, it just encourages once again a building to be
24 put up that they don't have the proper space, you know, to
25 have.

1 The court flexibility that they're asking for,
2 they are 8 feet short of it and actually the legal amount
3 would put that space into the backyard of my neighbor. So
4 they don't have the proper space to provide the court that's,
5 you know, supposed to be provided. Now I'm no lawyer, but
6 my main issue is with the South Capitol setback. Now the
7 developers say in their application or whatever it's
8 considered, they say pursuant to Subtitle K510.1(b)1, the
9 Capitol Gateway Zone require a 15-foot setback along South
10 Capitol Street frontage.

11 But the actual law says 510.1(b)1, it actually
12 says in quotes, each new building or structure located on
13 South Capitol Street shall be set back from its entire height
14 and frontage no less than 15 feet. It doesn't say setback
15 for its height and street frontage. It says its entire
16 height and frontage. And the definition of frontage is the
17 horizontal distance between side lot lines measured along the
18 front lines.

19 So I personally don't understand how that portion
20 could be considered behind 1311 and 1313 and actually
21 technically 1307, which is the far end row home since they've
22 already admitted in the application that they have a weird
23 property line. So I don't see how my property could be
24 considered their frontage.

25 That portion has to be frontage of their building

1 that actually fronts the back of our row homes. So I feel
2 that it's deserving of a 15-foot setback, which they actually
3 almost have except for the fact that 1313, my neighbor Sheila
4 Samaddar, she actually owns, which was previously discussed,
5 she owns -- she's the only one, the two townhouses to the
6 left of her closest to the alley. They used to.

7 Those three houses owned that portion of the
8 easement, and it was mentioned like they gave us the
9 easement. The easement always existed. It was always there.
10 All they did was add two extra feet, which we did want more.
11 We wanted more feet, but back then in 2016, they told us that
12 they were still subject to the setback, so spacing would not
13 be an issue behind the houses because they would still
14 technically have to take a setback from the property lines.
15 I don't think they ever really realized that Sheila owned 10
16 feet of that. So a lot of our issues are with the shadow
17 study. And we understand that there's nothing we can do
18 about a 110-foot building. That's fine. I just don't think
19 people should be rewarded to create a building that they
20 honestly don't have the space for.

21 We've all tried to work with them. You know, I'm
22 not trying to throw anybody under the bus, but Greg from JAG
23 said that, you know, they had worked with us. But the truth
24 is, we've only met with Greg from JAG one time, after they
25 purchased it. And that was last Thursday.

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1 Jason Lamb and I met with him one time in January
2 before they actually bought the property, but since they've
3 purchased the property, we've only met with him one time.
4 And that was just me and Sheila, and that was last Thursday.
5 And all these discussions about that they've worked with us,
6 the truth is we've been in many meetings over the last four
7 years.

8 But we've only been in three meetings where the
9 developers, SWNA and our ANC rep or representatives were
10 there. Only three times in four years have we met with
11 everybody, and we never met with Historic Preservation Office
12 until we had the application. Then we, just as neighbors,
13 met with him.

14 But we never with them as a big group like
15 everybody else did multiple times throughout the year. We
16 never met with -- who else -- we never met with Charles
17 Allen. He was part of like a bunch of meetings. We were
18 kept out of all those meetings. And I'm being completely
19 honest, and I would love to have any questions. The only
20 conversations we ever were involved in was to get rid of
21 Historic. That's it. We never talked about design or
22 anything like that, and they might have talked about a
23 facade.

24 And there was a jigsaw shape, but any complaints
25 we had to the design we were always told, well these are just

1 designs. They're not specified like distances, and you know,
2 until Historic is gone and before that the alley tunnel
3 closing is approved, there's really nothing to talk about.

4 So as far as we were concerned, our whole effort
5 until the Historic nomination was withdrawn the last day of
6 April 2020 and it was submitted April 11th of 2017, was the
7 removal of Historic. That's it. That's all we talked about.
8 And just to touch point on a couple things that people had
9 said, Caroline Levins said that there was a significant --
10 they pulled away from the existing homes in the significant
11 amount.

12 But the truth is, she's not mentioning our
13 property line. Like we all have dreams of development, too,
14 so you know, pulling away from the back of our home isn't
15 pulling away from our property line. And we're able to
16 develop as well. And I think a lot of that is maybe people
17 don't want us to develop.

18 What are some other points? You know, to touch
19 on the vacant homes, in 2016 when the developers first
20 purchased the property, there was only one vacant home in all
21 of the homes on South Capitol and all of the homes on N
22 Street, there was only one vacant home. And that was the
23 corner house on N Street that was owned by the Warrings who
24 owned all the property and the second house in from the alley
25 on South Capitol and the corner house on N Street. All homes

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1 were occupied. It was not in that type of shape that I'm
2 sure you all have seen the pictures. And I'm not going to
3 go over any of the evidence that I've submitted. I hope that
4 you've read it, and I hope that everyone agrees that no
5 matter what it was unethical what we've been put through.

6 Let me try to touch note on some other stuff. You
7 know, I mean honestly, I just -- I don't really think
8 there's, you know, really much more for me to say. The
9 shadow study, we were given a shadow study last Thursday that
10 more represents the shadow study that we submitted. And the
11 shadow study that you all are looking at is really unfair
12 when you break it down into just seasons because if you're
13 trying to represent winter, you can pick the closest day to
14 Fall or the closest day to Spring. If you're trying to
15 represent Spring, you can pick the closest day to Summer.

16 And to be honest with you, I would -- in my
17 opinion, that's what's been done. And you also neglect to
18 the see the point of it starts in the afternoon. I mean if
19 you look at our shadow study, realistically, almost every
20 single month if you take into effect our property line and
21 not just the top of the house, we start getting affected by
22 noon in almost every single month.

23 And the shadow studies, they end at 4:00, but
24 you've got to understand, the sun still sets. And in the
25 summertime, we still have the sun until 8:30. So after 4:00,

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1 we never see the sun again. I mean we never see the sun
2 again really after 2:00, but I think it's misleading because
3 you're not realizing that there's four or five hours after
4 that that we never see sun.

5 So it's very significant. I mean it's very
6 significant. I mean you run into major problems when you
7 don't have sunlight. There's mold issues. There's health
8 issues. I mean we want to have solar like they said, too,
9 but how are we ever going to have solar, it's impossible.
10 It's truly impossible.

11 And I just want to reiterate, you know, we've
12 never like been like oh, you have to buy us or we're not
13 working together. We have tried to work with the developers,
14 the first ones, the second ones and now the third ones. We
15 have tried to work with them nonstop in figuring out how to
16 come up with solutions, whether that be trading properties,
17 whether that be part of the project, what have you.

18 And we've never been worked with. They can say
19 they've worked with us, but the only way they've worked with
20 us is to get the Good Neighbor Agreement done which gives
21 them support for the tunnel closure or the alley closure and
22 to try to get Historic removed, which we started to wonder
23 in 2019 if they were actually on our side in getting the
24 Historic removed.

25 As you can see from some of the emails I

1 submitted, you know, admittedly from Ryan Pierce they called
2 to see if they could put the two houses back on, Jackie's
3 houses on N Street, to get leverage like they had done to us.
4 They even admitted like they had done to us, so you know, I
5 just think it's -- I just encourage you and I really plead
6 for you just to take a step back and just really look at it
7 because I think everyone can admit that --

8 CHAIRMAN HOOD: I'm going to need you to give your
9 closing thought. I actually was looking at the clock, and
10 I thought --

11 MR. KEAGLE: I'll give it right now, sir.

12 CHAIRMAN HOOD: Hold on. Let me finish. You have
13 five minutes, and I know I've given you well over five
14 minutes. So give me your closing thought, and let's end it.

15 MR. KEAGLE: My closing thought is I think we've
16 heard a lot today about everything that's trying to be done
17 in the discussions, but nothing has to do with us. It's
18 never for our interests. And the first gentleman that
19 talked, you know, he talked about the spacing seems weird
20 back there. And it's just like I feel like no one's ever
21 really tried to do anything for us. It's always been other
22 people's ambitions, and we've just been left. We've just
23 been left. That's it. I'd encourage any questions.

24 CHAIRMAN HOOD: Okay. Thank you. You can just
25 hold tight, go back on mute for a moment. Mr. Williams, I

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1 think you're next. You want to unmute yourself. It's
2 showing that you're -- if you hover over --

3 MR. WILLIAMS: Okay. Can you hear me?

4 CHAIRMAN HOOD: There you go.

5 MR. WILLIAMS: Okay. Thank you. I'll start my
6 remarks off by saying what a sad day in America when we're
7 more interested in preserving a building than we are in
8 preserving a neighborhood and making Black Lives Matter.

9 I am here to testify on behalf of Southwest Voice.
10 We are an alternative and independent news source in
11 Southwest Community Group. And you can read in our 15-page
12 statement more about us. We are opposed to the project at
13 1319 South Capitol because it will harden Black displacement,
14 increase rent burden, reduce homeownership opportunities and
15 catalyze a shift toward upper income residents that far
16 exceeds the Black median household income and exacerbate
17 Black income and equality and make Southwest even less
18 affordable for families at 30 percent, 60 percent and 80
19 percent MFI or AMI.

20 The effect will be highly racial, and Black people
21 will be excluded. Let me quote a longtime Southwest resident
22 and Board member, quote, they are trying to make Southwest
23 for whites. We are nobody here. What I think is important
24 about the material that you have before you from Southwest
25 Voice is that we've done a lot of research around the various

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1 ways that developments to date have negatively impacted our
2 community.

3 And we're asking that the Zoning Commission, as
4 an independent quasi-judicial agency with statutory latitude,
5 not rubber stamp various agency's development decisions. I
6 want to read from your website. It is empowered, the Zoning
7 Commission is empowered to grant relief from the strict
8 application of zoning regulation variances. Further, the
9 Zoning Commission review may impose conditions or
10 restrictions on airspace development in order to ensure no
11 undue adverse impact on the surrounding area. An adverse
12 impact of this development will further harden a major racial
13 demographic shift that flouts the firm comprehensive plan
14 framework in the Southwest Mall plan.

15 As you are aware, the framework for the
16 comprehensive plan has been updated. And that language
17 includes we must recognize that managing growth and change
18 includes addressing the historic, structural and systematic
19 racism inequities and disenfranchisement of many District
20 residents.

21 Our data show, if you look on page 7, how
22 Southwest in the last 10 years has gone from a majority,
23 minority district to recently being eclipsed around 2017.
24 There are fewer of us here than there were 10 years ago.
25 There are 3,000, nearly -- more than 2,000 more white

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1 residents than there were 10 years ago.

2 This development and similar development is
3 changing the very neighborhood character in Southwest, and
4 we ask that you look at your statutory latitude to assess
5 this development with respect to the harm that it is causing
6 to the Black community and moderate income families in
7 Southwest. The comprehensive plan framework falls for it.

8 We also look at the roots of gentrification, and
9 we encourage you to explore this as of course a part of the
10 record. We encourage you also to look at the ways in which
11 rent burden has increased throughout Southwest from 2009 to
12 2018. Rent burden has increased for renters in three out of
13 our four census tracts.

14 You can see the curve on page 10 showing the
15 increase in rent changes. We have become one of the most
16 expensive neighborhoods in the city. We are, according to
17 Zillow, the ninth -- we have the ninth highest median rent.
18 When is the Zoning Commission going to care more about people
19 than buildings?

20 We also see the effect of all this development on
21 families at different AMIs, and so we see that information
22 there on page 12. And we know that Black median income is
23 roughly between 50 to 60 percent AMI while the white median
24 household income is greater than 120 percent AMI. Black
25 people will not occupy these new buildings, and that is a

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1 miscarriage of justice. The Zoning Commission and the last
2 call about the 711 project again in Southwest raised concerns
3 about affordability in Southwest and said that this
4 Commission has backed affordability throughout the years.
5 That is a lie. It was a complete lie.

6 You are not doing enough to push affordability,
7 and you have the statutory latitude to do so. So we
8 encourage you to read the full report. It provides a
9 comprehensive statement of all the adverse impacts on our
10 community. Those who are African American as well as those
11 who are moderate income. Thank you.

12 CHAIRMAN HOOD: Okay. Thank you. Ms. Schellin,
13 do we have anybody else other than the undeclared person?

14 MS. SCHELLIN: Yes, Ms. Davis.

15 CHAIRMAN HOOD: Ms. Davis. Okay. Ms. Davis.

16 MS. DAVIS: Hi. Thank you for hearing my few
17 minutes. So I'm a Southwest resident, and I deeply care
18 about the development of the Southwest neighborhood and want
19 to ensure affordable housing not only for myself but for my
20 neighbors who are constantly being pushed out by the luxury
21 apartment developments that have been going up over the last
22 few years.

23 I oppose the proposed development because although
24 it may meet zoning requirements. It does not meet the
25 affordability housing needs of the neighborhood. From my

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1 understanding, the current -- currently, the developer is
2 proposing 24 units amount 310 units. This is unacceptable.

3 Affordable housing should be the number one
4 criteria for all developers who are proposing housing in
5 Southwest. Regardless of what is allowed by the current
6 laws, the Zoning Commission should reject this project
7 because it is exactly the opposite of what the neighborhood
8 needs. The development should not be approved until the
9 developer provides an adequate number of affordable units.
10 Thank you. That's all I have.

11 CHAIRMAN HOOD: Okay. Thank you all very much.
12 Let's see if we have any questions from our colleagues.
13 Commissioner May, any questions or comments?

14 COMMISSIONER MAY: No questions.

15 CHAIRMAN HOOD: Commissioner Shapiro, any
16 questions or comments?

17 COMMISSIONER SHAPIRO: No questions, Mr. Chair.

18 CHAIRMAN HOOD: Commissioner Turnbull, any
19 questions or comments? Vice Chair Miller, any questions or
20 comments? So I'm going to -- since I heard a lot about Black
21 Lives Matter and we're being pushed out, I'm going to employ
22 all those who spoke, Mr. McKinney and Mr. Williams, help me
23 or help this Zoning Commission help get exactly what you're
24 saying.

25 There was a process that took nine years getting

1 a bill before the House. And the only person that showed up
2 in the room of color was me, and I'm on the Commission. So
3 the regulations are what they are, but it's going to -- and
4 I agree 100 percent of what Mr. McKinney said for sure. Mr.
5 Williams, I agree with maybe 50 percent. I don't remember
6 everything off the top of my head of what you said. But in
7 order for the Zoning Commission, by law, and I know the
8 courts have told us the gentrification issues within our
9 purview. And if you follow what we've been doing, I've been
10 putting it in my purview.

11 But I also have to say that the regulations are
12 the regulations. So I need people who are here today to help
13 us push and get them moving. Demand it. The Zoning
14 Commission is not the end all-save all. There's a law in
15 which -- and I'm not -- I am not saying anything about this
16 case in particular. But I'm saying, when we're having
17 conversations upfront, show up. One of the former council
18 members said to me, and I'm going to say this. Everybody
19 lobbies, but us. So when it comes time for these regulations
20 to be written, I need to see people in the room to help us.
21 Let's push it down low. I agree. I don't disagree.

22 Give the Commission the ammunition it needs, not
23 after it's been through some years. Give it to it upfront,
24 that it needs to help do exactly what you have just said
25 because I agree with you. I do not disagree. So --

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1 MR. WILLIAMS: May I --

2 CHAIRMAN HOOD: That's my -- let me finish.
3 That's my philosophy. That's my thought. I don't disagree,
4 especially when I heard Mr. McKinney say and Mr. Williams,
5 like I said, I might agree with more. But the tools that I
6 have to work with are what I have to work with.

7 You heard me earlier, if you did hear me earlier,
8 ask the applicant why not help upgrade the quality of life
9 of people of color. That's what I was basically asking. But
10 to hear this now, the Zoning Commission do this -- Zoning
11 Commission has a strict guideline it has to go by, which is
12 the regulations.

13 If there's a way to increase affordability, bring
14 it forward. I believe, my colleagues, all of us I believe,
15 Vice Chair Miller, Shapiro, May and Turnbull, we're always
16 pushing that. But it's only so far we can go with the
17 regulations. We need the public to help us. And I'm not
18 disagreeing with you. I agree with you 100 percent, and I
19 agree that people should be able to stay in Southwest,
20 period. So anyway, let me --

21 MR. WILLIAMS: May I respond to your --

22 CHAIRMAN HOOD: I will come back to you. Any
23 questions or comments? Not seeing any. Mr. Williams, you
24 had something you want to add?

25 MR. WILLIAMS: With all due respect, the Zoning

1 Commission does not take full advantage of all of the tools
2 at your disposal to say no to projects on account that these
3 projects are leading to gentrification. Your position could
4 make a comprehensive assessment based on your understanding
5 of all the various planning documents to say that enough harm
6 has been done to Southwest and no more of these types of
7 projects. The Zoning Commission has the full authority to
8 do that.

9 CHAIRMAN HOOD: Okay. Thank you. Hopefully,
10 you'll still listen to my point and hopefully -- I'm going
11 to listen to your point, and I hope you listen to my point
12 as well. Does the Applicant have any questions or comments?

13 MR. UTZ: We do not. Thank you.

14 CHAIRMAN HOOD: Okay. Does -- I think that's it.
15 All right. Thank you all very much. We appreciate you, your
16 testimony. All right. We had somebody undeclared?

17 MS. SCHELLIN: Yes.

18 CHAIRMAN HOOD: Let's bring the undeclared person
19 up.

20 MR. YOUNG: Sharon, can you tell me who it was?

21 MS. SCHELLIN: Last name Kaplan, Ms. Kaplan.

22 MS. KAPLAN: Hi all. My name's Ilana Kaplan.
23 Thank you so much for Chairman Hood and members of the
24 Commission for providing me time to speak. I am a resident.
25 I'm a tenant of Jason Lamb and a resident 4a M Street

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1 Southwest, which shares a retaining wall with one of the
2 units, 6 M Street, that will -- is planned for development.

3 And I just wanted to participate in this because,
4 for two reasons. The first one being that from my landlord
5 I was informed that the advice that he was given from the
6 development company was that myself and my neighbor next to
7 me at 4 N Street should, during the development process for
8 the townhouses that they're maintaining, should move out of
9 our properties but with no -- as there is no plan for -- in
10 any of the proposals to provide us with any support or
11 relief, so essentially stating that myself and my neighbor
12 at 4 N Street should have to front the financial costs of
13 paying rent in our current property, but that would be
14 unfeasible for us to actually be able to live in.

15 So just wanted to note that without any planning
16 or noting that that's concerning that the current development
17 plan doesn't provide any conditions for that for myself and
18 my neighbor. And then additionally, the other concern that
19 I had is with the -- that did not appear to be addressed in
20 the DDOT plans or proposal is that currently N Street
21 Southwest is a one-way street heading west and is only
22 accessible from a right turn lane on South Capitol Street.
23 That lane is intended to be a right turn only lane. However,
24 there -- it's not enforced as a right turn only lane is
25 predominately used as just additional access to continue

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1 south on South Capitol. There was no street signage that
2 informs people that it's right turn only. It's only a little
3 bit of painting on the street.

4 And this is to the point that even when there are
5 traffic coordinators during baseball games, they do not force
6 that lane as a right turn only lane and allow everyone to
7 just use it as a continuance onto to South Capitol. So since
8 the parking lot will be accessed from N Street, it's
9 concerning that there's no plans to have better access and
10 enforcement of - onto N Street Southwest from South Capitol
11 Street with the -- what will surely be a significant amount
12 of increased traffic for the residents accessing the parking
13 garage. That's all I have. Thank you.

14 CHAIRMAN HOOD: Okay. Thank you. Let's see if
15 we have any questions of Ms. Kaplan, from my colleagues? Not
16 seeing any. Okay. Does the Applicant have any questions?
17 Not seeing any. Okay. Great. Thank you, Ms. Kaplan. We
18 appreciate your testimony. All right. Mr. Utz, if you could
19 -- if you have any rebuttal, you can do that at this time.

20 MR. UTZ: Great. Thank you. Yes. Let me just
21 start from the top. We have a few things that we would just
22 really appreciate the opportunity to run through. On the --
23 can we go ahead and go back to the ANC discussions to just
24 kind of closeout the kind of considerations that I think we
25 left a little bit open? This is the kind of batting cleanup

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1 slide that I wanted to make sure we could speak to with
2 specificity, the slide in the -- this is probably Slide 5 of
3 the presentation.

4 Okay. Is it possible to pull up the presentation
5 to go to Slide 5? Thank you. Okay. So this is the slide
6 that I was intending. I think this lets us kind of work
7 through all the issues that we just talked about and heard
8 about. First, I just wanted to just say thanks to ANC 6d.
9 It's been a long road but a good relationship with them, and
10 we anticipate it's going to continue.

11 So as I mentioned, you know, we do agree to the
12 conditions that are on the page before this. And we have
13 integrated those elements into the materials. On the digital
14 signage and the neon signage that actually is hardcoded in
15 our filing, in our prehearing statement. We filed a
16 commitment to not have those sorts of signage and lights on
17 the project, so that's in the record. We're happy for it to
18 be a condition. On the considerations, on the Kings Mill
19 coloration of the west and the north facade, we talked about
20 this before.

21 This is the very -- we talked about this a long
22 time. There's been a ton of thought put into this. We feel
23 strongly about the kind of, the non-Kings Mill coloration
24 being the direction that we need to go here for all the
25 reasons we said, the compatibility with the surrounding

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1 context, invoking the James Creek coloration and trying to
2 purposely not mimic the Syphax Historic Building. This is
3 a direction that we wanted to go. In addition to the
4 benefits of it being a little lighter and kind of making the
5 mass and weight of that facade seem a little less. The pet
6 relief areas, we included in our materials the pet relief
7 areas.

8 You know, this was an ANC request. Page 37 of the
9 presentation shows exactly what that area is. We went
10 through and made some pretty significant detailing of that
11 page reflect what kind of operations and maintenance are
12 going to look like. On the landscaping, landscape management
13 plan, right now this is incorporated by nature of the
14 landscaping plans and the details on those themselves. These
15 are really pages 33 to 37 of the presentation, which are also
16 in the prehearing submission, have been evolved over the
17 course of talking to the ANC and talking to SWNA.

18 So we would be willing to include a condition that
19 the landscaping will be maintained and managed in a
20 professional manner or something similar in perpetuity by
21 building management in accordance with those pages. But
22 otherwise, having something that's more detailed than that,
23 this project is too preliminary to actually do that, you
24 know, at this phase of the design and working through the
25 configuration of the building. It's kind of too preliminary

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1 to have a plan that would have a significant amount of detail
2 to it.

3 For the fourth bullet, providing the ANC
4 construction management plan information prior to the start
5 of construction, including truck routes, we're happy to
6 incorporate that. I don't think we specifically said that
7 as part of our presentation, but we are happy to do that.

8 For the fifth bullet, we did actually talk about
9 this. This is the commemorative signage on the N Street and
10 South Capitol row homes and the brick outlines of the two
11 raised homes. This has been incorporated into the design,
12 and we're happy to have that be a condition. It'll be a
13 condition because it'll be on the plans. But we included
14 that as the result of the ANC request, and frankly, the SWNA
15 agreement also details some of this. To a lesser degree,
16 it's been enhanced and evolved in the recent discussions with
17 the ANC just kind of made more robust. And we're happy to
18 do that.

19 On the next open point, consider providing air
20 purifiers to residents' homes near the project during the
21 Voluntary Clean-up. We would like to have this discussion
22 within the context of the VCAP process itself. We are
23 committing based on the condition on the prior page to this
24 kind of enhanced outreach in communication meeting protocol
25 during the VCAP process.

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1 So discussions along the lines of air purifiers
2 that we think are built, that's dealt with in that context
3 to assess who is interested in it and talk about timing and
4 things like that. Regarding the regular updates to ANC 6d
5 on the status of the project, including the changes to occur
6 to the design of M Street homes, the overall IZ unit mix and
7 the price and occupancy of the live-work units, all of that
8 is generally acceptable as a condition except for -- we don't
9 think the pricing of the live-work units is something that
10 would typically be include in this sort of condition.

11 It hasn't been part of really the discussions over
12 the course of the SWNA agreement which is where this concept
13 first came up a year ago. As I was mentioning before, this
14 concept that if the live-work units, three of them, aren't
15 successful, that there would be further considerations about
16 specific retail to be included in there or affordable homes.

17 This is something that we would strongly prefer
18 to keep out of a condition because of the complexity it would
19 introduce into a concept that frankly it's going to take some
20 effort to pull off correctly. It would also potentially be
21 a very costly set aside down the line after, you know, there
22 really has been a lot of costly elements that have been
23 integrated into this project over the course of the years
24 that we've been negotiating.

25 It's been evolving, and it think it's a better

1 project for it, but each of those elements comes at a cost.
2 Regarding the consistency with the design review standards,
3 really some of what we heard the consistency with the
4 comprehensive plan on the Southwest Neighborhood Plan, I just
5 want to remind the folks that talked about that, this is not
6 a PUD. This is a design review case.

7 The height and the density are a matter of right.
8 There is still a comprehensive plan analysis, and it's
9 actually included in the record. The comprehensive plan
10 analysis is a holistic consideration. It's not just about
11 affordable housing, but it's about all the elements, in
12 addition to affordable housing, that comprise a very
13 complicated, nuanced, hefty document, the comp plan and the
14 Southwest neighborhood plan itself.

15 So just regarding the comp plan, there's more
16 detail to this in the record in Exhibit 3. That's our
17 application statement that talks about the plans but the comp
18 plan itself. The land use element specifically calls out
19 some policies that are particularly integrated into this,
20 consistent with this project.

21 I won't kind of detail them to take up your whole
22 night, but there's a strong emphasis on in fill development
23 where vacant land is specifically prioritized to fill in gaps
24 in urban fabric so that homes and housing can be developed.
25 That's exactly what this is on a site that's also under the

1 land use element favored to build that sort of housing.

2 That's an important consideration here because
3 that's one of the primary themes of this project. And the
4 project is also consistent with some of the transportation
5 and environmental considerations under those elements. It's
6 particularly in line with the urban design element.

7 If you read through that element, there are
8 multiple policies that this project speaks to directly,
9 including policy UD1.41, which talks about utilizing the
10 major boulevards to reinforce the form and identity of the
11 city, improve the aesthetics and visual character and really
12 focus on emerging neighborhoods, boulevards and those that
13 provide important gateways and U corridors to enhance vacant
14 properties along those.

15 There are several provisions of the urban design
16 element that do that. Obviously, this project does that in
17 spades while also still designing specifically to set back
18 from the row homes, which I can talk a little bit more about.
19 The housing element is also obviously highly consistent with
20 or this project is highly consistent with the housing element
21 due to it hits on just about every one of the provisions and
22 policies within the housing element.

23 One of the most important H1.1.1 is private sector
24 support to encourage new homes being constructed so that both
25 have a place to live. It also talks about mixed use

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1 development and mixed income development. This is a mixed
2 income development due to the IZ units that are in the home.

3 It also has some unique components due to the
4 family size units, due to the live-work units that vary that
5 up even more. The area element itself, we are in the Lower
6 Anacostia waterfront in Near Southwest area element. This
7 also gives obviously a little bit more of a unique
8 neighborhood centric view on this property on how it should
9 relate to the surrounding context.

10 Policy AW2.2.1 talks about the South Capitol
11 Street Urban Boulevard and transforming into a great urban
12 boulevard walking street befitting its role of where it is
13 and what it is and that development is encouraged along it,
14 along with Policy AW.2.2.2 which has very similar favorable
15 language regarding the Ballpark Entertainment District, which
16 as has been noted, ballpark is right across the street.

17 Regarding the Southwest Neighborhood Plan, you
18 know, there's been some discussion by some of the folks
19 towards the end of the hearing today about the project's
20 consistency with the Southwest Neighborhood Plan. In the
21 record we have, Exhibit 12 speaks to that with some
22 specificity.

23 But I did want to mention some specifics on this.
24 I won't go on forever, but there's a particularly important
25 provision within the Southwest Neighborhood Plan dealing with

1 the model community vision. That's one of the primary
2 concepts that precipitated out of that long series of
3 engagements that wrote that plan.

4 Page 75, it says the goal of the model community
5 vision is to maintain a mix of affordable and market rate
6 residential units that better serve community needs. MC.4
7 says retain the neighborhood's 19 percent subsidized units
8 by establishing targets that exceed IZ thresholds for future
9 development on publicly owned land and in future PUDs.

10 It's not talking about design review although
11 design review did exist as a concept at the time of the plan.
12 There are other similar provisions in that same model
13 community vision. They talk about it in the same way, as
14 part of the community benefits package. The affordability
15 should be enhanced. That's MC.6.

16 Again, this isn't an IZ -- I'm sorry. This isn't
17 a PUD, so there isn't a benefits package associated with this
18 project that's required. That being said, there is a
19 benefits package that is delivered by this project as a
20 result of all the components that we've talked about today,
21 all the different requests by the community that have been
22 integrated.

23 So yeah, I would say there was some particular
24 discussion about the increase in housing costs that would
25 result from this project and the effect of the immediate

1 context in the district. There are more counter studies that
2 say actually it's the opposite, the delivering the supply has
3 a significant effect on pricing, including decreasing it by
4 5 percent or more.

5 And there's actually two that I want to mention
6 I'm happy to put these on the record. One's called The
7 Impact of an Increasing Housing Supply on Housing Crises, the
8 Case of the District of Columbia from 2000 to 2018. And it's
9 by a Mr. Cole Smith and Mr. Muhammad by the CFO, the district
10 CFO. And it was issued in 2020. It concludes that without
11 the housing growth that occurred during that span, rents
12 would have been more than 5 percent higher than they are now.

13 And if the Mayor's goal of 36,000 units isn't hit,
14 rents will go higher from this point. There's a similar
15 study called supply shock versus demand shock, the local
16 effects of new housing in low income areas. This is by the
17 Upjohn Institute from December 2019 confirming the same
18 thing, that new buildings have decreased rent by 5 to 7
19 percent relative to occasions slightly farther away or
20 developed later because they didn't have the same level of
21 supply delivered.

22 So there is actual data out there from our own CFO
23 studying our own city that says the opposite is occurring
24 from what's been claimed earlier in this case, meeting. I'm
25 sorry. Regarding the Southwest Neighborhood Plan a little

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1 more, a lot of the letters, some of the discussions and I put
2 a lot of the letters in the record, talk about inclusivity
3 and the equity expressed and the goals of the Southwest
4 Neighborhood Plan fail without a very specific requirement
5 or request for affordable housing that's stated in the
6 letters.

7 That request for affordable housing actually isn't
8 stated in the plan. Instead, it talks about inclusiveness
9 in kind of gelling with the fabric that surrounds you in a
10 more holistic way. There's a lot that goes into making
11 Southwest D.C. Southwest. It's a nuanced place. It's got
12 a lot of complexities.

13 This project addresses all of that. There is
14 affordable housing, more than 8 percent. There is family-
15 sized housing. There's space for providing neighborhoods
16 serving commercial offerings, which was a community request.
17 There's space for neighborhood resources because some of the
18 private spaces made it into landscape publicly available
19 spacing, including a little dog run.

20 There is historic fabric integrated into the
21 property. The row homes, six of them are going to be part
22 of the project that stood out. There's the integration of
23 history and culture through several commemorative art site
24 design and signage components that are integrated into the
25 plan that we walked through earlier.

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1 Those were also the results of community
2 involvement. As you can see, that's a constant theme. The
3 community asks for a lot of these components and they were
4 delivered. There is special consideration of the design and
5 compatibility with the surrounding homes in the neighborhood,
6 particularly the selection of the materiality, which as we
7 talked about before is a three-sided building.

8 There's a large expense that goes with that, and
9 this applicant embraced that to integrate itself into the
10 community, not to project itself onto the community but
11 absorb characteristics of the community in the project.
12 There's also not the removal of a single resident as a result
13 of this. This is a vacant site.

14 So this is truly the quintessential in-field
15 development. And so to say that it's not in accordance with,
16 consistent with the Southwest Neighborhood Plan is not a
17 valid claim. All these things I just mentioned are also
18 highly supported by, supportive of the comprehensive plan.
19 So we would be happy to put more of this information on the
20 record after tonight and would welcome the opportunity to do
21 so.

22 Regarding Mr. Keagle's objections about the
23 project, he mentioned some of the flexibility components that
24 we are requesting. We are requesting rear yard relief, court
25 relief and setback relief from South. The rear yard relief

1 is actually on the east side of the building, not next to Mr.
2 Keagle's home. His filing seemed to think that there was a
3 rear yard configuration required on his side and maybe a
4 setback that somehow integrated his site.

5 It's actually on the other side of the building,
6 and the reason that it's needed is because of the setback
7 we're talking about. The building shifts over from South
8 Capitol to give that breathing room that we're talking about
9 from the South Cap row homes. So in order to have a double
10 loaded corridor, we had to kind of shift the building over.

11 Without the rear yard relief we would have to
12 shift it closer to those South Cap row homes. So that was
13 a conscious kind of historic preservation like design move.
14 Regarding the court relief, the dimension of the court that
15 needs relief is the north-south dimension. It's not the
16 east-west dimension.

17 That is created by the existence of actually the
18 two row home lots that are owned by this particular
19 applicant. If the alley to the south was incorporated into
20 the space, the 10-foot wide alley at the south was
21 incorporated into the 28-foot wide court, we wouldn't need
22 relief.

23 But the reality is the experience of the open
24 space is going to include that alley. It's also going to
25 include the setback from the alley to the south. It's a

1 large space that more than satisfies the 36 feet that would
2 be required based on the building height.

3 That 36 feet has nothing to do with where the
4 building is in proximity to the court. The court requirement
5 and its inability to meet the court widths is what it is.
6 It's going to be 36 feet no matter what at that exact spot.
7 Regarding the setback from South Cap, that requirement is
8 based on street frontage.

9 It's not based on a recessed building, kind of lot
10 line or facade that just happens to run parallel to South
11 Cap. So it is actually based on the public space right of
12 way, and we do need relief from it. And Mr. Keagle's home
13 is built into that 15-foot setback as are all the other
14 historic row homes.

15 So these features that we're talking about will
16 actually be fairly significantly shifted into the site, but
17 they're designed in a way to give more interest in kind of
18 vitality to that frontage. It's balconies. It's canopies.
19 It's the brick entries that are really kind of particularly
20 detailed. And it's tried to be -- minimize the amount of
21 projection into that space and allow for the viewshed to
22 maintain its kind of scared view of the capitol and of the
23 Anacostia River.

24 So overall, we think that these are items that
25 we've considered, and they don't amount to significant issues

1 that should need to be changed or in some way alter this
2 design. With that, that is -- that's actually pretty much
3 all I have to say. We think the project is a well-considered
4 project for this site. It's actually long overdue as we
5 talked about.

6 These discussions have been going on a long time,
7 but the site has been in part largely vacant for a long time
8 other than the row homes. But the interior and the south
9 part of the lot, more of the square footage of the site has
10 been vacant for a long time. And as I mentioned, we'd be
11 happy to submit a response document to some of the materials
12 I just talked about in the record if you would like. Thank
13 you.

14 CHAIRMAN HOOD: Thank you, Mr. Utz. I don't think
15 you need to tell us again that this is not a PUD requirement.
16 We also know that the, of course it told us that, you know,
17 we have a lot more purview than people come down and tell us,
18 you know. They say you can't do this. This is not a PUD.
19 No, we have a little more than that.

20 Two things, I want you to look at Mr. McKinney's
21 letter and tell me that cannot be accommodated or how you are
22 accommodating Mr. McKinney and Mr. Davis. I hear you saying
23 it. I need to be able to examine. When I look at 54.5,
24 604.6 and I look at that whole realm of regulations within
25 our purview, the whole question about displacements and

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1 things.

2 So the courts have told us that's actually within
3 our jurisdiction. So I'm going to carry that now, but I need
4 you all to file for the record how you're not doing any of
5 that and look and see if there's something in it you can do.
6 Now the affordable piece I think that the ANC mentioned, I
7 forgot how you had it worded.

8 I also want you to look at that and come back in
9 writing of why you don't think that should be a condition as
10 well. And I heard about the upper call survey, but there are
11 a lot more things to expect, what goes towards the applicant.
12 And I think that's some of what you heard from the community
13 and what we hear all the time from the community.

14 So those three things, Mr. Utz, I would like to
15 see that before I move forward with this application as I
16 look at other things and talk to my council as well. Let me
17 open it up to any questions or comments. And before we get
18 started, I would like for Mr. McKinney, Ms. Schellin and the
19 young lady who has been waiting to testify. I want you to
20 bring both of them back up.

21 And let me see. Let me go to Commissioner May.
22 We do have somebody on the line who has been waiting to
23 testify, and I don't know if we missed them. And I
24 understand that haven't taken the -- if she hasn't taken the
25 oath, I'll give her the oath right here. But let's bring --

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1 MS. SCHELLIN: She has not taken the oath. If you
2 could bring her forward.

3 CHAIRMAN HOOD: I'll give her the oath when she
4 comes up. Mr. May?

5 COMMISSIONER MAY: Yeah, very quickly for Mr. Utz,
6 the -- I was a little confused by the ANC's request for
7 regular updates on the status of the project. And you
8 thought that some of them were generally acceptable, but the
9 live-work issue you didn't want to commit to anything.

10 And I don't really understand what you're trying
11 to avoid committing to because there's just asking for
12 regular updates. I mean is this -- I mean you're not willing
13 to go back and talk to them further about that?

14 MR. UTZ: Yeah. So we're happy to go back and
15 talk to them further about it. I think it's where it becomes
16 a requirement to shift the live-work unit into a specific
17 use, which --

18 COMMISSIONER MAY: Yeah. That's not what they're
19 asking, or at least that's not the way I read it. Maybe I'm
20 wrong about that, but I think that, you know, if they're
21 looking for regular updates, I don't think that it's -- maybe
22 it's not a condition of the order, but it certainly could be
23 a statement within the order that you intend to go back and
24 discuss these issues and their request.

25 MR. UTZ: Yeah, I think the discussion is, that's

1 what we've been doing and that's in line with the spirit of
2 how things have been.

3 COMMISSIONER MAY: All right. Thank you.

4 CHAIRMAN HOOD: Mr. Shapiro?

5 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Mr.
6 Utz, you were referencing a number of the elements and
7 benching the project against the different elements. If you
8 could also include the new framework element as well because
9 I'm not quite seeing that as much. And again, there's no
10 doubt that there's a -- this is not a PUD, and there's not
11 a balancing test.

12 But you are balancing a bunch of competing
13 interests as you make your case. The framework element
14 shifts that conversation a bit. So -- and especially related
15 to housing affordability. So that's all I had, Mr. Chair.

16 CHAIRMAN HOOD: Thank you. Mr. Turnbull?

17 COMMISSIONER TURNBULL: No, I think Mr. Utz has
18 got to be tired of talking. It went on for quite a while
19 there I think. No, I have no other issues. I think he's
20 going to go back. I think we're going to get a report follow
21 up by the applicant going through a lot of things we talked
22 about. So I'll wait for the report to come in.

23 CHAIRMAN HOOD: Vice Chair Miller?

24 VICE CHAIR MILLER: Thank you, Mr. Chairman.

25 Yeah, I was -- echo Commissioner Shapiro's request that the

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1 framework element, as any analysis is being provided, on the
2 comprehensive plans and competing policies, that that be
3 factored in and included in the analysis that's being
4 provided.

5 CHAIRMAN HOOD: Okay. Thank you, Vice Chair
6 Miller. Okay. I see we have Mr. McKinney up. Let me deal
7 with Mr. McKinney first and then whoever the last -- I'm not
8 sure who the other person is, but they can just hold tight.
9 Mr. McKinney, my question to you is I heard your testimony
10 loud and clear. And I agree with 100 percent of it.

11 Now help me to help you or to help what you're
12 saying, which would help a lot of people. In this project,
13 what is it? You know, we have regulations we have to go by,
14 and I know those can be -- those go to court, too.
15 Everything goes to court. What is the most -- the two most
16 important things in this project besides not just don't do
17 it, that you would like to see or you would like to see try
18 to garner as we move forward.

19 And this is a design review as Mr. Utz has said
20 100 times. This is not a PUD. What are the two most
21 important things out of your testimony that -- what is most
22 important to you, and what is second most important to you
23 without just saying point blank stop the project.

24 MR. MCKINNEY: Right. So first of all, yeah, I'm
25 not a NIMBY in the sense that don't build any housing. I

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1 understand that we have to build housing to address the
2 affordable housing crisis. The issue that I have is that we
3 prioritize market rate units, which have this racist effect.

4 So for me, deeply affordability is the number one
5 thing. So increasing the number of affordable unit and the
6 depth of the affordability, and then also three-bedroom
7 units. We don't have a whole lot of those in Southwest.
8 I've had neighbors who've had to leave the neighborhood
9 because they've expanded their family and there's -- the only
10 three-bedroom units in the neighborhood go to about \$800,000,
11 \$900,000 or \$1 million. So deeper affordability and more
12 three-bedroom units.

13 CHAIRMAN HOOD: Okay, sir. Let me ask you this.
14 If we were to push for that, and I'm not talking about just
15 this case, Mr. McKinney. I know you from previous cases.
16 If we were to put the three -- everything has to have
17 research behind it. If we were to push in our cases for
18 three units, what is the backup documentation that that is
19 what's required or that's what's needed other than us just
20 saying we need three units, because I will tell you.

21 And I'm not going to call the case. There was a
22 case that this Commission was on, and there's a federal law.
23 And the person who's pushing for the four and five units were
24 outside the federal law. So you know, it's all about
25 following the law. So what backup -- if you don't have it

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1 now, maybe on down the line you can help me, show me where
2 it is.

3 What is the backup documentation that three units
4 are required, other than we have one or two families that
5 needed it at one time? I understand that. But that's what's
6 going to be asked.

7 MR. MCKINNEY: Right. Yeah. So I'm happy to
8 provide that information. Just off the top of my head, I
9 know that Council Member McDuffie was actually trying to do
10 a study to see the need for three-bedroom units. I'm not
11 sure where that study is or where -- what stage it's in, but
12 I'm happy to provide that for the record.

13 CHAIRMAN HOOD: Okay. All right. I'm familiar
14 with it. All right. So thank you very much. I just wanted
15 to bring you back up, and I appreciate your testimony. It
16 definitely home. It hits home all the time, but we've got
17 to show up when the rules are being -- when the regulations
18 are being written. And I'm not saying that to you, but you
19 can start helping to push that because that's very important.

20 MR. MCKINNEY: And if I could just respond real
21 quick. And so the first time I testified, that was my intro
22 to this, and so since then we've been trying to build
23 neighborhood -- we've been organizing our neighborhood to do
24 that. And so we've met with our Council Member Allen.

25 We're going around to the members that are on the

1 housing committee. We just had a meeting with Mr.
2 Pelletiere, who's the DHCD. He's the senior advisor for
3 DHCD. We met with Sarosh Olpadwala. He's the Director of
4 Real Estate in DMPED, so we're trying to get, you know,
5 because, you know, I'm a teacher, so I don't want to spend
6 my, you know, Monday nights at Zoning Commission.

7 I'd much rather be sleeping. I've got a three-
8 month old, so yeah, so I hear you and I appreciate that
9 advice.

10 CHAIRMAN HOOD: Okay. Well, I thank you. And
11 take care of that 3-year-old. I'm going to let you go back
12 to doing that, but I saw something in you the first time that
13 you came in front of this Commission. And I appreciate all
14 you're doing, so keep up the good work and let's make it
15 happen. Okay. Ms. Schellin, who is that that we're supposed
16 to be bringing on, somebody who's been trying --

17 MS. SCHELLIN: Sheila Samaddar.

18 CHAIRMAN HOOD: Ms. Samaddar?

19 MS. SCHELLIN: Yes.

20 CHAIRMAN HOOD: Ms. Samaddar, if you could -- you
21 may begin when you're ready.

22 MS. SCHELLIN: She has not had the oath given to
23 her.

24 CHAIRMAN HOOD: Oh, okay. Ms. Samaddar, are you
25 going to turn your video on so we can see you?

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1 MS. SCHELLIN: She's on the phone I believe.

2 CHAIRMAN HOOD: Ms. Samaddar, can you hear me?

3 MS. SCHELLIN: She has her mute button on, or she
4 needs to be unmuted. There we go.

5 CHAIRMAN HOOD: Ms. Samaddar, can you repeat after
6 me? You just say I do. Do you swear or affirm that you
7 would tell the truth and nothing but the truth in front of
8 the Zoning Commission of the District of Columbia? Ms.
9 Samaddar?

10 MS. SCHELLIN: I think Paul unmuted her.

11 COMMISSIONER MAY: Yeah, that was me that unmuted
12 her. I was just trying to help her out.

13 CHAIRMAN HOOD: Okay. Ms. Samaddar, are you
14 available? Okay. This is the last call for Ms. -- let the
15 record reflect that Ms. Samaddar is shown, but she obviously,
16 she's been unmuted by us. I don't know what else to do, but
17 to go ahead and keep moving. All right. So let me see.
18 Anybody have any other questions of Mr. Utz? Okay. Mr. Utz,
19 you want to give us your closing?

20 MS. SCHELLIN: Did you do cross on -- they didn't
21 do any rebuttal, right?

22 CHAIRMAN HOOD: He did the rebuttal.

23 MS. SCHELLIN: So then the ANC would be able to
24 cross on that.

25 CHAIRMAN HOOD: Okay. Chairperson Fast, are you

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1 still there? Thank you, Ms. Schellin. Chairperson Fast, are
2 you still available? Chairperson Fast? Okay. Well --

3 MS. SCHELLIN: Video is off. She's still there,
4 but she's not there.

5 CHAIRMAN HOOD: Okay. So Mr. Utz, do you have any
6 closing?

7 MR. UTZ: Thank you. So I'll -- rather than go
8 through my soliloquy again because I just talked for a long
9 time, I'll just say first of all, thank you for letting us
10 appear before you tonight. This evening has been a long time
11 coming. We appreciate the efforts of the community, as we've
12 said, many times. But it just bears repeating, the SWNA
13 folks in particular, the ANC, the neighbors, Syphax.

14 We intend to keep the lines of communication open
15 and going forward. We do think that this application meets
16 the design review standards, including the considerations of
17 the comp plan and small area plan, the Southwest Neighborhood
18 Plan. We're happy to submit more information along those
19 lines and look forward to doing so.

20 We really appreciate the support of the Office of
21 Planning and DDOT as well. And without it, I think we would
22 stand on the record with those discussion points that we have
23 said earlier in this meeting. But thank you again.

24 CHAIRMAN HOOD: Okay. Thank you, Mr. Utz and to
25 this team, let me -- Ms. Samaddar, is that you

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1 DR. SAMADDAR: Hi. I'm sorry. I was having
2 issues connecting. This is Dr. Samaddar. How are you?

3 CHAIRMAN HOOD: Fine. How are you? You need to
4 take the oath. No problem.

5 DR. SAMADDAR: Pardon?

6 CHAIRMAN HOOD: I'm going to give you the oath.

7 DR. SAMADDAR: Okay.

8 CHAIRMAN HOOD: Do you swear to the tell the truth
9 and nothing but the truth to the Zoning Commission of the
10 District of Columbia?

11 DR. SAMADDAR: I do.

12 CHAIRMAN HOOD: Okay. Consider yourself under
13 oath, and you have three minutes and you may begin.

14 DR. SAMADDAR: Hi, sir. I just wanted to make
15 sure that the documents that I submitted last week for
16 consideration for this hearing were taken into consideration.
17 There were several pointed that were receipted and there were
18 several points that actually not clarified by the testimony
19 received so I submitted a survey by a gentleman who is a
20 District of Columbia licensed land surveyor showing the right
21 of way instrument behind the property of 1313 and 1311 South
22 Capitol Street, and I just want to make sure that those
23 articles are reviewed prior to any approval by zoning. I'm
24 sorry I cannot hear you.

25 CHAIRMAN HOOD: I'm sure that you can't but I

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1 guess you can see me because I sure was talking. It's a
2 process where a lot of the things that you had in your letter
3 and I can't go right off the top. I know of them is about
4 damage to property, damage around the area. There is a
5 process I think in the building codes that will address a
6 number of those issues.

7 There are other processes besides the zoning
8 commission that will address a number of issues that you had
9 in your letter, which I recall.

10 DR. SAMADDAR: Yes. The number one concern I have
11 is actually the plans by the developers encroaching upon my
12 property which extends farther back to the west than the
13 other properties on Capital Street, and it does appear that
14 the setback or the easement behind my building is actually
15 being encroached upon as public property. So I would really
16 like that reviewed prior to any approval by the Zoning
17 Commission.

18 CHAIRMAN HOOD: So some things concerning my other
19 colleagues -- architects can chime in, but some things are
20 done under the building codes, review processes that's
21 outside of us to make sure that they fall under compliance
22 with those to protect your property to make sure that there's
23 no damage is being done there. Some other reviews would have
24 to take place besides this review and I don't know if any
25 others want to chime in on that or just leave it at that.

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1 Commission May?

2 COMMISSIONER MAY: So that was one area where I
3 had questions and I think, you know, and I tried to get the
4 applicant to answer that but maybe it would be helpful for
5 Mr. Utz to repeat again what you believe the situation is
6 with regard to that easement, but particular regard to Dr.
7 Samaddar's property that exists within that easement area.

8 MR. UTZ: Sure. Yes, so there are a few different
9 elements about it folks. Greg and others should jump in.
10 There is an easement that exist. There's a history of the
11 easements here. There are some recorded easements that are
12 being unwound are rewound let's say. So there is a current,
13 pending, unrecorded easement that's executed by all the
14 owners.

15 It will cover the area that we were showing on our
16 plans. The 12-foot wide element that primarily is on the
17 subject property that we're talking about tonight but also
18 is on Ms. Samaddar's property. So it's a shared easement.
19 There is no construction into or over that easement area.

20 We are not coming over it or over Ms. Samaddar's
21 property. It is going to be open to the sky and provide a
22 12-foot wide component of vehicular, pedestrian access. And
23 it goes north-south and connects to the 10-foot wide east-
24 west alley spur and easement spur that connect South Cap to
25 the 16-foot alley in the rear. Does that --

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1 COMMISSIONER MAY: But you will be paving?

2 MR. UTZ: We will be paving it with landscape
3 pavers, yes.

4 COMMISSIONER MAY: Yeah, okay. I don't know if
5 that addresses any of Ms. Samaddar's -- Dr. Samaddar's --

6 DR. SAMADDAR: Yeah, thank you. It doesn't
7 because I'm supposed to have a 15 setback from the rear and
8 my property line with the easement who have gotten sort of
9 looped in together with the other properties on South Capitol
10 Street. My property goes further back than anybody else's,
11 so like I was saying, I just really want that looked at prior
12 to any agreements behind made that could potentially be
13 detrimental to my property. And I submitted all the
14 information with my statement last week.

15 COMMISSIONER MAY: All right. Well, I'm not sure
16 how that gets sorted. I mean it sounds like it's a property
17 issue between the developer and Dr. Samaddar that Mr. Utz
18 you're going to have to sort out because you're not going to
19 be able to build something on, you know, even paving if you
20 don't have a right to do that nor, you know, are you -- if
21 you need to comply with a setback requirement of some sort
22 you would need, you know, relief to do that. So I'm sure
23 you're going to get that sorted out.

24 MR. UTZ: Yes, absolutely.

25 CHAIRMAN HOOD: And that's in our Exhibit 33, Ms.

1 Samaddar. Ms. Samaddar, could you give us your name again
2 because I don't think you did the earlier? We might have
3 been mispronouncing it.

4 DR. SAMADDAR: Sheila Samaddar.

5 CHAIRMAN HOOD: Okay. Thank you, Dr. Samaddar.
6 We appreciate it. You're a doctor, right?

7 DR. SAMADDAR: I am.

8 CHAIRMAN HOOD: Okay. Well, thank you, Dr.
9 Samaddar. We appreciate your testimony. Does anybody have
10 any questions or comments of Dr. Samaddar? Mr. Turnbull?

11 COMMISSIONER TURNBULL: Yeah, I just follow up on
12 what Mr. May started. I would think that on Dr. Samaddar's
13 survey may indicate an easement. We think that if it's
14 recorded, something should be on the survey, which if Mr. Utz
15 also has surveys for their property, there should be some
16 kind of correlation between the two surveys that would
17 clarify this.

18 So I don't know, Mr. Utz, if you have a legal
19 document that you could share with her or just review the
20 surveys that you both have and maybe come to a meeting of the
21 minds as to really what's going on.

22 MR. UTZ: Yeah. So we do have -- there is an
23 easement that exists, this unrecorded easement that's been
24 signed by everybody. We have that document, and it does have
25 exhibits to it. So we can make sure that we're on the same

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1 page. The intent is to live with that document being the way
2 this project is built.

3 COMMISSIONER TURNBULL: Right.

4 MR. UTZ: Yeah.

5 COMMISSIONER TURNBULL: Okay. Thank you.

6 CHAIRMAN HOOD: Any questions or comments? Okay.

7 Thank you, Dr. Samaddar.

8 DR. SAMADDAR: Thank you.

9 CHAIRMAN HOOD: Mr. Utz has given his closing, so
10 Ms. Schellin, I guess we'll set this for a decision. And Mr.
11 Utz, you know all the things that we're looking for and
12 asking for?

13 MR. UTZ: Yes.

14 MS. SCHELLIN: So our next meeting is November
15 19th, which would require -- I don't think that you guys will
16 make that one because it sounds like you guys have quite a
17 few things that you need to get together in order to allow
18 a week also for the ANC to respond. I don't think there's
19 going to be enough time for that one. So it'll put us to the
20 December meeting, which is December 17th. Going with that,
21 how much time do you think you need, Mr. Utz?

22 MR. UTZ: Let's see. Probably, I think we can
23 actually move fairly quickly. Is there an interim date
24 perhaps between the 19th of November and the 17th of
25 December?

1 MS. SCHELLIN: No.

2 MR. UTZ: Got it. Probably three to four weeks.
3 Greg, do you think that is on par with what we need? Yeah,
4 so three to four weeks would be ideal for us, please.

5 MS. SCHELLIN: Okay. Then that would -- if you
6 guys could provide your documents by 3:00 p.m. on the 23rd,
7 and then that's November 23rd. And then we would give the
8 ANC until -- Ms. Fast -- oh, she's not on the --

9 MS. FAST: No, I'm here.

10 MS. SCHELLIN: Oh, you are there.

11 MS. FAST: Yeah.

12 MS. SCHELLIN: When do you guys meet again?

13 MS. FAST: For December you mean?

14 MS. SCHELLIN: When do you meet in November?

15 MS. FAST: So our November meeting is on the 16th
16 of November.

17 MS. SCHELLIN: The 16th of November.

18 MS. FAST: The 16th of November, okay.

19 MS. SCHELLIN: And in December?

20 MS. FAST: 14th.

21 MS. SCHELLIN: Not until the 14th. Okay. Could
22 you guys provide your letter the next day or on Wednesday,
23 the 16th so we could have it for our meeting on the 17th?

24 MS. FAST: Yes, if you'll give us until the 16th,
25 that'll be great.

1 MS. SCHELLIN: Okay. If you could provide it by
2 3:00 p.m. on the 16th, I think the Commissioners could read
3 that in one day, right? Is that okay, Commissioners?

4 CHAIRMAN HOOD: Yeah, we'll be fine with that.

5 MS. SCHELLIN: Okay. Then we'll put it on for
6 12/17 at 4:00 p.m. Ms. Fast, if you could provide the letter
7 earlier on the 16th, the earlier the better, but we're saying
8 3:00 p.m.

9 MS. FAST: Yes.

10 MS. SCHELLIN: But the earlier the better.

11 MS. FAST: We'll try. It's just that our meetings
12 usually go until 11:00 at night, and then we need the next
13 morning to write the letter --

14 MS. SCHELLIN: Right.

15 MS. FAST: -- get that out, so.

16 MS. SCHELLIN: Okay. And Mr. Utz, if you could
17 provide draft findings of facts and conclusions of law also
18 on the 23rd, that would be great, 11/23.

19 MR. UTZ: Sure.

20 MS. SCHELLIN: Thank you. That's it.

21 CHAIRMAN HOOD: Okay.

22 MS. SCHELLIN: And I don't know. Do you guys need
23 anything to follow up for OP and DDOT? So then they could
24 provide something, I'd say OP and DDOT would have a week
25 after the 23rd. That would be the 30th if they choose to do

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1 so. That would be 11/30.

2 CHAIRMAN HOOD: Okay.

3 COMMISSIONER MAY: OP had offered to provide
4 something anyway.

5 MS. SCHELLIN: Okay.

6 COMMISSIONER MAY: So what would be earlier?

7 MS. SCHELLIN: So 11/30.

8 COMMISSIONER MAY: Yeah.

9 MS. SCHELLIN: Okay.

10 CHAIRMAN HOOD: All right. So do we have anything
11 else?

12 MS. SCHELLIN: No, sir.

13 VICE CHAIR MILLER: Yeah.

14 CHAIRMAN HOOD: Vice Chair Miller.

15 VICE CHAIR MILLER: Yeah, just OP did offer to
16 provide a supplemental report on the comp plan consistency
17 with the Southwest Small Area Plan. And Commissioner Shapiro
18 had asked Mr. Utz to look at the framework, the new framework
19 element language as part of his submission of the comp plan
20 to include something on that.

21 And I would ask that OP also provide something on
22 the new framework language and that each, the applicant and
23 the -- and OP in their analysis also provide something on the
24 future land use map designation for this property and their
25 analysis include the FLUM as part of their comp plan analysis

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1 as well that they submit to us.

2 CHAIRMAN HOOD: Okay. You know, I asked for a few
3 things, but you have all that. I don't need to repeat it.
4 I don't want to get you mixed up adding other stuff and going
5 back and forth. I think you have what we all need. Any
6 other questions or comments? All right.

7 So with that, I want to thank everyone for their
8 participation in this hearing tonight. And the Zoning
9 Commission will meet October 29th. Yeah, October 29th at
10 4:00 p.m. It'll be our regular meeting, so 4:00 p.m. on this
11 same -- the same situation, virtually. So again, Thursday
12 at 4:00 p.m. Anything else, Ms. Schellin?

13 MS. SCHELLIN: No, that's it.

14 CHAIRMAN HOOD: Okay. I want to thank everyone
15 for their participation tonight, and this hearing is
16 adjourned. Good night.

17 (Whereupon, the above-entitled matter went off the
18 record at 7:56 p.m.)

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C E R T I F I C A T E

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In the matter of: Public Hearing

Before: DCZC

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