

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:      :
                        :
Design Review in the  : Case No.
Capitol Gateway zone  : 21-27
& relief from court   :
requirements,         :
South Capitol St.     :
Southwest at Square 653 :
Lots 65, 66, 827, 829, :
& 830 - Ward 6.      :
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THURSDAY

APRIL 21, 2022

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The Public Hearing of Case No. 21-27 by the District of Columbia Board of Zoning Commission convened via videoconference at 4:02 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- JOSEPH IMAMURA, Commissioner
- PETER G. MAY, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTIG, ESQ.

The transcript constitutes the minutes from the Public Hearing held on April 21, 2022.

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PRESENTATION:
 Case No. 21-27 - Design Review in the Capitol Gateway
 zone & relief from court requirements, South Capitol
 Street Southwest at Square 653, Lots 65, 66, 827,
 829 & 830 - Ward 6. 12

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

(4:02 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is April the 21st, 2022. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner May, and Commissioner Imamura. We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin, as well as Mr. Paul Young, who will be handling all of our virtual operations. And also, our also our Office of Zoning Legal Division, we are joined this evening by Mr. Jacob Rittig.

I would ask all others to introduce themselves at the appropriate time. The virtual public hearing 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. The video will be available on the Office of Zoning's website after the hearing. All persons planning to testify should have signed 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 or affirmation required by Subtitle Z, 408.7. Accordingly, all of those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time. When called, please state your name and home address before

1 providing your testimony. When you are finished speaking, please
2 mute your audio. If you experience difficulty accessing Webex
3 or with your telephone call-in, or have not signed up, then please
4 call our OZ hotline number at 202-727-0789. If you wish to file
5 written testimony or additional documents, supporting documents
6 during the hearing, then please be prepared to describe and
7 discuss it at the time of your testimony.

8 The hearing will be conducted in accordance with
9 provisions of 11 Z, DCMR, Chapter 4, as follows: preliminary
10 matters; the applicant's case; the report of the Office of
11 Planning and District Department of Transportation; the report
12 of other government agencies; the report of the ANC. Testimony
13 of organizations, five minutes and individuals three minutes.
14 And we will hear in the following order: those who are in support,
15 opposition, or undeclared. Then we have rebuttal and closing by
16 the applicant.

17 The subject of this night -- tonight's case, and
18 forgive me if I get this wrong, is Zoning Commission Case No.
19 21-27, Chun Lam Design Review in the Capitol Gateway zone and
20 relief from court requirements at Square 653, Lots 65, 66, 827,
21 829 and 830 South Capitol Street Southwest. Again, this is a
22 design review case tonight.

23 Okay. So with that, Ms. Schellin, do we have any
24 preliminary matters?

25 MS. SCHELLIN: Yes, sir. I figure we take care of the

1 easier ones first. The expert witnesses being proffered, Rich
2 Markus in architecture. His resume is at 27G. And William Zeid
3 at 27H with Gorove Slade in traffic planning and his is at 27H.

4 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Let's go
5 to the architect, Mr. Markus, Rich Markus, excuse me. Any
6 objections? Yeah. We have his resume in front.

7 Commissioner May?

8 COMMISSIONER MAY: Not an objection really. It's just
9 that his resume is a little unusual. We will typically see a
10 list of projects associated with it, and I didn't see that in
11 the resume. I just see his educational background and some things
12 about awards. And I'm wondering if we could get some information
13 about his past projects into the record. So maybe we could bring
14 in Mr. Markus and just have him tell us some recent projects he's
15 completed of a similar scale, size, nature, just something like
16 that because there -- I mean, it's just light in that area.
17 Usually, we see a lot more information about past projects.

18 CHAIRPERSON HOOD: Okay.

19 Mr. Young, can we bring up Mr. Markus?

20 COMMISSIONER MAY: I guess it's possible I didn't see
21 something in there, but I thought it was just a one pager or --
22 resume.

23 CHAIRPERSON HOOD: His resume actually looks like mine,
24 so I guess mine is light. I'll know to go back and correct mine
25 too.

1 COMMISSIONER MAY: Well, you have a long list of
2 projects, Mr. -- Chairman Hood.

3 CHAIRPERSON HOOD: All right. Mr. Markus, when you're
4 available. You've heard Commissioner May.

5 Commissioner May, I'll let you ask the questions.

6 COMMISSIONER MAY: Yeah. Mr. Markus, I mean, I fully
7 understand given what's in your resume that you must have done
8 many similar projects. It's just that they're not showing and
9 it's just good to have that on the record. So if you could give
10 us some examples of other projects that you've done in your
11 lengthy career?

12 MR. MARKUS: Sure. Thank you. Yeah. I've had my own
13 company. I've been working since 1987, '86.

14 COMMISSIONER MAY: Not much is in the -- that's in the
15 resume, so.

16 MR. MARKUS: Yeah. So I've had my own company since
17 2000. The most recent jobs that we did, which would be similar,
18 on Rhode Island Avenue, 2027 Rhode Island Avenue. That's a 43-
19 unit building. It just got finished recently. It's now in the
20 sales. They have the certificate of occupancy and they're selling
21 units right now. That's 43 units. It had about 8,000 square
22 feet of retail, so that's probably the closest to the size of
23 this one. It's actually -- its square footage is even a little
24 bit bigger on that building. It's about 65,000 square feet.
25 This one's a little bit smaller, just a different configuration

1 of a smaller lot on this one.

2 Another project recently, 411 New York Avenue. That
3 one just finished also. That's similar but that was a -- that's
4 actually a hotel use with retail inside; 120 rooms in that one.
5 That's about the same square footage, 60 -- just under 60,000
6 square feet. We've got a lot of mixed-use like this that's been
7 -- over the years that we've done. We also do retail and
8 commercial.

9 COMMISSIONER MAY: Okay.

10 MR. MARKUS: (Audio interference).

11 COMMISSIONER MAY: I think --

12 MR. MARKUS: Okay.

13 COMMISSIONER MAY: I mean, that's probably enough. And
14 if you do end up coming back before the Zoning Commission again,
15 it would be worthwhile just including a list of some past
16 projects.

17 MR. MARKUS: Absolutely. I should have done that. I'm
18 sorry.

19 COMMISSIONER MAY: No worries. Okay.

20 Thank you, Mr. Chairman.

21 CHAIRPERSON HOOD: Okay. I'm going to need about five
22 minutes. Before I do this and then we'll go. I'm going to need
23 five minutes. But before we do this, did we decide on Mr. Markus?
24 I had a phone call.

25 COMMISSIONER MAY: Yeah. I'm fine with Mr. Markus. I

1 mean, again, I just want to have something in the record about
2 his experience on a similar project.

3 CHAIRPERSON HOOD: Okay. Give me five minutes. I'll
4 be back at 4:18, so I apologize. Thank you.

5 (Long pause.)

6 CHAIRPERSON HOOD: All right. Is everybody available?
7 I want to apologize. You know at home, sometimes, you have things
8 that come up, and I want to apologize. Hopefully, I won't -- if
9 I get another call back, I may need to take it too, so forgive
10 me. I got a couple things going on right now.

11 All right. So next. Where were we? I think we were
12 looking at the --

13 MS. SCHELLIN: So both experts are accepted. Is that
14 what the Commission decided?

15 CHAIRPERSON HOOD: We have not -- have we went over Mr.
16 Zeid yet for transportation? Is that --

17 COMMISSIONER MAY: We have not discussed about how many
18 issues with (indiscernible).

19 CHAIRPERSON HOOD: Okay. Anybody have any issues
20 with -- I think I'm pronouncing that name correctly, Mr. Zeid.
21 I'm sure he'll let me know when he comes up.

22 Any objections in transportation?

23 (No audible response.)

24 CHAIRPERSON HOOD: Okay.

25 MS. SCHELLIN: Okay. So before I get to the next

1 preliminary matter, I just want to say that Alexandra Wilson is
2 representing the applicant. Kelsey Bridges is here from DDOT.
3 Jennifer Steingasser is going to present for OP. So that's that.
4 Kels -- I'm sorry, Rikki Kramer. Fredrica Kramer is here for
5 the ANC. And so the last preliminary matter I have is the party
6 status request in opposition by Sheila Samaddar and Greg Keagle.
7 They're represented by Aristotle Theresa and that is at Exhibit
8 22. And as you know, with the new process, the applicant only
9 responds by paper if they are opposed, and they have done so at
10 Exhibit 25. So you have those two exhibits to review, which I'm
11 sure you have reviewed, to rule on. Exhibit 22 and the response
12 in opposition at Exhibit 25. (Audio interference) party, the
13 requirement for the regs that they be here.

14 CHAIRPERSON HOOD: I have something that's opening up
15 on my computer. This is crazy, and it blocks me. of me. So if
16 I go away, just give me a moment for it to clear.

17 Okay. Thank you, Ms. Schellin for teeing that up.

18 Let me hear comments. So we are looking at whether or
19 not we're going to grant party status to -- and I think that's
20 Exhibit 22, so let me open that up for discussion about party
21 status. Let me hear from others first.

22 Any objections to it or --

23 COMMISSIONER MAY: No.

24 CHAIRPERSON HOOD: -- supportive of it?

25 COMMISSIONER MAY: (Audio interference).

1 CHAIRPERSON HOOD: Yeah. I think there's a nexus and
2 as that -- let me just start off. I think there's a nexus to
3 this party status and as persuaded -- I was persuaded by the
4 party status person -- I was persuaded by their argument. And I
5 appreciate the applicant's argument as well, but I think there's
6 a nexus. I don't know if others feel that way. Let me hear from
7 others. If not, we will grant party status. And we will call
8 this party -- so I guess Samaddar and Keagle. When they come
9 up, they can tell us, and I think their representative is Mr.
10 Theresa.

11 Okay. No objections. Ms. Schellin, we will grant them
12 party status.

13 MS. SCHELLIN: Okay, by consensus. And I'm sorry, Joel
14 Lawson is going to present for OP this evening, not Ms.
15 Steingasser.

16 CHAIRPERSON HOOD: Okay. All right. So can we --
17 Mr. Young, can we bring everybody up?

18 (Pause.)

19 MR. YOUNG: You want me to bring in the party in
20 opposition as well?

21 CHAIRPERSON HOOD: Yeah, you can bring them in, yeah.

22 MR. YOUNG: And the ANC or wait on the ANC?

23 CHAIRPERSON HOOD: No, the ANC. Bring everybody in if
24 we can get them in. Typically, that's not the process, but I
25 think it's easier to do that.

1 And Mr. Chun Lam, I hope I'm pronouncing that right.
2 I'm sure I'm not, but I'm sure that Ms. Wilson will correct me.

3 All right. Ms. Wilson, the floor is yours. You may
4 begin.

5 MS. WILSON: Hi. Thank you. My name is Alex Wilson
6 from Sullivan & Barros on behalf of the applicant in this case.
7 Thank you all so much for having us here this afternoon. I'm
8 here with architect, Rich Markus; traffic consultant, William
9 Zeid; and owner, Jason Lam. Mr. Lam goes by Jason.

10 So Jason and his family have owned these respective
11 properties that are the subject of the map amendment for many
12 years, and he is representing his family here today. We do have
13 a presentation that we submitted into the record if Mr. Young
14 could please pull that up. Thank you so much.

15 So Jason and his family have been in the area for 30
16 years and owned these particular properties for 15 years. The
17 properties are improved with a parking lot, a small liquor store
18 on the corner, two rowhomes on the N Street side and one on the
19 South Capitol side.

20 Next slide, please. The proposed building will be
21 retained by the Lam family, and they are planning to keep this
22 as a legacy building for their family. Jason's father, who owns
23 and operates the liquor store on the corner, will move his
24 business into the smaller commercial space on N Street. They've
25 had and continue to have many offers to purchase these properties.

1 The Lams have been part of this community for so long and have
2 some development experience, so they are seeking to develop the
3 properties themselves.

4 For some background on the project development, the
5 project development began about four years ago. It was delayed
6 by a landmark application by SWNA on the N Street and South
7 Capitol row buildings. Once the landmark application was
8 withdrawn and a deal reached with the adjacent owners of the 1319
9 development, this project was able to move forward.

10 Mr. Markus will provide more detail, but the overall
11 program of 49 units of residential and commercial and office
12 space on the lower levels has remained the same throughout the
13 years of this project's development. The project has undergone
14 a number of design changes including the removal of parking due
15 to concerns of vehicular traffic and the shared alley easement
16 area behind the property.

17 As parking is not required on this particular site and
18 we wanted to be good neighbors, parking was removed from the
19 building. We also removed a proposed loading area on site as
20 loading is not required and DDOT would not approve a curb cut.
21 I know the ANC's report raised concerns over parking and loading,
22 and we do have Mr. Zeid here to address how we arrived at the
23 proposed curb site loading solution.

24 With respect to some of the other ANC concerns raised
25 in the report, Jason and our team have tried to be as responsive

1 as possible in addressing Agency, ANC and community concerns.
2 For example, when OP and DDOE requested we provide solar panels
3 and meet LEED Gold, we agreed. When DHCD requested we provide
4 12 percent IZ square footage in excess of the required 8 percent
5 and a unit at a 50 percent MFI rate, we added an extra two-
6 bedroom IZ unit. And now, we have 12 percent set aside. I
7 actually think it's almost 13 percent. And one of the IZ units
8 is set aside at a 50 percent MFI rate.

9 I've mentioned that we did remove parking as a result
10 of discussions with the neighbors who did not want to have
11 vehicles use the alley, even though the easement agreement does
12 not prohibit that. And we've also proposed a Good Neighbor
13 Agreement to the ANC and postponed the original hearing date by
14 about two months. The project has been presented in various
15 forms to the community before filing application.

16 Since the filing in December, we've had three or four
17 community meetings, two smaller committee meetings with ANC
18 commissioners, two executive committee meetings, as well as the
19 full ANC meeting. And we've emailed directly with adjacent
20 neighbors and sent plan updates at every stage. We've attempted
21 to be responsive to the ANC's request to honor Old Southwest.

22 A previous version of our plans incorporated existing
23 rowhouse facades, but that was not well-received by either the
24 ANC or OP. As OP suggested, we have a small setback on the South
25 Capitol side in our lower level as commercial not residential,

1 | so we adjusted that.

2 | We did review the Old Southwest historic nomination
3 | from five years ago and more specifically, the historic landmark
4 | nomination for these particular rowhouses in the square. It
5 | noted that social significance appeared to weigh more heavily
6 | than architectural significance. Specifically, these row
7 | buildings were used for workforce housing originally, and the
8 | social significance is stated in the landmark application as the
9 | basis for that landmark status, which it has been dropped.

10 | But we do want to respect the social significance of
11 | the row dwellings, and while we do, they are no longer affordable
12 | based on location. They are no longer used for workforce housing
13 | and these are not rent-controlled units. So in that sense,
14 | replacing these row dwellings with 49 units, 6 of which are set
15 | aside for people making between 50 percent and 60 percent of the
16 | MFI, is in the spirit of the Old Southwest and the social
17 | significance and the history of these row dwellings, as that
18 | could be considered workforce housing within the project, and in
19 | a location with great access to public transportation like the
20 | Metro.

21 | The proposal is also consistent with the Comp Plan
22 | goals of providing affordable housing, avoiding displacement and
23 | providing access to opportunity. Jason's family are immigrants
24 | from the working class in Hong Kong, so providing additional
25 | affordable rental housing in the spirit of the original buildings

1 on this block was something that Jason readily agreed to. Not
2 to mention, there will be additional job opportunities for local
3 community members, where there is currently only one commercial
4 use to the employees.

5 We look forward to hearing from the Zoning Commission
6 OP and ANC at today's hearing. I don't want us moving forward
7 with this hearing today to be an indication that we're not willing
8 to continue to work with the ANC. We absolutely are. We
9 understand they noted possible additional time needed in their
10 report. I think with the ANC, we just ran into some impasses
11 with respect to parking and loading and possibly the retention
12 of the rowhomes.

13 We were hoping that instead of postponing and ending
14 up in the same place with those items, we would be able to obtain
15 feedback from the Commission to get on the same page with the
16 ANC with respect to those items. We are open to revising and
17 refining aspects of the design based on feedback here today.
18 This is a special project and that it is being developed by these
19 longtime residents and business owners of this area.

20 We are here today to create something positive overall
21 in a collaborative spirit. I hope you all can sense our genuine
22 willingness to take in feedback and respond to comments as we
23 work towards a common goal of redeveloping this underutilized
24 land, which will be an overall benefit to the community. And so
25 with that, I'm going to turn it over to Mr. Lam to say a few

1 | comments before Mr. Markus gives project highlights and Mr. Zeid
2 | walks the transportation aspects.

3 | MR. LAM: Thank you, Alex.

4 | Hi. My name is Jason Lam. I'm representing my family
5 | today. We, together, are the sole owner of this project. As
6 | mentioned before, we have been part of the Southwest community
7 | for close to 30 years. My dad owns and operates small businesses
8 | in the neighborhood where we provide essential services and local
9 | employment throughout the years.

10 | We also live in the rowhomes that we own. As a matter
11 | of fact, my parents are still currently living in one of the row
12 | home. And as we expand our footprint in the neighborhood, we
13 | realize that we have something special in that corner of the
14 | South Capitol Street and N Street. So about four years ago, we
15 | decided to put this project in motion.

16 | Our goal for this project is to improve our currently
17 | underutilized land into a legacy building where we can better
18 | serve the community by providing greater number of businesses and
19 | affordable housing opportunity in the area for many years to
20 | come.

21 | My team and I have put in a lot of thought and hard
22 | work into the planning and design of this project. Over the
23 | years, we have faced many challenges from the attempt to nominate
24 | as a historic landmark and historic district, to try to manage
25 | and address the needs and concerns of our neighbors on the design

1 during the COVID in the past two years. And today, we believe
2 we have a well thought out, well thought through designs where
3 we are creating a value-added building to a -- to the Southwest
4 community, which will also be fit for the grand scheme of the
5 Capitol Gateway.

6 I hope you all will agree with us and thank you for the
7 opportunity to present in front of you all today. And with that,
8 I will turn it over to Mr. Rich Markus, who will go into the
9 detail of the design. Thank you.

10 MR. MARKUS: Hi. My name is Rich Markus. I'm the
11 architect for the project. And this is a very unique site. May
12 we go to the next slide?

13 It says, "corner lot," but it's a very small footprint
14 for this area on a major boulevard leading directly to the Capitol
15 building. And the design intention was to create a building
16 that's respectful to the area but still of a monumental scale as
17 part of the gateway to the U.S. Capitol.

18 As Jason said, the owners have lived here for 30 years
19 and operated businesses here, so the retail and commercial
20 component of this property is very important to them. The
21 building has -- the proposed building has retail on the ground
22 level and then a commercial office space on the second floor and
23 then from the third floor, 8 stories, third floor to the 10th
24 floor of residential above, plus the penthouse above that. I
25 will walk you through the plans.

1 The penthouse has some commercial common space for the
2 building and also Jason did agree to offer use of the space for
3 the Ward 6 people in addition to the interior occupants of the
4 building. There's also, on the penthouse level, is also one
5 private unit.

6 The retail floor -- actually, let me -- before I go
7 into a little more detail. You can see the five lots here.
8 They're called out -- it's the corner lot where the existing
9 liquor store is that's owned by the Lam family. And then there's
10 two on the N Street side. N Street is on the top and the South
11 Capitol is going from the bottom to the top on this slide. The
12 two lots pointed on the left are existing rowhouses and the one
13 small lot on the bottom on the right, which faces South Capitol.
14 That's an existing rowhouse too. So those rowhouses and the
15 liquor store intended to be demolished for this building.

16 Next slide.

17 Here's the existing corner. So the building in the
18 front is the one-story liquor store; and to the right, you see
19 the two-story rowhouses, two of them that are part of this
20 property. There's a vacant area to the left of the liquor store
21 and then one rowhouse on the left side, and all four of those
22 buildings are to be demolished.

23 Next slide.

24 This is from N Street, so you see the liquor store on
25 the left. There is a -- it's a little block by the car, there's

1 an existing curb cut. You can see the car parked next to the
2 rowhouse there. There's an existing curb cut there and there was
3 an existing curb cut on the South Capitol side. Both of those
4 are intended to be closed up for this project.

5 Next slide. These are some of the rowhouses on the N
6 street side. So the -- just the kind of typical of the workforce
7 housing when this was built originally.

8 Next slide.

9 It's more of the rowhouses, just examples of it.

10 Next slide.

11 This is across South Capitol. So another one of the
12 small one-story structures.

13 Next slide.

14 This you see the base for the garage for the baseball
15 stadium. The baseball stadium is to the right. One of the larger
16 buildings that were built recently to the left; it's
17 representative of some of the buildings going on in the area.

18 Next slide.

19 This is a view from South Capitol. You can see the
20 building to the right is the liquor store. The vacant area is
21 parking now. Here, you can see the curb cut that's existing.
22 That's intended to be closed up. And the first rowhouse to the
23 right of those is part of this property too and that's intended
24 to be demolished.

25 Next slide.

1 Just an overview. Our property is the -- in the yellow
2 building. Part of this Capitol Gateway, the intention is to --
3 the requirement is to set back the front of the building from
4 South Capitol Street 15 feet, and we are complying with that.
5 That will be the front of our building.

6 And we can just go to the next slide. Just a couple
7 more buildings of the area. You can see the mix of scale. So
8 there's some larger high-rise buildings and some small low-rise
9 existing rowhouses and the baseball stadium off to the right.

10 Next slide. So here, you can see the existing and the
11 proposed side-by-side site plans. On the left is the existing --
12 you see the curb cut. To the left is South Capitol, and below,
13 or running horizontally below the side is N Street. N street
14 is -- this portion of N Street is one way from South Capitol
15 moving in towards the block. And you can see there's two curb
16 cuts existing, one on South Capitol, one on N Street. Both of
17 those are -- will be closed up as part of this project.

18 And then at the top, behind the rowhouses that face
19 South Capitol Street, that's the private easement that's shared
20 by all of these blocks that touch it and it ends on our property,
21 the proposed property. So on the right is the proposed structure.
22 And just to follow through on that easement. So that easement
23 is coming from an alley that goes through the property, the large
24 building next door, which has been approved. That's the 1319
25 South Capitol building.

1 And that easement comes off of that alley and goes
2 directly to the side. It's actually the side of our building.
3 The front of our building is South Capitol and then the rear is
4 further down N Street. And that area behind our building, where
5 we show a little bit of green space, that's the rear yard. I
6 think someone might have referred to it as an alley, but it's
7 not. It's the rear yard to our building and it's just part of
8 our property.

9 The one other thing I would like to mention is that the
10 other relief that we need is a court. So the little area where
11 the easement comes in and hits our property, there's a little
12 square there. It's about 15 feet square or so and that comes
13 into our property. It's an open area. It's the ending of that
14 easement. That easement is -- because of the agreement and the
15 discussions with the neighbors -- we're not intending to use it
16 for vehicular access, it is just pedestrian access, and it's more
17 of an exit rather than an entry to the building. It's kind of a
18 rear exit to the building.

19 But the court is that small rectangle there. That's
20 part of our property. It's a private property. We cut it back
21 where the easement comes in that allows for some extra windows
22 there. And the reason we're asking for relief is because of the
23 height of this building and the requirement of a closed court
24 actually would be a minimum of 36 feet wide and over 2,500 square
25 feet. So it would -- to do a proper required closed court, it

1 would take up more than half of the footprint of the building,
2 so it just -- we can't, couldn't really do that.

3 So to orient the building on the site, South Capitol
4 is to the left. As far as the public space requirements, there's
5 a kind of a double walkway here. There's a curb cut. There's
6 tree boxes. After the curb cut, there are some -- the little
7 slanted lines there, that's some temporary bike parking and
8 within that area between the tree boxes. And then there's a
9 sidewalk. And then we have some green space. There are some
10 tree boxes that would be new.

11 Their intention is to line up with the existing front
12 yards of the rowhouses up on -- up further up S -- South Capitol.
13 And you can see those are colored in green right now, and that
14 line comes down and lines up, and that's where we're taking our
15 shrubs and green boxes there. And then that also creates an area
16 further in front of the building. That's intended to be public
17 space, but also the use and the final design of it would be
18 dependent upon what tenant is there and how that tenant interacts
19 with outside, but it's intended to be public and open to the
20 public.

21 On this N Street side, a similar layout where there's
22 the curb and then some existing tree boxes on that side. There
23 is the -- the existing curb cut would be closed in. And then
24 you have a sidewalk and then you have some more green space and
25 then also some more public sidewalk space next to the building

1 | itself. The residential entry is in the center of that side.
2 | And I'll describe it more as we move into some more closer
3 | drawings.

4 | One thing I wanted to point out here is that the --
5 | from the edge of the building -- from the edge of this property
6 | on the right over, there's a 50-foot loading area defined in
7 | front of the building. And then behind that, on the back of that
8 | over to the crosswalk, that's the loading and unloading area
9 | designated. So the intention is not to have any parking right
10 | in front of the building, but to have some pick up and drop off
11 | area and also the loading area.

12 | COMMISSIONER MAY: May I -- can I just a quick question
13 | before you change slides.

14 | MR. MARKUS: Yeah.

15 | COMMISSIONER MAY: On the slide on the left versus the
16 | slide on the right, I mean, all of those townhouses that are
17 | show -- townhouse lots that are shown on the left are not shown
18 | on the right. Are they going away as part of the other project?
19 | I don't remember.

20 | MR. MARKUS: They are a part of the other project, but
21 | that other project is also keeping some of the fronts of those
22 | rowhouses. So the two-story portion of the front -- the front
23 | of those rowhouses is kept. You'll see it in the -- in some of
24 | the other images that we have.

25 | COMMISSIONER MAY: All right. Thanks.

1 MS. MARKUS: Okay.

2 Next slide, please.

3 This is the cellar level. So there's some utility
4 space down here, but we are showing the bike, the permanent bike
5 storage area. We're required to have 18. We're actually
6 providing 24, and two of those are tandem, and they're all
7 horizontal parking spaces for bikes.

8 Next slide.

9 Here's the main floor, and the intent is there's -- the
10 blue area is retail space. So there's a larger retail space to
11 the left along South Capitol and a smaller one to the right on N
12 Street. The one on N Street is intended to be for the liquor
13 store. So the owners would put their liquor store in the building
14 in the smaller space and the larger space to the left is
15 intended -- the first thoughts are coffee shop and cafe. We are
16 at least two years out of finding tenants for this. And today,
17 with the retail market the way it is, it's tough to -- we wouldn't
18 be able to line anybody up at this moment for this space. But
19 the liquor store, because they are the owners, they are intending
20 to put their liquor store in here.

21 And then you can see from the N Street side at the
22 center of the building, there's the entry, the direct entry to
23 the upper floors, so that's the pink area inside, so it comes
24 directly in. There's two elevators and the lobby space.

25 It's intended -- the trash is intended to be completely

1 | inside the building. So there's residential compactor and common
2 | residential trash area, and there'll be separate areas for the
3 | retail spaces. The rear yard, we're going with pedestrian service
4 | access. That will have a gate at the front of the building, at
5 | the front of the property, to face the sidewalk. But when can
6 | people or small trucks are offloading, they will go up the
7 | pedestrian service access and enter the building at the back side
8 | of that where you see the pink corridor, and that will lead you
9 | back to the rear of the freight elevator. So loading and
10 | offloading and trash will be coming down the rear side of the
11 | building that -- what we're calling the pedestrian service access
12 | and out to the street.

13 | CHAIRPERSON HOOD: Let me just interrupt, Mr. Markus
14 | and Mr. Young. I noticed on the BZA last week that the applicant
15 | was talking, they were able to cut short a corner. I don't know
16 | if you have that. If you can do that, Mr. Markus. Try and see
17 | if it works. If not, don't worry about it.

18 | MR. MARKUS: Do you want me to mark it?

19 | CHAIRPERSON HOOD: I want to see if it was coming from
20 | his -- some kind of way that worked last week. I don't know
21 | what -- how that was done. Maybe, Mr. Young, you can help me?

22 | MR. MARKUS: So I think I need to request annotate, so
23 | I'm going to end up --

24 | CHAIRPERSON HOOD: Oh, so that person. That's right.
25 | You know what? Yeah. They showed the -- I think that's what

1 we're going to start doing. Because you're talking about the
2 loading dock, and it would be good if you could point, so --
3 because we do have the public watching, but for right now, let's
4 just keep it like it is. That's something that we'll put in the
5 parking lot and deal with it later.

6 MR. MARKUS: Well, I think I could --

7 COMMISSIONER MAY: Do you think you should be able to
8 do it now?

9 MR. MARKUS: -- I can do it now if you -- yeah, if I --
10 so let me just try it. So I'll just mark something right here.
11 There you go. Can you see in the red?

12 COMMISSIONER MAY: Yep.

13 MR. MARKUS: That's my little mark.

14 CHAIRPERSON HOOD: Good. You need to -- okay. Great.

15 MR. MARKUS: That's not our property, but that's my
16 test.

17 So let me point out -- so the loading zone is here, and
18 if someone dropping off or loading or the trash pick-up would
19 enter here, there is a gate at this point. Oops. Oh. There we
20 go. That's great. There is a gate here and then a person would
21 bring the stuff back to this door and that's the entry to the --
22 that's the rear entry to the building. And then they would come
23 in and go to the freight elevator, which is right there.

24 And this is the drop off zone here and we'll -- Zeid
25 will talk more about this in detail, but I'm just pointing out

1 | where it is. The entry to the upper floors is the center of this
2 | portion here. And then the other areas are public in front of
3 | the building, but they are also open to the public. Is that
4 | helpful?

5 | CHAIRPERSON HOOD: That's very helpful. I appreciate
6 | the markings. Thank you. And I'm sure the public does as well.

7 | MR. MARKUS: Sure. Okay.

8 | Also, let me point this out just to be clear. This
9 | area here, because this is part of the relief we're asking for,
10 | this is what's called a closed court in the zoning regulations.
11 | So that area, it's open to the sky, it's open to the private
12 | alley, private easement in the back. But it's only about 250
13 | square feet, so that's much smaller than what the regulations
14 | require, so that's why we're asking for relief for that.
15 | Everything else is following the requirements.

16 | This, I would point this out too, just to be clear, the
17 | property line lines up with the other that's here. So where the
18 | building is set back 15 feet on the South Capitol side, and then
19 | the rear yard is actually a 15-foot setback from the adjacent
20 | property here, so that's open to the sky also.

21 | Go to the next slide.

22 | Okay. I need to erase that somehow.

23 | CHAIRPERSON HOOD: I think if -- can you undo or clear?

24 | MR. MARKUS: I should be able to, yes. Here we go. I
25 | didn't do that, but thanks for the help.

1 So this is the second floor. It's all open commercial
2 floor, open to future commercial office tenants.

3 Next slide, please.

4 This is a typical floor. They might be slight
5 variations, but the layout is the same. There's six units per
6 floor. Three are two-bedroom units and three are one-bedroom
7 units. We have called out on a couple of these plans which units
8 are assigned for the IZ units, the affordable units. And there
9 are four two-bedroom units and two one-bedroom units, which will
10 get us up over 12 percent for the IZ units.

11 Next slide, please.

12 And you can see there's the window bays that jut out,
13 those are glass. And then there's balconies on both sides on
14 the South Capitol side and also on the N Street side.

15 Next slide, please.

16 So the plans are pretty much the same for the
17 residential units.

18 Next slide, please. And next slide, please.

19 Go to the penthouse. This is the penthouse. The olive
20 color, that's the common space and that's on -- that faces the
21 South Capitol side, and we'll have some open roof terrace on the
22 outside. The common space is shared space on the inside, and
23 like I mentioned before, Jason is -- would be welcoming Ward 6
24 people to use the space for their uses also. And then the blue
25 area in the back is another two-bedroom unit. So there's one

1 unit on the -- one private unit on the penthouse with an
2 accompanying roof terrace.

3 Next slide, please.

4 Just a roof plan. There'll be some green roof. We
5 need to adhere to the green area ratio. And because of the LEED
6 Gold requirements, we'll have some green roof up here and we'll
7 also have solar panels. All that will be designed in much more
8 detail later.

9 Next slide, please. Here's the N Street side. I will
10 point out there's an issue. This is actually -- there's the
11 wrong title on it. This is actually 1301 to the left and 1319
12 on the right. So that building is an L-shaped -- the adjacent
13 building is an L-shape in plan. It touches N Street on this
14 side, on the N Street elevation, and then it L-shapes and it
15 touches South Capitol behind our building. So our building fills
16 in the corner of that block. So our building is on the left.
17 And you can see, in general, we have some 3D views that we'll
18 get to shortly. But, in general, there's -- the bottom level is
19 the retail to the right here. There's the gate, which separates
20 the rear yard from the front public sidewalk. And you can see
21 there's a 15-foot setback. That area here is setback, that's
22 open. And their building is beyond the face of the existing
23 building to the right and our building is close to the street.
24 And that other portion is far back where I drew that red marking.
25 So our building is retail on the bottom level, commercial on the

1 second floor, and then from the third to tenth floor is the
2 residential units. And you can see there's window bays that --
3 that come out on the -- in various points on a facade. And then
4 the balconies with the railings are that center section, and then
5 the penthouse is set back per the penthouse regulations on the
6 top.

7 Next slide, please.

8 This is the South Capitol view. Our building is to the
9 right and then the existing building and some of the existing
10 rowhouses that were kept are on the left side. And you can see
11 our building. It's a small footprint, it's about 5,100 square
12 feet, just a little bit over, but it's a 10-story building, so
13 it's a small footprint with a monumental scale. And when you
14 compare it to some of the other buildings including the adjacent
15 building, the 1319 building, it's about one-fifth the size of
16 that building.

17 Next slide, please.

18 These are the other elevations of the building. This
19 is actually the south elevation. South Capitol would be on your
20 right. You can see the existing rowhouse, the two-story rowhouses
21 is there shaded in the foreground. And then this slide -- image
22 to the right is the west elevation. And some of these, they do
23 butt up right to the property line, but our intention is to
24 provide some at risk windows there. So we weren't doing blank
25 facades, trying to do as much glazing as we can.

1 Next slide, please.

2 This section. We are just under the 110 feet required
3 and the penthouse is over top of that, and we just have one
4 penthouse level.

5 Next slide, please.

6 Just some of the materials used. It's a combination
7 of brick. The main massing of the building is brick. The window
8 bays are metal and steel. And then there is some plantings.
9 Planter boxes are very much level with grade. They don't come
10 up any distance to discussion with the public space and trying
11 to follow the public space requirements. And we have some
12 slightly different paving in areas.

13 Next slide, please.

14 The three-dimensional image, our building is on the
15 right and we put it in context with the, what we're calling the
16 1319 building. And you can see the massing of it is the same
17 height. And I know that the ANC worked for a long time with the
18 neighboring building. The neighboring building is all
19 residential. It does not have any commercial space within it.
20 Our building is a different approach than that. It's on the
21 corner. We have commercial and retail space. And our approach
22 is to create as much transparency on the ground level as possible.
23 We have shown windows on both sides, on the South Capitol side
24 and also the N Street side, trying to keep as much glass and
25 transparency in relationship -- and keeping it as open to the

1 sidewalk and streetscape as possible.

2 Next slide, please.

3 A few more images and looking up South Capitol. The
4 top left is looking up South Capitol, the bottom left is looking
5 kind of down South Capitol with the (audio interference) to the
6 left. The top right view is from the N Street, the baseball
7 stadium in the distance.

8 Next slide, please.

9 Some closer views, and you can see the intent is
10 there -- sidewalk, the main sidewalk areas, there's a curb and
11 then the tree box and the main sidewalk area. And then we have
12 some separation with some low plantings and tree boxes on both
13 sides, on the N Street side, and also on the South Capitol side.
14 Then there's also some plantings up against the building. And
15 between those three boxes and the building is another public
16 area, which would be a combination depending on the tenant is --
17 (audio interference) and benches and allow for -- always allow
18 for the public to use.

19 And you can see the top left of the corner. At the
20 top right is the N Street side. You can -- on that side, you
21 can see in the center of the building is the residential entry,
22 and there's a separate paving which creates a lead walk up to
23 the building on that side. And then down, the lower view is
24 actually up N Street from further N Street looking back towards
25 our building. And you start to see the existing rowhouses and

1 | the front yards that they have. And our intention was to pull
2 | that line of the green front yards over towards our building and
3 | create the green space in front playing off of that line.

4 | Next slide, please.

5 | A couple of bird's-eye views. And here on the left,
6 | you can see how much larger the adjacent building, the 1319
7 | building is than ours. Ours again is on a small, a smaller lot,
8 | small footprint. And then on the right is another -- just another
9 | view to the baseball stadium in the (audio interference).

10 | Next slide.

11 | The corner view. The adjacent building is behind in
12 | the terracotta block. But here, you can see what we're trying
13 | to do is create the transparency on that bottom level and activate
14 | the street and enhance the pedestrian experience along the South
15 | Capitol and the N Street sides.

16 | Next slide, please.

17 | This is the view of South Capitol. And in the distance,
18 | you can see the Capitol dome. And this is the -- the experience
19 | you get driving in through this Capitol Gateway zone. On the
20 | right is the baseball stadium; on the left is the existing
21 | building in the foreground. The terracotta building is the 1319
22 | building, which is not there now, but we have it in this 3D view,
23 | and then our building is the next one there. So we're following
24 | the massing of that line on the left side.

25 | Next slide, please.

1 CHAIRPERSON HOOD: Mr. Markus, let me explain.

2 MR. MARKUS: Yes, sir.

3 CHAIRPERSON HOOD: I'm looking at the clock. I don't
4 know if you've been watching the clock.

5 MR. MARKUS: Yep.

6 CHAIRPERSON HOOD: You now -- if we could stop the
7 clock for a second, Mr. Young. And I will tell you that it is
8 obvious you are going to have to present again, and we -- I don't
9 know where my colleagues are, but I believe that there's more
10 work to do, and I appreciate Ms. Wilson's open comments. We have
11 an ANC who's opposed. We have a party who's in opposition. And
12 I heard Ms. Wilson's comments about continuing to work, and I
13 think both can be worked with, with the ANC as well as the party
14 in opposition.

15 I don't want to waste your time. I don't want to waste
16 the Commission's time. But I will let you continue and let you
17 hear comments from (audio interference). I'm not sure where
18 everyone else is, but I know where I am. But I just want you to
19 know you've taken up most of the time. You only have one minute
20 and two seconds. I don't know if Mr. Zeid is going to (audio
21 interference). By law, we have taken up the time for this case,
22 I believe.

23 Ms. Schellin, how much time did you put on the clock?

24 MR. YOUNG: It was 40 minutes.

25 CHAIRPERSON HOOD: Okay. So you have another 20

1 minutes.

2 But I will tell you this, Mr. Markus, I believe you
3 will -- we will hear this again, and I'll leave it at that. Okay.

4 MR. MARKUS: Okay.

5 CHAIRPERSON HOOD: Thank you.

6 MR. MARKUS: Thank you. Actually, that was the end of
7 what I was saying. I was going to leave it to William Zeid to
8 talk about the transportation and the loading.

9 CHAIRPERSON HOOD: Okay. Mr. Zeid, and then we will
10 give our comments and then I want to get to -- we'll have cross
11 by both the party and the ANC, but you've heard my comments and
12 I'll see where my colleagues are. We will address this (audio
13 interference) because I think -- anyway, I'll leave it at that
14 for now. So let's go to Mr. Zeid.

15 MR. ZEID: Is the presentation still showing? It's not
16 showing on my feed anymore here. Okay. Here we go. If we could
17 start on slide 36. Here we go.

18 Okay. So the site is located less than a quarter mile
19 from the Navy Yard-Ballpark Metro Station, which is close to
20 employment, recreation, retail, and other amenities. Along the
21 site frontage, N Street, is one way only westbound. It is
22 approximately 28 feet wide, which provides adequate space for
23 curbside parking on both sides of the road with approximately 12
24 feet available for a travel lane in the middle.

25 We'd just like to note, the way the plan is shown, it's

1 reversed, so it's one way coming. You can turn onto N Street
2 from South Capitol Street. So if you're looking at the plan,
3 it's to the right. So it's one way to the right on the plan
4 westbound.

5 If we can go to slide 37.

6 The development program includes 49 dwelling units,
7 approximately 3,500 square feet of retail and 4,500 square feet
8 of office space on the second floor. No onsite parking and no
9 onsite loading are required or proposed for the project. The
10 project proposes to exceed the zoning minimum bike parking
11 requirements, with 24 long-term bike spaces and 4 short-term bike
12 spaces. As Rich noted, the bike room is going to include two
13 cargo/tandem spaces, and there will also be electrical outlets
14 for e-bikes and scooters.

15 One additional note on the bike room is, as we've shown,
16 we have 24 spaces marked on there, so that's just on the ground.
17 If more spaces are needed, there is the ability to put racks to
18 go vertical, and essentially double a lot of those up, if there's
19 demand for it.

20 No curb cuts are proposed and the redevelopment will
21 include removal of both existing curb cuts; one on South Capitol
22 Street, which is a pretty wide curb cut, and then the existing
23 curb cut on N Street. This will provide an uninterrupted
24 pedestrian flow along the full two sides of the site, both of
25 the street frontages.

1 If we can go to slide 38. The development is expected
2 to generate fewer than 25 peak hour peak direction vehicle trips.
3 The traffic study was scoped with DDOT and DDOT agreed that no
4 vehicular traffic analysis were required, only a transportation
5 statement. The residential and commercial uses combined will
6 generate approximately 12 total a.m. and seven total p.m. peak
7 hour trips, and that's a combination of the inbound and the
8 outbound traffic. This equates to approximately one vehicle
9 every five minutes during the morning peak hour, and that's before
10 offsetting for existing uses. So the net change in traffic is
11 approximately nine new a.m. vehicle trips and one new p.p. vehicle
12 trip.

13 So from here we can go -- if we could actually go back
14 up to slide 37.

15 Okay. The DDOT report supports the project's proposed
16 curbside loading and no onsite parking condition. DDOT's
17 requested edits to the TDM and LMP were made and submitted under
18 separate cover. A summary of the TDM and LMP components are
19 provided on slides 39 and 40, if you do want to look at them.
20 We're not going to go through them in detail at this time.

21 So circling back to address some concerns that have
22 been noted through the community engagement process, no parking
23 is provided onsite as allowed in the CG-2 zone and in line with
24 DDOT's goals for buildings with excellent access to public
25 transportation. This condition is supported and encouraged by

1 DDOT for this project.

2 To clarify regarding offsite parking, the site is not
3 proposing to rely on any offsite parking to meet parking
4 requirements as no parking is required by zoning. At the request
5 of some community members, we have reached out to Colonial Parking
6 as they have several garages in the area, to identify if any
7 garages may be able to offer monthly parking in the future if a
8 resident were to want to keep a vehicle offsite. We will continue
9 to coordinate with both Colonial Parking and the adjacent 1319
10 development, which is going to have -- and I believe, above
11 parking ratio, to see if spaces could be made available.

12 Also, we are not proposing to use the Nationals garage
13 facilities. (Audio interference), I think that was mentioned at
14 some point, so I just want to clarify that. With no parking
15 proposed for the site, it is our expectation that future area
16 residents that need to keep a vehicle onsite would seek a unit
17 in one of the other nearby buildings that provide onsite parking.
18 This building's location near Metro and immediately across from
19 the Nationals stadium is ideal for encouraging non-auto mode
20 share and a reduced reliance on vehicle ownership.

21 A building with no parking will represent a different
22 product offering than other buildings with parking onsite. And
23 some of the buildings that do not allow pets, residents will seek
24 out a building that fits their specific needs especially with
25 numerous operate -- other options available in the area. There

1 are two other buildings within this block that both offer garage
2 parking if somebody really needs to have that in the building
3 that they live in.

4 The original plan did explore vehicular access from the
5 rear alley easement to provide parking on site. However, this
6 was opposed by neighbors. It had significant maneuverability
7 issues given how small the site is with access to below-grade
8 parking only achievable via a vehicle elevator. There was no
9 possibility of ramping down. With no ability to also ramp down
10 from N Street within the building footprint to access below-grade
11 parking, vehicular access from N Street would require ramping
12 down in public space and would -- it is our assumption, would
13 not be allowed especially with no parking required for the
14 property.

15 Three existing curbside parking spaces and one curb cut
16 are proposed to be removed along N Street along the property's
17 frontage to provide a pick-up/drop-off zone and 50-foot
18 loading/delivery space. A loading management plan has been
19 submitted and approved by DDOT that will govern loading
20 activities and require a loading dock manager to schedule all of
21 1301's loading activities within that loading zone.

22 They will have the ability to cone off the loading zone
23 ahead of scheduled delivery to ensure availability if needed.
24 Residential move-ins and move-outs can also be scheduled to not
25 occur during stadium events. No loading is proposed on site and

1 none is required by zoning for fewer than 50 dwelling units.
2 Curbside loading is supported and was encouraged by DDOT. The
3 developer will continue to coordinate with DDOT on appropriate
4 signage for the loading zone as they have requested to try and
5 provide the best condition possible.

6 The plan originally did explore rear loading, but it
7 was not physically possible to get a 30-foot truck around the
8 corner to the alley easement. So making that turn would require
9 encroachment on one or both of the adjacent properties, so it
10 cannot be achieved. Further, there will be no way for the loading
11 vehicle, if it even could get around the corner, to turn around
12 once on site, I believe. The plans shifted to a surface loading
13 area in the rear yard, which is shown on the side the --
14 (indiscernible) out the plan on the right side of the building
15 along N Street with a relocated N Street curb cut. This would
16 require back in maneuvers across public space, which was opposed
17 by DDOT. Further, neighbors were opposed to loading vehicles
18 parking in that space.

19 With opposition from DDOT and the neighbors, the plan
20 was adjusted to provide a curbside loading area as requested by
21 DDOT. As previously mentioned, the LMP, Loading Management Plan,
22 will govern loading operations in this space. Further, N Street
23 is approximately 28 feet wide in front of the site, which is wide
24 enough for parking on the north side, the pick-up/drop-off or
25 loading zone, depending on where you are, on the south side of

1 the road and leaving approximately a 12-foot vehicular travel
2 lane in the middle.

3 Being a one-way street, we only need to accommodate one
4 vehicular travel lane. So 12 feet is pretty wide in the District
5 for a travel lane. You can go all the way down to 9 or 10 feet.
6 Without the pick-up/drop-off zone, food, rideshare and other
7 short-term delivery drop-offs, pick-ups would likely have nowhere
8 to park and stop in the street, as has been noted, they do today.

9 They would not only -- they would not use onsite loading
10 for these activities even if it were provided, as that would be
11 closed to unscheduled deliveries. The pick-up/drop-off zone
12 provides a space out of the vehicular travel lane for these
13 activities to occur. And that is -- that's all I have on traffic
14 and happy to field any questions.

15 MS. WILSON: Thank you, all. I think that concludes
16 our presentation and we're happy to answer any questions.

17 CHAIRPERSON HOOD: Okay. Thank you.

18 When we hear this, some of this again, which, I believe,
19 we are, at least from my perspective, I would like for us to --
20 you got to remember the public is looking at what we do. And I
21 would like for us to show when you are talking about the loading
22 dock and, you know, we need to show what we're doing. So let's
23 work on that. And I'm going to actually ask my colleagues as
24 well as Mr. Young to remind me as we go along, even in other
25 cases, I think that's important.

1 All right. Thank you for your presentation. Let's see
2 if my colleagues have any follow-up questions and comments,
3 beginning with Commissioner May.

4 COMMISSIONER MAY: Thank you. I do have a handful of
5 questions. So Mr. Markus made reference to the way (audio
6 interference) a family living in the area and having businesses
7 in the area. Do I understand that correctly? I mean, not that
8 it's really that relevant to a design review. I was just curious
9 (audio interference), if that was actually incorrect.

10 MR. LAM: Yes. My family still currently operate the
11 liquor store there and they still currently live in one of the
12 row home and I, in the past, I have lived (audio interference)
13 in my row home as well, but since then, I moved.

14 COMMISSIONER MAY: Okay. Understood. I was just
15 interested to know that the Lams actually live in the
16 neighborhood, or at least some component of the Lam family lives
17 in the neighborhood. Okay.

18 MR. LAM: Yes. Yeah. We've been living in the
19 neighborhood for a long time.

20 COMMISSIONER MAY: Yeah. (Audio interference). Great.
21 Okay.

22 So the first question is about the easement. I just
23 want to clarify because it's (audio interference) but who -- what
24 does that easement say and why -- how can you use that as an
25 egress from the building?

1 MS. WILSON: I can talk a little bit about that.

2 COMMISSIONER MAY: Yeah.

3 MS. WILSON: So the easement, Jason and his family are
4 a party to the easement back there. It's an agreement between
5 those neighbors. (Audio interference) that just allows shared
6 access. I believe it came about during the 1319 negotiations,
7 and Jason can correct me, but no part of our building itself is
8 on the easement. It just it allows for shared access and egress
9 in the alley back there.

10 COMMISSIONER MAY: Okay. We're in, you know, across
11 the easement to the alley.

12 MS. WILSON: Correct.

13 COMMISSIONER MAY: Right. Okay. All right. So is it
14 actually necessary for egress from the building, because you have
15 ingress into the rear yard that leads to the street?

16 MS. WILSON: I'll (audio interference) that.

17 COMMISSIONER MAY: This is (audio interference)
18 additional question. Yeah.

19 MR. MARKUS: No, from a good point of view, you could
20 use that side, that rear door.

21 COMMISSIONER MAY: Right. So you can just not have
22 that door, not have the door that goes under the easement at all?

23 MR. MARKUS: Well, it's actually that area that square
24 footage, that 280 square feet is actually part of this property.
25 So I think you'd want to be able to go out and maintain it.

1 COMMISSIONER MAY: Right. But you could put a fence
2 around it.

3 MR. MARKUS: You --

4 COMMISSIONER MAY: No, you cannot?

5 MR. MARKUS: No, actually, you can't, I don't think.
6 I don't think you can put a fence around it because it's supposed
7 to be open to the easement.

8 COMMISSIONER MAY: There's a requirement that your
9 closed court can be open to the easement?

10 MS. WILSON: Since the --

11 COMMISSIONER MAY: (Audio interference) part of the
12 easement?

13 MS. WILSON: The closed court is part of the easement
14 area, so we have to allow for access for all of those parties to
15 the easement into our property essentially.

16 COMMISSIONER MAY: Okay. So that was -- that property
17 was your contribution as it were to the easement area.

18 MS. WILSON: Correct.

19 COMMISSIONER MAY: Now I understand. Thank you.

20 And then -- all right. So I have some simple questions
21 and then I'll get to the harder one. The LEED level, I can see
22 at some point that you are going for certification and it will
23 be at the Gold level, right?

24 (No audible response.)

25 COMMISSIONER MAY: Okay. So there's a statement in the

1 request for flexibility that says vary the items on the LEED
2 scorecard so long as the project receives LEED certification. So
3 I assume you don't mean LEED certified, you mean certified at the
4 Gold level?

5 MS. WILSON: Correct. I should have put that in,
6 certified at the Gold level.

7 COMMISSIONER MAY: Okay. So that should probably be
8 corrected.

9 Again, minor point, maybe you mentioned this, but is
10 there capability for charging e-bikes in the bike room?

11 MR. ZEID: Yes, there is. In the TDM plan, we've
12 included a commitment for at least 10, at least, at a minimum,
13 10 percent of the spaces will include power outlets.

14 COMMISSIONER MAY: All right. Thank you. Sorry, I
15 missed that.

16 And do you have an estimate of the solar generation
17 capability that will come from the panels that you've agreed to
18 put on?

19 MR. MARKUS: Not at this point.

20 COMMISSIONER MAY: Okay. I assume that you could do
21 that at some point, right, because that's something we often see.
22 And the target is to get to a certain percentage so that you can
23 have, I don't, power the public spaces from the building or
24 something like that. It would be useful to know exactly what's
25 coming from that.

1 MR. MARKUS: Sure. And we will be looking into that.

2 COMMISSIONER MAY: Okay. All right. How many on street
3 parking spaces will be lost when these loading and pickup areas
4 are designated?

5 MR. ZEID: There's approximately room for two vehicles
6 just next to the crosswalk today. So those would go away to
7 accommodate the pick-up/drop-off zone. And then in front of the
8 rowhomes, there is currently space for approximately -- for one
9 vehicle parking space, so that will be -- that will be lost, so
10 three total.

11 COMMISSIONER MAY: It would be three total. Okay.

12 MR. ZEID: Yes.

13 COMMISSIONER MAY: And would the building be eligible
14 for residential parking permits?

15 MR. ZEID: I believe this section of South Capitol
16 Street is -- I can check, actually while we're sitting here. I
17 believe -- my recollection is that it is eligible.

18 COMMISSIONER MAY: It's eligible?

19 MR. ZEID: Let me -- I can verify that.

20 COMMISSIONER MAY: So I think we do want to have clarity
21 on that.

22 MR. ZEID: I'm checking right now.

23 COMMISSIONER MAY: Yeah. I was assuming that it would
24 be a commercial street. And so if your address is on a commercial
25 street, you're not eligible. But if that's -- if it's

1 something -- if the building is eligible for (indiscernible),
2 then I think that raises a much bigger issue with the ability
3 (audio interference) impact of parking on neighborhoods.

4 Okay. So let's talk about the design. So the original
5 design that I saw seemed solid enough. It was a good starting
6 point. But what you've wound up with now is, I think, a
7 significant, it's kind of significantly downhill from where you
8 started. There are some really odd features in it. And I don't
9 know if this -- my comments align with the concerns of the ANC
10 or not, these are just my concerns. Certainly, we've reviewed a
11 number of buildings in this area where the -- to my approach was
12 more sympathetic to the tall buildings that we find throughout
13 the Southwest neighborhood.

14 But I mean, the glass projecting bay on the corner
15 seems quite out of place. The jig-jaw (phonetic) that's happening
16 with the bay projections. God, that's weird. It's just weird.
17 I mean I understand you're trying to get a little bit of balcony
18 space for some of these views, but it's not even enough space to
19 have two people sit down. I'm not even sure it's enough space
20 for one person to sit down. And it just makes the design of a
21 facade kind of upsetting.

22 And the porthole windows, I don't get that at all. I
23 mean, why do you go from full height windows to these little,
24 you know, these little things? They look really, really out of
25 place. So, I mean, I think the whole design has gone downhill

1 | from where you started, and I'm just -- and I'm lumping these
2 | all together because I would kind of like to understand from you
3 | how it progressed to this point. What were you trying to
4 | accomplish to get to this?

5 | And, you know, I mean, I saw how some of it might have
6 | related to the Office of Planning's urban design review, but not
7 | necessarily all of it. I'm sure they didn't tell you to put in
8 | porthole windows. So I just, you know, can you explain that?
9 | Because I think you're going to need to do more work on it, but
10 | if you can explain so I understand what I'm -- why it looks the
11 | way it does.

12 | MR. MARKUS: Sure. Yeah. The building -- so from
13 | where we started, the building changed substantially. So the --
14 | previously, at one point, when we had the vehicular entry in the
15 | back and it wasn't, we had to redesign the entire building. There
16 | were some comments coming from -- originally, we didn't have any
17 | outdoor balconies. And that's just something that's really
18 | looked at favorably these days. Everybody likes outdoor
19 | balconies.

20 | COMMISSIONER MAY: Hold on. There were outdoor
21 | balconies in the first design that was submitted. It may be less
22 | and it may not be what was originally designed (audio
23 | interference), what's in the record. So if you could speak to
24 | the change from what we received in the record to today, that
25 | would be most helpful.

1 MR. MARKUS: Okay. Yeah. I'm going back further.
2 Sorry.

3 COMMISSIONER MAY: Yeah. Okay. I don't care about
4 that.

5 MR. MARKUS: Yeah, no, no. I just was trying to think
6 of what the -- what you saw originally. So I think the main
7 thing that you probably would have seen, I think the bays. We
8 didn't have a corner bay that wrapped around. You might be
9 referring to that. Maybe we had -- at one point, we had some
10 balconies on the corner and with some comments about -- from the
11 ANC, there was some feedback on the balconies, didn't like the
12 way the corner was working. We were just trying to clean that
13 up.

14 I guess we were moving towards a place, we were trying
15 to simplify and -- the relationship of the building to the street
16 level and also the balconies from the residential on up. And
17 some of that changed quite a bit too with our meeting with the
18 Office of Planning. We got some very specific feedback regarding
19 the relationship to the building to the area, and to the sidewalk
20 and the streetscape itself. So the approach to the building did
21 change quite a bit.

22 COMMISSIONER MAY: And I didn't, you know, I didn't
23 mention anything about the ground floor, the first two floors
24 because I do think that that's okay, right. That's the part of
25 the building that I think did get better, but the rest of it, I

1 mean, I'm looking at A501 of Exhibit 2G and maybe Paul, if it's
2 possible for you to pull that up, I think people would understand
3 better what I'm talking about.

4 And I see what you mean about the corner balconies. I
5 think that that was probably the feature that was most problematic
6 in this design. But the rest of it, I mean, the approach to the
7 windows, the punched windows within the brick, the bay
8 projections made more sense. Having the, I think, having the
9 balconies at the corners of the building or, you know, not at
10 the corner of South Capitol and N Street, that's the one that's
11 problematic.

12 The other ones, I think, is, you know, that actually,
13 at least in the images that I saw here, I thought those worked
14 relatively well and I thought they were consistent with a lot of
15 what we've seen in the tall buildings in Southwest. So well,
16 Paul, didn't bring up the image, but maybe everybody could take
17 a look at A501 on Exhibit 2G if you're interested in seeing what
18 I'm talking about.

19 Yeah. I mean, I think that -- I mean, I guess we'll
20 wait to hear what the specific concerns of the Office of Planning
21 may be to the extent that they still remain from their urban
22 design section and then the ANC as well. But I do think that
23 this, the whole facade design needs additional work to get
24 something that's more fitting for the context, but also that just
25 looks better.

1 I'm sorry, it's just -- I feel like you've gotten -- I
2 understand the challenge of trying to grapple with all the
3 different people who were telling you what to do with the design.
4 But in the end, you know, this is not a -- what's the analogy?
5 'The horse designed by committee is a camel. This isn't even a
6 successful 'camel'; so I think that's it. Oh yes, Mr. Zeid.

7 MR. ZEID: Yes, sir. I was correct. I remember we
8 had looked at this and discussed this before. So this block --
9 the RPP line jogs and it does go down this section of South
10 Capitol Street. It's likely a legacy block due to the rowhomes
11 that are there. So the developer is fine and will commit to
12 restricting no RPP in leases, so adding that to leases is that
13 residents are not allowed to seek an RPP permit.

14 COMMISSIONER MAY: Okay. Yeah, I know, I mean, some
15 of us in the Commission don't necessarily believe that that's an
16 effective solution. I personally believe it is, but we can get
17 into that discussion in light of the rest of the testimony that
18 we hear.

19 Okay. I have talked long enough. Thank you very much,
20 Mr. Chairman, and we can pass it on.

21 CHAIRPERSON HOOD: Thank you, Commissioner May. Yeah.
22 And I'm one -- one of the main ones who talks about RPP and
23 putting people in the 'promised land'. So what -- one of the
24 things that I do, I do know we have a scheduling issue that we're
25 going to have to deal with. So at 7 o'clock, wherever we are,

1 | we may have to stop for 30 minutes. So I'm kind of giving
2 | everybody an advanced notice, because the way we're moving, it
3 | looks like we're going to be here until 7 o'clock or after.

4 | So let me go to Commissioner Imamura.

5 | COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I will
6 | try to keep my comments brief. I think Commissioner May had
7 | touched on many of the comments that I had teed up and wanted to
8 | ask. The jig-jaw (phonetic) as "weird." I certainly -- that
9 | was the thing that stood out to me the most Mr. Markus. You have
10 | a certain sort of rhythm and proportion to your facade, and then
11 | it fell off on both corners of the building there and something
12 | happened.

13 | And I think Commissioner May is right in that sheet
14 | A501 actually just had some more articulation in the elevation
15 | from the -- in the façade, so -- designed by committee. It's
16 | (indiscernible). This is where it looks like the design
17 | sensibility kind of fell off a bit and the elevations are a bit
18 | flat. And I think that it has a lot to do with not only just
19 | the way they're designed, but also the way they're drawn. So
20 | just -- I would encourage you to work on your line weights so
21 | that that helps punch up your elevations.

22 | I had a difficult time understanding and you had
23 | pointed it out too, slide 23 on your elevation there, it sort of
24 | flip-flopped. Just some typos there also on elevation 23 and 24,
25 | or slide 23 and 24 there. The elevation is -- there's a typo

1 | there. Also, noticed on slides 17 through 20 on your floor plans,
2 | there seem to be, I think, a two-bedroom unit, but you call out
3 | a one-bedroom, one-bedroom, so I would just go back and double
4 | check that.

5 | It appeared, I think -- I'm not sure, the graphics were
6 | a little scant or the labeling. Were those water heaters and
7 | HVAC units in each -- there's a closet in each unit. There's
8 | sort of -- it was difficult to tell what those were. Is that
9 | what you were trying to illustrate for each unit? There's a
10 | water heater, HVAC unit in a closet. All of them had -- all the
11 | units had it except for one and I just couldn't -- they weren't
12 | labeled, so it's difficult to read what that was.

13 | MR. MARKUS: Yeah. We'd have to bring it up, but it
14 | could have been, possibly couldn't.

15 | COMMISSIONER IMAMURA: So, Mr. Young, if you could
16 | bring up slide 17, 18, 19 or 20. And the reason I just bring
17 | this up, Mr. Markus, is that all of the units seem to have them
18 | except for one, the southwest corner. That's great, Paul.

19 | MR. MARKUS: Yeah, that's a mechanical. Yeah. I see
20 | it. It's a mechanical. It's intended to be a mechanical closet.
21 | Yeah.

22 | COMMISSIONER IMAMURA: Okay. And all of the units have
23 | it except for the one in the southwest corner of the building, I
24 | guess, in -- on the plan, it's northwest. There's no mechanical
25 | space in there. Is that intentional?

1 MR. MARKUS: No, it's just not shown yet.

2 COMMISSIONER IMAMURA: So -- but it will be -- you may
3 want to just take a look at that.

4 MR. MARKUS: Sure.

5 COMMISSIONER IMAMURA: On the penthouse in slide 21,
6 Mr. Young, if you could go to that. I -- it wasn't clear to me
7 how access to the common rooftop terrace there and the private
8 roof terrace. Is there access?

9 MR. MARKUS: Yeah, absolutely, there would be -- yeah.
10 It would be a combination. Some of these windows would be sliding
11 windows that would open, sliding doors and windows that would
12 open. It's not shown clear here. We could get into more detail
13 on that.

14 COMMISSIONER IMAMURA: Right. I think just again, kind
15 of a little more refinement is needed in these drawings. All
16 right.

17 Solar capability, as Commissioner May pointed out, that
18 was another question that I had at this stage. We should probably
19 nail that down. So that's (audio interference) looking (audio
20 interference). I would just say, I know there are some comments
21 in the record. It's generally about the landscaping. And I know
22 you have articulated several sort of planter boxes, and you will,
23 you know, continue to work with all stakeholders there.

24 Sometimes smaller planter boxes just don't afford
25 really much of an opportunity at all. So I'd just take a closer

1 | look and maybe combine those into bigger beds. Certainly, the
2 | way they're laid out to define sort of the public space versus
3 | semipublic space behind that, I think is fine. There's sort of
4 | that sort of definitive edge there. That makes sense. But just
5 | in general, they are kind of small and so, you know, thinking
6 | little planter boxes really don't amount to much. But maybe you
7 | could do something more interesting with, you know, when you
8 | combine them.

9 | Those are all the questions I have, Mr. Chairman. I
10 | will yield the rest of my time to Vice Chair Miller.

11 | CHAIRPERSON HOOD: Okay. Thank you.

12 | Vice Chair Miller, any questions or comments?

13 | VICE CHAIR MILLER: Thank you, Mr. Chairman. I'll keep
14 | it brief because we're under time constraints and I am anxious
15 | to hear from the public, both the ANC and the party in opposition,
16 | so that any other members who have signed up from the public --
17 | as well as the Office of Planning. And I appreciate the comments
18 | of -- I appreciate the applicant's presentation here tonight and
19 | the work that has been done thus far and the continued work that
20 | the applicant will be doing in response to community concerns and
21 | others' concerns.

22 | On the -- I think you may have addressed this in part
23 | on the design. The ANC's submission references the concerns
24 | about the -- that the rowhouses that are being demolished, the
25 | two on N Street and one on South Capitol, I guess, that they

1 | could have been retained as part of a creative design. And I
2 | think you addressed it briefly in your presentation as to why it
3 | isn't being a -- it couldn't be integrated into that corner of
4 | South Capitol and/or elsewhere. But if you could just briefly
5 | say why that those rowhouses could not have been retained to
6 | provide that historic integration in context. I guess that's for
7 | Mr. Markus or for Ms. Wilson.

8 | MR. MARKUS: So and just to be clear, there's three
9 | existing rowhouses not on the corner. One is at the furthest
10 | South Capitol away from the corner and the one is the furthest
11 | from the N Street side. There's two that on side and one on the
12 | South Capitol side. The ones on the N street side, they do line
13 | up with the property line and the facade of the building. And
14 | on the South Capitol side, the existing rowhouses are out at the
15 | property line and we're actually set back 15 feet. And we did --
16 | we tried various versions of keeping it for a while.

17 | We had the first 15 feet of the South Capitol rowhouses
18 | project, and we tried versions where we were keeping some of the
19 | houses on the -- the two houses on the N Street side. And some
20 | of the problems we run into, the small footprint of this building
21 | just this makes this unique and it was difficult. We kind of
22 | had competing scales. And I've done a lot of projects where
23 | we're integrating existing rowhouses with larger buildings
24 | behind, and we were just -- it just didn't seem to work out.
25 | Some of the feedback where we were getting actually from --

1 actually from the ANC and also from Office of Planning was that
2 it was not helping the building, so in the end, we removed them.

3 VICE CHAIR MILLER: But was there an actual design that
4 you conceptually developed or rendered and that you shared with
5 them or do you --

6 MR. MARKUS: We had -- even the --

7 VICE CHAIR MILLER: -- (indiscernible), you didn't even
8 get to that point.

9 MR. MARKUS: No, we -- I don't know if it went to you,
10 but we had a previous version that we shared with the ANC where
11 we were keeping the front 15 feet of the South Capitol side. We
12 had that actually for a while, but with the more conversations
13 that we had, it just didn't seem to be helping the project.

14 VICE CHAIR MILLER: All right. I'll move on from that.
15 Well, I'm sure we'll hear more about that from ANC. But the
16 Lams -- maybe this is for Mr. Lam, I guess, your family has --
17 is still in one of the residential rowhouses. Is that -- and
18 operate the liquor store; is that correct?

19 MR. LAM: Yes. My parents still reside in the 1307
20 South Capitol Street row home.

21 VICE CHAIR MILLER: So there are two existing tenants,
22 who are -- I think I've read somewhere on a month-to-month lease
23 that are in the other two.

24 MR. LAM: Yes. There's -- I have two tenant living in
25 the N Street row home right now in the month-to-month leases.

1 VICE CHAIR MILLER: And how many bedrooms does each of
2 those?

3 MR. LAM: Those are two bedroom, two-bedroom duplex.

4 VICE CHAIR MILLER: Sorry. Muting and unmuting
5 improperly. Sorry. That's my fault. Are the existing tenants,
6 just out of curiosity, are they -- how long they've been there,
7 the residential tenants?

8 MR. LAM: Over five years. Yeah. They -- since I
9 moved out on one of the rowhomes, I've been renting it to the
10 same tenant. They were the original tenant. Yeah, they've been
11 staying there for over five years.

12 VICE CHAIR MILLER: And I understand from the
13 applicant's statement that they're very much aware of the
14 proposal. Do they have any -- are you providing them any kind
15 of opportunity to return if they could afford to return? There
16 are affordable units that are, commendably, part of this project
17 that go -- that exceed the minimum square footage of inclusionary
18 zoning. You're at 12 or 13 percent of the square footage versus,
19 I think, 8 to 10. I can't -- I don't know if is (indiscernible).

20 MR. LAM: Yeah. If they qualify for the program, yes.
21 I mean, I'm not going to stop them to not apply for. But yeah,
22 currently, they are paying market rate rents and then they are
23 in the loop of the process. And I told them I will give them
24 plenty of head start if and when the plan is approved and if and
25 when the department is going to start down the row. So they will

1 have plenty of time to relocate or think about where they're
2 going to live next.

3 VICE CHAIR MILLER: And how many people are actually
4 living in those two rowhouses?

5 MR. LAM: Two family. One have a daughter; one father,
6 one daughter in one of the unit. The other unit have a single
7 person living there. I think her dad just moved into with her.
8 She's taking care of her dad right now, I think recently.

9 VICE CHAIR MILLER: Okay. I don't know how -- I'm not
10 going to go into the delay going into this further right now.

11 Ms. Wilson, I think that you asked for one of the areas
12 of flexibility was to up or down the number of total units in
13 the project. And as long as you're meeting the inclusionary
14 zoning requirement, I just wanted to clarify. What is the
15 flexibility that's being asked for on the number of units and
16 what commitment are you offering in terms of the inclusionary
17 zoning? Are you going to keep it at the 12 to 13 percent level,
18 which is what I would hope --

19 MS. WILSON: Yes.

20 VICE CHAIR MILLER: -- you do. Okay.

21 MS. WILSON: I'm sorry. That wasn't meant to get around
22 that. I apologize to my --

23 VICE CHAIR MILLER: Yeah. I didn't know if you're
24 referring to what you're offering, the 12 to 13 percent or you're
25 going to --

1 MS. WILSON: It was about the unit mix in case like
2 down the road, there is more of the market for an extra couple,
3 two-bedroom units, we wanted to take away a wall or change the
4 unit mix from 49 to 48 or 49 to 50. That was more of what we
5 were requesting.

6 VICE CHAIR MILLER: Yeah. No. No, I understand that.
7 I just wanted to make sure that the percentage of inclusionary
8 zoning -- of units that are inclusionary zoning including the 50
9 percent income, 60 percent (audio interference) income split
10 would be -- the percentages would be the same.

11 MS. WILSON: Absolutely. Yes.

12 VICE CHAIR MILLER: Okay.

13 MS. WILSON: We'll put that and we'll update that in
14 our next (indiscernible).

15 VICE CHAIR MILLER: Okay. Thank you for that
16 clarification. And the 50 percent MFI is actually being -- is
17 that being -- that's being triggered. You may be buffering more
18 space than what sort of statute or as required under regulations,
19 but that's being triggered because of the penthouse residential
20 space. Is that -- am I correct?

21 MS. WILSON: Sure. Yes. So instead of paying the
22 fine, we opted to include that in one of the units. And I think
23 the total square footage required was 81 square feet because of
24 the size of the habitable penthouse space for that one unit is
25 relatively small, so it was just 81 square feet. So we are

1 | exceeding that quite a bit with one of the units, which I think
2 | is -- I'll have to have (indiscernible) attest to this. But a
3 | one-bedroom unit, I think, is about 600 square feet, the one
4 | we're proposing. So we do exceed it quite a bit instead of paying
5 | the fee.

6 | VICE CHAIR MILLER: Okay. And the pedestrian access
7 | area off of N Street to the -- get to the back of the building
8 | where the deliveries, I guess, are going to be made. Did -- is
9 | that -- did I hear you say that small vans might be going down
10 | there to get there or no? Did I miss --

11 | MR. ZEID: No, there won't be. There's no curb cuts
12 | and no vehicular access to the site. And that's -- and so by
13 | pedestrian --

14 | VICE CHAIR MILLER: (Audio interference). Okay. All
15 | right. I just wanted to clarify that. I thought I heard
16 | something about, I guess the small vehicles are in the loading
17 | zone. So okay.

18 | I appreciate all of the changes that have been made in
19 | response to Office of Planning and Agency concerns including, I
20 | think the clarification that it was going to be LEED Gold, not
21 | just LEED certification, and solar on the roof and other changes.

22 | And I appreciate -- and the design -- other design
23 | changes that have been made even though there's been some
24 | criticism here. And I appreciate all the balconies as the
25 | architect alluded to. How many of the units actually -- how many

1 of the units will have balconies? And I -- although I heard the
2 concern that Commissioner May raised that some of them don't seem
3 very usable, but -- at this point. But how many of the units in
4 Mr. Markus?

5 MR. MARKUS: Yeah. It's more than half. It'll be more
6 than the back side units.

7 VICE CHAIR MILLER: That's fine. I just want to get a
8 ballpark of what's near the ballpark. That's -- I think all my
9 questions, Mr. Chairman. I'll have others after we hear from OP
10 and the ANC and the party in opposition and other public members.
11 Thank you very much. Thank you, everybody, for your testimony.

12 CHAIRPERSON HOOD: Okay. Thank you.

13 I want to thank everyone. But as I stated previously,
14 I don't think -- I've heard it and I think Commissioner May echoed
15 some of my thoughts and I haven't even got to the design. I'm
16 looking at letters from the ANC and I'm looking at the party in
17 opposition as I've stated. I think this is an easy fix. When I
18 say, "easy fix," I think some more conversation with both the
19 party in opposition and the ANC. I think this is not right even
20 for the Commission. I wish I had known this when we set it down,
21 but I'm not going to ask a lot of questions. I think everyone
22 knows where I come from. I'm prepared to come back. And I think
23 the ANC has alluded to that in their letter. So I'm also letting
24 Ms. -- Vice Chair Kramer, as well as the party in opposition,
25 Mr. Theresa, who is their representative, know where I stand. I

1 don't know of my colleagues.

2 I think I'm pretty sure from a design standpoint, I
3 don't think Commissioner May is happy. So I don't believe --
4 and here's what I'll say to the applicant, Ms. Wilson. Here's
5 what I'll say to you all. The community is going to have to --
6 I know Mr. Lam, who -- let me ask, let me go to Mr. Jason Lam.
7 Could you -- let me ask you a question. Are you -- I think you
8 said this, I know Ms. Wilson did but, you know, so I'm going to
9 ask you. Once this is developed, are you going to still continue
10 to live in the neighborhood?

11 MR. LAM: I currently live in New York right now. And
12 my parent is considering staying, but there will be a gap between
13 the development time that they're going to have to live elsewhere.
14 But the intention is we are keeping the buildings and -- for the
15 foreseeable future.

16 CHAIRPERSON HOOD: Also, the other two families -- and
17 I get beat up on this. The other two families that are living
18 in the units as you were having the Commissioner -- Vice Chair
19 Miller, you're trying to help them relocate, right?

20 MR. LAM: I mean, I can, but, you know, I -- what do
21 you mean help them relocate?

22 CHAIRPERSON HOOD: Are you --

23 MR. LAM: It's like show them where they can live?

24 CHAIRPERSON HOOD: What are you doing? Yeah. Are you
25 trying to find them somewhere in the city or what are you doing

1 with them?

2 MR. LAM: I mean, I don't -- I will -- look --

3 CHAIRPERSON HOOD: Let me say this to you. Look, let
4 me say this to you.

5 MR. LAM: Yeah. I'm a little confused.

6 CHAIRPERSON HOOD: A good responsible -- a good
7 responsive developer would help. Okay. It's easy to come -- I
8 get it. I understand, you know. Sometimes, you got to help
9 people. You know, people need help.

10 MR. LAM: Yes.

11 CHAIRPERSON HOOD: I don't even know who they are. I
12 know nothing about them, but I'm just saying they need help. And
13 I would suggest, because you probably have the resources, I would
14 suggest you try to help them find a place in the city. So we
15 don't have to go through that, Mr. Lam. I don't want to put you
16 on the spot because I believe that we're going to see each other
17 again from my standpoint. I know this is a design review, I just
18 have some problems with how we (indiscernible). And it seems
19 like -- I haven't seen not one person come down, other than the
20 applicant's team, in support.

21 So anyway. That's enough said. I'm trying to move
22 through this because guess what, we spent all this time, I believe
23 we're going to have another hearing. So let's -- let me go to
24 the parties -- to the party. Let me go to Vice Chair Kramer. Do
25 you have any cross-examination for any of the -- anyone you heard?

1 COMMISSIONER KRAMER: Thank you. I'm going to try to
2 not address that and (audio interference). I just want to say a
3 couple (audio interference).

4 CHAIRPERSON HOOD: Vice Chair Kramer, I'm actually --
5 I don't know if anybody else (audio interference).

6 Is anybody else having the problem hearing Commissioner
7 Kramer or is it just me? Okay. Most of the time it is just me.
8 Commissioner Kramer, we have -- why don't you turn -- tonight,
9 we'd love to see you, but I think we did this before. Turn your
10 camera off.

11 COMMISSIONER KRAMER: Off. Okay. I'll see if I can
12 do the setting. Maybe my settings are too low or something.
13 I'll find that. Can you hear me now better?

14 COMMISSIONER MAY: Yes.

15 COMMISSIONER KRAMER: Oh. I see.

16 CHAIRPERSON HOOD: Yes.

17 COMMISSIONER KRAMER: Okay. All right. I'll also turn
18 that -- I just turned the sound up. I don't know if that helps
19 me, helps you, I mean.

20 The -- because we spend a lot of time worrying about
21 the parking and loading and all of the transportation issues in
22 our concerns, I just pose a couple of questions. One of them is
23 that if they are trying to negotiate for parking in the associated
24 commercial spots. We would like to see real arrangements before
25 we understand that that's really happening. Because as you can

1 | see -- you will see in our testimony, we're concerned about the
2 | fact that we'll have cars anyway, whether we deny them parking
3 | in the building or not.

4 | The other, the loading issue. Someone said that I
5 | guess it was Mr. Zeid that the -- you're not required to have a
6 | different kind of loading arrangement because you don't require
7 | it for anything under 50 units. So you have 49 units, you are
8 | kind of squeaking by. So I'm wondering whether you're -- you
9 | can readdress the -- how are you dealing with the loading.

10 | And we also would like to see something in terms of
11 | what was originally proposed when you were using the, I guess the
12 | back easement, side easement. How you were dealing with below
13 | grade parking because the words -- there was an arrangement in
14 | the -- for vehicular access to the building. If that -- we have
15 | never seen anything describing that, and if you could either say
16 | words now or save it for next time. That would be very helpful.
17 | And I'll save the other on the transportation issues. We can
18 | save until next time.

19 | On the design issues, I don't know whether you have
20 | slides that you can point us to or narrative, but we have never
21 | seen any real description of the brick color or the non-brick
22 | facade materials, anything that's describing really what you're
23 | doing to the facade of the building. We don't have that
24 | details -- those details and then (audio interference).

25 | COMMISSIONER MAY: Commissioner Kramer.

1 COMMISSIONER KRAMER: Yes.

2 COMMISSIONER MAY: We are still in cross-examination,
3 so if you want to ask for those things, ask --

4 COMMISSIONER KRAMER: That's what I'm -- I'm sorry. My
5 language is wrong.

6 COMMISSIONER MAY: We want the -- ask the question and
7 let them respond.

8 COMMISSIONER KRAMER: Thank you.

9 Okay. Let me go back -- thank you very much. I'm
10 not -- I'm never good at this, Commissioner May.

11 COMMISSIONER MAY: Okay. We do understand completely.

12 COMMISSIONER KRAMER: I'm good at some things, but not
13 cross-examination.

14 COMMISSIONER MAY: Right. Very few people are.

15 COMMISSIONER KRAMER: Okay. So let me go. Let me pose
16 the questions that I had on the transportation issues.

17 The first one was what kinds of arrangements you -- we
18 can expect to see before this is -- goes through the next stage
19 for parking outside of this building?

20 MR. ZEID: So the, you know, we are reach -- we have
21 reached out to Colonial Parking, and I believe Mr. Lam has reached
22 out to the 1319 building. So securing offsite parking
23 arrangements isn't -- isn't necessarily a condition of the zero
24 parking requirements. So we're doing those things because we do
25 want to see if something can be arranged, but I don't know at

1 | this time that we can guarantee specific arrangements, but we are
2 | working to the best of our ability towards it.

3 | COMMISSIONER KRAMER: Okay. So we hope we'll see more.
4 | And on the below-grade parking, is there something -- I'm sorry
5 | below-grade vehicular entrance. Is there something that we can
6 | look at whether it is in the slides someplace, any place that we
7 | can see what, in fact, was arranged before and what might be able
8 | to be looked at again in terms of vehicular entrance to the
9 | building?

10 | MR. ZEID: So the only potential, as we said before,
11 | the access from N Street is not obtainable because we could not
12 | ramp into the building to get down to below grade. The access
13 | from the rear -- I don't know that we have something. We can
14 | prepare something we may have something archived that would have
15 | to be updated for the new building. But the only way to even
16 | get in from the rear of the building was going to be through a
17 | vehicle elevator to a very small number of spaces, given how
18 | small the building footprint is, if that makes sense.

19 | COMMISSIONER KRAMER: Well, I guess we're still
20 | confused about it. So whatever you can prepare or provide for
21 | us next time would be very helpful because we have not -- we
22 | don't have any information to be able to suggest how this could
23 | be revisited. That would be very helpful.

24 | MR. MARKUS: We did have in the original schemes that
25 | we presented today and see we had parking that was accessed from

1 the easement. It came -- because the vehicles came down the
2 easement and went into a car elevator and down into parking, and
3 there was a limited number of spaces, like what Will was saying
4 because of the footprint of the building. But in the discussions
5 later with the neighbors that didn't want the vehicles on that
6 easement, that's when that got cut. So there's no -- at this
7 point with no vehicle access to the lot, then there's no
8 possibility of having parking. So there's only -- for this lot,
9 there's only two different ways to get on there. If you had an
10 alley in the back, we don't have access to any public alleys, so
11 there's just this private easement. And that was discussed with
12 neighbors about not having vehicles enter from that area, so that
13 cut out that access.

14 And then the two existing curb cuts, there are existing
15 curb cuts, but because this is a new building, DDOT treats this
16 as a new structure and is not going to allow curb cuts to the
17 lot even though there's some there now. So both of those are
18 getting closed, and therefore, there is no direct vehicle access
19 to the property. So we can't -- you can't park or have loading
20 on the property.

21 COMMISSIONER KRAMER: So let me ask this question
22 again. If you -- leaving aside the DDOT proclivity for not
23 requiring new curb cuts, the side -- the -- what you're calling
24 the back, I can't remember the terminology, but at the N Street
25 alley, the N Street, which is wider than the easements from the

1 drawings; is that correct?

2 MR. MARKUS: That's -- you're talking about the rear
3 yard of the building.

4 COMMISSIONER KRAMER: The rear yard, yes. Is that --
5 that's considerably wider than the easement alley.

6 MR. MARKUS: It's 15 feet. I believe the easement is
7 12.

8 COMMISSIONER KRAMER: Right. Okay. So and apart from
9 the DDOT's not wanting to offer you a curb cut, that is, in fact,
10 by a size of a possible vehicular.

11 MR. MARKUS: The previous version that we have when we
12 had the car access from the back with the elevator, we also did
13 have a curb cut, and going directly to that rear yard space, we
14 had that as a loading area.

15 COMMISSIONER KRAMER: Right. That's why I wanted to
16 clarify that because we can deal with that. That's very helpful.
17 Okay.

18 MR. MARKUS: But just to be clear, I mean, we had to
19 cut that because there's no -- without a curb cut, you can't get
20 there.

21 COMMISSIONER KRAMER: Of course, I understand that
22 piece. Of course. Okay. Thank you. All right.

23 I've already asked you if you can either now or in
24 further information give probably more information on the facade.
25 We have no information on the colors, on where the colors came

1 for the brick, what the other materials are that you're going to
2 use and the thing that appears to be gray. So we have no -- what
3 I'm trying to ask you about is what kind of information you can
4 provide for us so we can understand our concern about how this
5 design relates to the area around both Old Southwest and also
6 what was done in 1319, which was deliberately more sensitive to
7 resonating the building with what was around it. So that's all
8 about facade materials.

9 COMMISSIONER MAY: If I could emphasize that too. I
10 mean, I think typically we see a sample board of some sort, but
11 I don't recall whether we got anything in the record. I'd like
12 to see some images of brick and colors, but actual, you know, a
13 photograph of a sample board. Remember, we usually get them --

14 COMMISSIONER KRAMER: Yes. Thank you. That was --

15 COMMISSIONER MAY: -- in the design review.

16 MR. MARKUS: We can provide more information on that.
17 We have a one page which shows some brick and some metal. It
18 doesn't -- I think we can provide more information on that. Sure.

19 COMMISSIONER KRAMER: That would be very helpful.

20 The last couple of questions have to do with the --
21 sort of how things are going to operate internally. You're --
22 I'm -- we were wondering what happens to the liquor store. We
23 asked this question in one of our conversations and we never got
24 an answer. What happens to the liquor store? It's a two-part
25 question. What happens to the liquor store in the interim during

1 construction? And then are you planning -- is there a business
2 plan to come back to this liquor store or some other kind of
3 facility? That we would like to know what that -- how that will
4 operate. And I'll just throw these out together and then you
5 can deal with them.

6 The -- also, this is in terms of the racial equity,
7 addressing the racial equity mandates that are now in front of
8 all of us. How are you going to deal with the employment and
9 business opportunities that may be create -- will be created by
10 this project?

11 And in terms of -- you did allude to this and what you
12 would -- in your presentation that there -- several times that
13 you want to be sure that ANC 6D has access or can use the facility,
14 the rooftop facilities. That's very -- we like to hear things
15 like that, but we'd like specifically how are you going to make
16 this amenity relate to both the tenants of the building and the
17 community, how that will be used?

18 So also, last thing was just a small thing, is the IZ
19 units appear to be -- it's a small building. So maybe this is a
20 necessary outcome, but appear to be not scattered through the
21 building, but kind of in a tier. And, you know, we always want
22 to see the IZ units indistinguishable and so they are randomly
23 scattered throughout the building.

24 MS. WILSON: I guess I can jump in and sort of try to
25 organize all of those questions.

1 So for the first one, in terms of the liquor store, I'm
2 going to have Jason answer that.

3 Jason, where is the liquor store going to be in the
4 interim? And then can you talk about what's going to happen
5 after construction?

6 MR. LAM: Yes. Ideally, we will find a relocated --
7 location, a new location for the interim of the construction
8 period. Now, we haven't really reached out to the ABC Board and
9 ask them what the actual process that is. Is it simply just
10 moving one location to another? Do we have to ask for new
11 permitting? And what happen when we come back to the place, if
12 there's another permitting process. We haven't reached out to
13 the ABC Board about that yet. Another option is that we simply
14 just not going to operate the liquor store during the construction
15 and then and it will come back to that new space. Again, we're
16 going to have to ask the ABC Board how the permitting that's
17 going to work. Will we have to go through a hearing (audio
18 interference).

19 COMMISSIONER KRAMER: Thank you.

20 MS. WILSON: Thank you. And then in terms of the other
21 questions, those are things that we are happy to continue to work
22 with you on. We did send a couple of times a Good Neighbor
23 Agreement to the ANC, and we'd be happy to talk more about
24 specific job opportunities for local community members. And then
25 also discuss the use of the communal area on the rooftop. I know

1 that in another project, we had some pretty -- had something
2 detailed in a Good Neighbor Agreement about how that would work,
3 how that would be rented out, whether or not the residents of
4 that particular ANC would get a discount to rent out that space
5 and for what percentage of time and how that would work with the
6 residents. So we're -- we offered that as a response to, I think,
7 a DPR comment and are happy to continue to work (audio
8 interference) on that.

9 COMMISSIONER KRAMER: Okay. Commissioner Hamilton is
10 here with me and she's asked also, I'm going to deal with that
11 in the testimony, but she has asked also about whether you have
12 a response at this point to the green space issue. We will press
13 for a different kind of use of the expansion of the green space
14 in front of the buildings, but if you'd like to address that now.

15 MR. MARKUS: I would just say I know there's been some
16 comments on that and we're continually looking at that in
17 relationship to the building. But there's also some very specific
18 requirements from the public space on that too. We started in a
19 different direction on that. We had very distinct areas that we
20 were defining in front of the building, but they have very clear
21 ideas on what they call the "privatization of public space." So
22 we can talk a lot about it, but we also have to adhere to those
23 criteria.

24 COMMISSIONER KRAMER: Okay. I think what I should do
25 is save the other -- in the interest of time -- to save several

1 of the issues will come up as I testify. So maybe that's the
2 best way to handle this.

3 CHAIRPERSON HOOD: Okay. Thank you, Vice Chair Kramer.
4 I misspoke when I said, "a set down," but I do want my colleagues
5 and I'm asking Ms. Schellin to remind me, that I do want to have
6 a discussion about these cases being set down. I can't remember
7 why we don't do it. Obviously, this is an example of why we
8 should. So -- because I don't think this was not a set down
9 because I looked back. This is a CG. So anyway, we can have
10 that discussion later. And that probably will condense some of
11 this hearing to maybe a little more than an hour (audio
12 interference) we are here. But either way, I think it's more
13 efficient, but let's have that conversation.

14 All right. So, Ms. Schellin, I think I'll go to the
15 Office -- the ANC. Let me see. Let's go to the Office of --
16 oh, no cross-examination, Mr. Theresa. Do you have any cross?

17 MR. THERESA: I do. I would like to cross-examine the
18 architect. Well, I guess I'll just start with my questions.

19 The Lot 827 street lot line, is that the same distance
20 as Lot 68 and 69 from South Capitol Street?

21 MR. MARKUS: I'm not sure of your question.

22 MR. THERESA: So I thought I heard you in your testimony
23 say that Lot 827 was the same set back, the same distance from
24 South Capitol Street at Lot 68 and 69; is that correct?

25 MR. MARKUS: No. So the -- along South Capitol, I

1 think I can answer. Along South Capitol Street, the entire
2 distance, I think within the Capitol Gateway zone were the
3 requirement --

4 CHAIRPERSON HOOD: Let me interrupt. Why don't we put
5 that up, Mr. Young? Mr. Theresa, I'm not trying to take over
6 your presenta -- your cross-examine, but I think that way, we can
7 all see what you're talking about as opposed to doing it like
8 this.

9 MR. MARKUS: Yeah, sure. We bring that up. Great.
10 That would be better. Thank you.

11 If you could go to previous -- I'm not sure of the
12 number, but it's about three or four slides backwards to the
13 first-floor plan. Yeah. So I'm not sure how I can draw again
14 on here, but the -- if you look at the South Capitol side, they
15 shaded, the gray shaded buildings at the top, those are the
16 existing rowhouses. And the face of that coming down to our lot
17 is the property line and our building is set back 15 feet from
18 that property line. That's the requirement in the Capitol Gateway
19 zone.

20 But on the N Street side, the face of the building is
21 directly on the property line. So there is no -- everything you
22 see in front of our building on the N Street side is actually
23 public space. But part of what you see the first 15 feet in
24 front of our building on the South Capitol side is actually
25 private property, but because it's a required setback, it's still

1 | governed by public space, so we have to follow public space
2 | requirements and they review it, but it's actually private
3 | property. Does that answer your question?

4 | MR. THERESA: So the space in front of where the
5 | building starts at 827 is more property, it's part of 820 -- lot
6 | 827?

7 | MR. MARKUS: Correct. The 15 feet, yeah.

8 | MR. THERESA: Right. And that aligns with Lot 68 and
9 | 69.

10 | MR. MARKUS: Correct.

11 | MR. THERESA: Okay. Thank you.

12 | Are you familiar with the plat submitted by the
13 | applicant for this (audio interference)?

14 | MR. MARKUS: The plat that we submitted?

15 | MR. THERESA: Yes.

16 | MR. MARKUS: Okay.

17 | MR. THERESA: So you are familiar. In that plat, how
18 | many feet east from the street lot line does Lot 827 go?

19 | MR. MARKUS: The total lot?

20 | MR. THERESA: Yeah, from the street lot line, which is
21 | right next to 68 and it's all lined up. How far east does it
22 | go?

23 | MR. MARKUS: Yeah. I can't answer that off the top of
24 | my head. I'm sorry.

25 | MR. THERESA: According to the plat --

1 MR. MARKUS: Yeah. Sorry, I can't answer off the top
2 of my head. I'd have to get that in front of me.

3 MR. THERESA: Well, okay.

4 MR. MARKUS: But is there a reason -- are you asking
5 that question for a reason? Maybe I could address the reason.

6 MR. THERESA: Well, it appears it in the plat that it
7 goes 73 feet east and that's what was submitted. That's what's
8 in the record. That when you look at the plat -- yeah, it goes
9 73 feet east. Are you aware with how far east Lot 69 goes from
10 the street lot line?

11 MR. MARKUS: It's less. Yeah. Well, so actually, I
12 don't think so. I think it may be the same, but with the easement
13 in the back, which is part of the adjacent property because it's
14 a private easement.

15 MR. THERESA: So -- oh, go ahead.

16 MR. MARKUS: No, I just -- is there a specific question?
17 Maybe I could just address the question without having that in
18 front of me.

19 MR. THERESA: That was the question. If you were aware
20 how far east Lot 68 goes from the street lot line for the east
21 part of the property? Yeah, for the east part of the property,
22 correct. But you don't know.

23 MR. MARKUS: Off the top of my head, no.

24 MR. THERESA: Okay. How far -- how many feet east is
25 the east court wall from the street lot line?

1 MR. MARKUS: Yeah. You're going to keep asking me the
2 questions. I have to get it in front of me. But what -- so we
3 have, I believe that the lots line up with the back of the court
4 and the other adjacent lots line up with that and we have the
5 court set back. So our building is set back from the edge of
6 the property line, but I think -- I believe that it's 15 feet
7 there. As we're talking, I'm going to try and bring it up on
8 phone so I can answer these questions better.

9 MR. THERESA: Well, I mean, if you could pull it up,
10 because really none of my questions have been answered, I mean,
11 it's all part of the record. It's all -- that's been submitted.
12 I mean, I guess I could put it into my testimony and present it
13 that way but --

14 MR. MARKUS: But I don't understand. Is there -- do
15 you have a specific question that you're getting to?

16 MR. THERESA: Well, what's happening here is that 68,
17 Lots 68 and 69 have the same distance from South Capitol Street
18 as Lot 827. Lot 827, according to your plat, goes 73 feet east.
19 Lot 68 and 69 goes 70 feet east. But when you look at your
20 drawings, it doesn't appear that that's the case. It looks like
21 827 is much further east than Lot 68 and 69, much more than 73
22 feet. And it looks like the rear part of it is actually in Lot
23 70.

24 MR. MARKUS: So maybe this isn't the drawing to show,
25 but this drawing doesn't show the property lines of the adjacent

1 building. So there -- if you can go back a couple of slides, I
2 think we might have a drawing that shows it better.

3 This isn't -- I'm not sure if this is showing it either.
4 It's not really showing the actual property lines. I think we
5 would need the plat. If you can maybe keep going. There was
6 a -- before the photos. It's one of the first images, maybe the
7 second one. Yeah.

8 MR. THERESA: Yeah, that's not the plat that -- but you
9 can see it's a very small distance, but in the plat, it actually
10 has -- the plat that was submitted as part of the application
11 that was a requirement of the design review, it clearly says that
12 it goes 73 feet east.

13 MR. MARKUS: Sure.

14 MR. THERESA: But it looks like it -- in the other
15 architectural drawings, it looks like it goes much further than
16 73 feet.

17 COMMISSIONER MAY: Mr. Theresa, can I interrupt for
18 just a second? I'm trying to understand the point of your
19 questioning because the applicant isn't really responsible for
20 documenting other people's property in this case. So can you
21 just explain why this is relevant to the consideration of the
22 case? Because it's like a drafting error having to do with
23 somebody else's property, I'm not sure it's relevant.

24 MR. THERESA: Well, the design review application is --
25 does not include Lot 70. So if the project includes Lot 70 in

1 | its calculations, then it doesn't meet the design review
2 | requirement, because Lot 70 is not included in it, and so they're
3 | claiming property that does not belong to them. And it's very
4 | difficult for my clients to understand the project that's
5 | actually happening in the regulation that, I guess, that would
6 | pertain to would be Title 11 of Section Z, 301.1(n), where it
7 | says that the plans do not readily provide the information
8 | necessary to understand the project.

9 | My clients are right next door to the project and they
10 | don't know where it begins and ends. They know that the lot next
11 | door to them goes 73 feet and they know that their lot goes 70
12 | feet, but from all of the drawings and the things that we've
13 | seen, it seems like it goes much further east from the street
14 | lot line than just --

15 | MR. MARKUS: Yeah. I think I can answer. I mean, we
16 | could provide -- we're designing. We're not taking somebody
17 | else's property, so we're designing within our property. And I
18 | think the issue is that we're not showing the adjacent properties'
19 | property lines in the proper way for you to understand it, so we
20 | could provide something (indiscernible). I mean, we can do that.

21 | MR. THERESA: That would be helpful. And that would
22 | be all my questions for you then. I have other quick questions.

23 | MR. MARKUS: Okay.

24 | MR. THERESA: Thank you. And I don't -- I'm not sure
25 | who these would be directed to. And I guess maybe once I start

1 asking them, the appropriate person will respond. But will
2 residents have direct access to the North-South easement?

3 MR. WILSON: It's (audio interference).

4 MR. MARKUS: Yeah. So right now, we do have (audio
5 interference) there -- once we started out with vehicular access,
6 so that's been removed. So right now, we do have pedestrian
7 access to the easement.

8 MR. THERESA: Okay. Is there any plan to maintain the
9 easement for the use that a lot of residents will be using it
10 compared to the neighbors who (audio interference)?

11 MR. MARKUS: Yes. It's actually -- just to be clear.
12 So it's not intended to be -- it's just intended to be an
13 emergency exit. So only if there was an emergency that's when
14 people would use it. That's the intention. It's not intended
15 to -- that people would enter the building from that side. That's
16 where it was.

17 MR. THERESA: Also, if I may -- can that be stipulated?

18 MR. MARKUS: Yes.

19 MR. LAM: Also, if I may add. The easement is owned
20 by 1319, the Lot 70 and in our Good Neighbor Agreement is agreed
21 upon by them that they will be the sole person maintaining the
22 easement, so I don't know if that kind of help you answer my
23 question.

24 MR. THERESA: Is there lien holder consent on that
25 easement?

1 MS. WILSON: I don't know if any of us are qualified
2 here to answer that particular question. I'm not sure of the
3 answer.

4 MR. THERESA: Okay. Well, we have no more questions.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 Let's go to the Office of Planning. Mr. Lawson.

7 MR. LAWSON: Here we go. We'll see if my video works.
8 Is my audio working okay?

9 CHAIRPERSON HOOD: Sound good. Yep.

10 MR. LAWSON: Okay. Thank you.

11 Thank you, Mr. Chair. My name is Joel Lawson with the
12 Office of Planning. I'll be attempting to fill in for Matt
13 Jesick, who is the project manager for this case.

14 OP remains supportive of the proposal to activate and
15 provide unit housing on this visually important site. However,
16 we certainly heard what the Commission has talked about today,
17 and we agree with the Commission that additional attention to the
18 application and the design of the building is needed to make sure
19 that it adequately addresses the right -- the criteria and the
20 intent for this zone in this monumental street.

21 We appreciate the applicant stating their willingness
22 to continue to work with OP as well as with the ANC and the
23 neighbors to refine the design and the proposal, and we'd be
24 happy to continue those discussions. We'd appreciate that
25 opportunity. And that would, of course, include discussions on

1 | how to incorporate some of the comments raised by the Commission
2 | at the hearing tonight.

3 | With regard to the ANC concern about the dispersion of
4 | the IZ units throughout the building, we also noted that in our
5 | review of the most recent filings and we're not -- we're also
6 | not quite sure it meets the intent of the regulations. But again,
7 | we'd be happy to work with the applicant, probably pulling in
8 | DHCD to make sure that that provision is adequately met.

9 | In the interest of time, because we know that this is
10 | going to be coming back to you again as a revised proposal, I'm
11 | happy to leave it at that, but would be available to answer any
12 | questions. Thank you.

13 | CHAIRPERSON HOOD: Thank you, Mr. Lawson. Let's see
14 | if we have any questions.

15 | Commissioner May.

16 | COMMISSIONER MAY: Yeah. Just a quick one. I mean,
17 | there's a long list of unresolved issues that were in the report,
18 | and I know the applicant attempted to respond to all those, and
19 | some of those were kind of straightforward. You know, you haven't
20 | provided the, you know, the LEED scorecard. They provided (audio
21 | interference) whatever, but I mean, of those issues, do you feel
22 | like they have satisfactorily addressed them beyond sort of the
23 | design concern?

24 | MR. LAWSON: Beyond the design concern, I think --

25 | COMMISSIONER MAY: Mr. Lawson, we lost you. Can't hear

1 | you. Or at least, I lost you.

2 | CHAIRPERSON HOOD: We all lost him.

3 | COMMISSIONER MAY: Okay.

4 | MR. LAWSON: Is that better?

5 | CHAIRPERSON HOOD: There you go.

6 | MR. LAWSON: Is that better? Okay. Sorry about that.

7 | Yeah. That's a great question.

8 | We did have a list of nine issues in our report that
9 | required additional review. The applicant has, for the most
10 | part, addressed those nine with a couple of exceptions. You
11 | know, like I said, we've already noted that we think that
12 | additional attention to the -- meeting the comments of the Urban
13 | Design Division is needed. We're happy to pull in the Urban
14 | Design Division to continue those discussions with the applicant
15 | and make sure that they are adequately addressed.

16 | Some of those concerns were related to the building,
17 | and some of them were more public space, which is more the purview
18 | of the Public Space Committee. But we're happy to, like I said,
19 | continue those discussions to work them out.

20 | I already noted that we still have a few questions
21 | about the location of the IZ units.

22 | They have committed to a legal building and so that
23 | addresses that issue.

24 | They're showing solar panels on the roof, but we agree
25 | with the Commission that having a bit more certainty around those

1 solar panels. The amount of solar panels and where they be
2 located would be helpful.

3 They have provided additional renderings, although
4 anticipating some new renderings would be -- with the next go
5 round. I think that's about it. Generally, they responded to
6 the -- with the exception of design.

7 COMMISSIONER MAY: Okay. Thank you. I appreciate your
8 recap.

9 MR. LAWSON: Thank you.

10 CHAIRPERSON HOOD: Okay. Commissioner Imamura, do you
11 have any questions or comments?

12 COMMISSIONER IMAMURA: In the interest of time, Mr.
13 Chairman, I do not.

14 CHAIRPERSON HOOD: Okay. Thank you.

15 Vice Chair Miller.

16 VICE CHAIR MILLER: No questions. Thank you, Mr. Lawson
17 for your -- for the Office of Planning's report.

18 CHAIRPERSON HOOD: One thing I would ask -- thank you,
19 Vice Chair.

20 The only thing I will ask, Mr. Lawson, is that we need
21 to revisit whether or not this needs -- that there needs to be a
22 set down. I'm not going to ask you to answer it now, but I think
23 we need to revisit this again. I think there are some things
24 that we could have dealt with that as opposed to the hearing.

25 All right. Let's go to Vice Chair Kramer.

1 COMMISSIONER KRAMER: Thank you. Sorry, I didn't --
2 not connected. Thank you. Good evening. I am Fredrica Kramer,
3 as you know, Commissioner for ANC 6D05 and Vice Chair of ANC 6D
4 and I'm testifying on behalf of ANC 6D. I've also been on the
5 negotiating committee on this case with Commissioner Rhonda
6 Hamilton, in whose SMD this case lies.

7 CHAIRPERSON HOOD: Ms. -- Vice Chair Kramer. We're
8 actually asking questions of the Office of Planning, so if you
9 would --

10 COMMISSIONER KRAMER: Oh, sorry. I'm so sorry.

11 CHAIRPERSON HOOD: That's okay.

12 COMMISSIONER KRAMER: I'm kind of got off. No, I have
13 no questions, thank you.

14 CHAIRPERSON HOOD: I was about to say, that's a long
15 question.

16 COMMISSIONER KRAMER: Thank you.

17 CHAIRPERSON HOOD: Okay. All right.

18 Mr. Theresa, do you have any questions or comments?

19 MR. THERESA: Not for the Office of Planning. Thank
20 you.

21 CHAIRPERSON HOOD: Okay. Thank you.

22 All right. Let's go to -- let's go -- now, Vice Chair
23 Kramer, we going to come to your report.

24 MS. SCHELLIN: DDOT.

25 CHAIRPERSON HOOD: Oh. DDOT. We're not going to --

1 MS. SCHELLIN: Kelsey Bridges first.

2 CHAIRPERSON HOOD: Okay. Ms. Bridges -- thank you, Ms.
3 Schellin.

4 Ms. Bridges?

5 MS. BRIDGES: Hello.

6 CHAIRPERSON HOOD: Ms. Bridges, let me ask you a
7 question. I noticed yesterday on the BZA, you seemed to like
8 them quite a bit. Do you like us as much as you like the BZA?

9 MS. BRIDGES: Oh, that's a tough one.

10 CHAIRPERSON HOOD: Yeah. No, that's a joke. You may
11 go ahead, Ms. Bridges.

12 MS. BRIDGES: Thank you.

13 Good evening, Chairman Hood, and members of the
14 Commission. For the record, I'm Kelsey Bridges, transportation
15 planner with the District Department of Transportation, filling
16 in for Aaron Zimmerman, who drafted and submitted the report.

17 DDOT is supportive of the applicant's proposal for 1301
18 South Capitol Street Southwest. In our April 8th, 2022, report,
19 we recommended approval with two conditions: implementation of a
20 TDM plan and a loading management plan. The applicant has agreed
21 to both of these conditions and has uploaded updated versions
22 based on the requested revisions in our report. This document
23 is Exhibit 27D in the case record.

24 With the revised TDM plan and loading management plan
25 included in the final zoning order, DDOT has no objection to the

1 approval of this design review application. Thank you. I'd be
2 happy to answer any questions.

3 CHAIRPERSON HOOD: Okay. Thank you, Ms. Bridges.

4 Let's see if we have any questions.

5 Commissioner May?

6 COMMISSIONER MAY: Nothing. Thank you.

7 CHAIRPERSON HOOD: Okay. Commissioner Imamura.

8 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No
9 questions. I just want to thank Ms. Bridges, as well as Mr.
10 Lawson for standing in for both of your colleagues tonight.
11 Appreciate that.

12 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

13 VICE CHAIR MILLER: No. Thank you for your report.

14 CHAIRPERSON HOOD: I have no questions at this time.
15 I think we'll see each other again.

16 Let's -- let me see. Vice Chair Kramer, do you have
17 any questions of DDOT?

18 COMMISSIONER KRAMER: No, thank you.

19 CHAIRPERSON HOOD: And Mr. Theresa, do you have any
20 questions of DDOT?

21 MR. THERESA: No.

22 CHAIRPERSON HOOD: Okay. All right. Thank you.

23 So now -- thank you, Ms. Bridges. We appreciate it.

24 Now, Vice Chair Kramer, I think we can go to you now.
25 I think that's -- wait in line, so you can go ahead.

1 COMMISSIONER KRAMER: All right. I'll get myself
2 together. Thank you.

3 As I said earlier, for the record, I'm Fredrica Kramer,
4 Commissioner of ANC 6D05, Vice Chair of ANC 6D, testifying on
5 behalf of ANC 6D. And I've also been on the negotiating committee
6 with Commissioner Hamilton who is, as I said earlier, is here as
7 well to answer questions.

8 You've already received the report from the ANC 6D in
9 which we opposed the current application. I'll attempt to
10 highlight the most salient points.

11 The project is a relatively small building, a very
12 small footprint in comparison to the many projects that ANC 6D
13 has been called upon to review as Southwest redevelop, but it's
14 on a very important corner on South Cap and North -- and N Street
15 Southwest, and therefore, both part of the Capitol Gateway
16 overlay and an entrance to Old Southwest.

17 To put the site in some context and ANC's thoughts in
18 some context, position in some context, Commissioner Hamilton
19 worked for several years with the developers of 1319 South Capitol
20 Street, the property which will actually surround 1301. That
21 long negotiation produced one of the most significant outcomes
22 we've seen in our community. A building whose color and fine
23 details reiterate key attributes of Old Southwest and one that
24 will also preserve and renovate four of the oldest rowhouses in
25 Old Southwest for family-sized affordable units.

1 The project will now echo the history of black working
2 class Old Southwest and allow residents in those four rowhouses
3 to connect and access the amenities in the new high rise behind
4 them. Two rowhouses on South Capitol Street that the developer
5 owns will also be preserved. And the footprint of houses that
6 will be razed in the 1319 project will be curated so that Old
7 Southwest will be memorialized in the new developments.

8 ANC 6D hoped a similar dialogue might produce a
9 similarly sensitive product for 1301. The product -- the
10 proposals you have before you, but the applicant -- and the
11 applicant was periodically involved because their properties, as
12 you've heard this evening, about the 1319. Instead, the ANC finds
13 some basic concerns about 1301 that results in our opposition.

14 Principal among them is the plan for parking and
15 traffic management. A rethink won't work. The current
16 proposal -- proposes what ANC fears will be unworkable
17 arrangements for loading and unloading, and for expected
18 automobile parking in any of the building. The original plan for
19 access to the building was to use the alley easement, as we've
20 heard earlier, behind the South Capitol Street rowhomes, and
21 included limited below-grade parking.

22 That plan was dropped after objections from the
23 neighboring owners and ANC requested, but never received a
24 detailed description of how below grade vehicle access would have
25 been achieved, could have been achieved, and in turn options for

1 access from the front and side alleys are unworkable.

2 We find the substitute plan unrealistic and inadequate
3 to the demands of the neighborhood and the limitations of N
4 Street.

5 The applicant plans to eliminate all on-street parking,
6 as we've heard, in front, using the three space curbside sections
7 for PUDO, rideshare and similar short-term parking, and an
8 adjoining 50-foot length for truck loading and unloading, and
9 residential and commercial trash pickup.

10 Commercial trash from two ground-floor businesses and
11 second-floor offices and residential trash will be transported
12 by foot from the center of the building, as they estimate about
13 120 feet, and down the side alley to the street.

14 Trash pickup from a planned restaurant, the liquor
15 store, offices, and 49 apartments would likely be daily or close
16 to it, creating a nuisance to the adjoining residents who would
17 listen to incessant dumpsters rattling down the alley to the
18 side, the back -- I can't remember what it's called, the back
19 space -- from the back of the building to the street.

20 All other commercial delivery and move-in and move-
21 outs with only access by foot to the center rear entrance would
22 be in addition to that. The applicant claims this is common in
23 other buildings of this size, perhaps in old buildings, but this
24 is new construction and should aim for the most appropriate
25 accommodation.

1 Vehicular accommodations on the front of the building
2 are a larger issue. N Street is a very narrow street. Should
3 current DDOT proposals allow left-hand turns from South Capitol
4 Street into N Street, which ANC is separately opposing, the
5 situation I'm about to describe would be disastrous. The single-
6 use loading zone in the front and the space for the PUDOs and
7 UberEats and whatever other kinds of deliveries, is bound to be
8 inadequate, more realistically, winding up in constant double
9 parking, as we have seen all over Southwest and the Wharf.

10 If the PUDO spaces are not occupied, they'll likely
11 become parking spaces, as we've also seen in all the other on-
12 street parking used by visitors to events at Nats and Audi Field
13 and other spillover from the Navy Yard in Southwest, or by nearby
14 neighbors who have been pushed out of their own on-street parking
15 by the same forces.

16 The loading zone poses its own problems. The
17 applicant's claim that this will all be handled by a loading dock
18 manager was not persuasive to the ANC. This is a small building
19 likely to have minimal staff. ANC 6D asked for details on
20 building management that might support the expectation that one
21 loading zone could be adequately both scheduled and monitored to
22 ensure that this also would not interfere with N Street through
23 traffic, we have not seen that.

24 There is an existing curb cut as you've seen on N Street
25 that might have led to either a half ramp for truck loading or

1 entry to below-grade parking as was originally proposed. This
2 option has not been described in drawing or narrative, so that
3 ANC 6D might understand what has been explored and what might be
4 further explored to address the problem; this is why I raised the
5 question earlier in the exchange tonight.

6 As currently proposed, our Commission will have trouble
7 supporting the removal of the existing curb cut without a full
8 exploration of the alternatives, including perhaps even
9 renegotiating the rear easements for limited and explicit use.

10 The front entrance can be moved to accommodate a front-
11 loading area using the existing curb cut.

12 Let me say a further word on parking. The applicant
13 expects to satisfy some of off-street parking in remote garages.
14 We find that that proposal is not realistic.

15 New tenants in one- and two-bedroom apartments are
16 likely, unlike those in smaller units, to be multi-person
17 households. The applicant has proposed to rely on rental spaces
18 we've heard tonight not in the Nationals' park -- garage but in
19 other nearby garages, but has provided no evidence so far that
20 those arrangements are forthcoming nor for how many spaces and
21 at what price, nor are there any firm plans to provide parking --
22 for patrons of the retail spaces, the new retail spaces or staff
23 of the commercial offices, or to accommodate the needs of
24 resident -- residents with mobility issues.

25 ANC 6D's concern is based on what has already occurred

1 in other projects. Residents move into new high-rise buildings
2 with cars and proceed to take up street parking even though they
3 don't have zone stickers. Nearby residential streets will
4 inevitably be used by tenants of 1301, increasing competition for
5 parking in the neighborhood on top of the competition from stadium
6 patrons, patrons on events days at Nats Park and Audi Field. Our
7 Commission would like to see a detailed analysis of realistic
8 parking options before the proposal is approved.

9 Other facets of the proposed design raise separate
10 concerns. The design does not embrace the character of the
11 neighborhood, blend or complement the historic garden style
12 apartments or homes, and in the end, add to our rapidly growing
13 but still unique neighborhood.

14 As I noted at the outset, we hoped that this prominent
15 corner would both honor its role in the Capitol Gateway and
16 reference and provide an invitation into Southwest. The west
17 side of South Capitol Street, at this point, south is
18 predominantly residential and will remain so for the foreseeable
19 future, even as it conforms to the dictates of the Capitol Gateway
20 Overlay.

21 Our Commission hoped to work with the applicant as
22 Commissioner Hamilton had for 1319 to create a product that
23 fulfilled both objectives. Unfortunately, no meaningful
24 reference to the historical context of Old Southwest is evident
25 in this current design, nor does the building reflect its

1 relationship to the grand boulevard that is to become the gateway
2 to the nation's capital.

3 We recommended that the applicant explore the case
4 filings for 1319 next door, not to mimic that project, but to
5 consider how 1301 would or could relate to the large building
6 that will essentially surround it and to better complement both
7 its location and historical context.

8 Based on comments from the ANC, the applicant did
9 remove several curved archways on the lower levels that had no
10 historical reference, but they added the bays that are currently
11 there to the ground and second floor, which may reflect Capitol
12 Hill, but have also no relationship to the architecture of Old
13 Southwest.

14 The structure above the base brick facade is at best
15 unremarkable. Apparently, OP agrees and we've heard that other
16 Commissioners on the Zoning Commission have some questions as
17 well.

18 We also note that there are currently 12 rowhomes that
19 surround the corner property. As mentioned, four of the oldest
20 houses in Southwest are being preserved as single family homes
21 on N Street as part of the 1319 project and four on South Capitol
22 will also remain, two are owned by 1319 and two are independently
23 owned.

24 The applicant proposes to raze the two on N Street and
25 one on South Capitol Street. We've heard in the colloquy tonight

1 | that the -- there's concern about the relocation of those
2 | families. The whole discussion of that suggests that we can go
3 | back and revisit how those houses may be able to be integrated
4 | into the project in a more creative way than we've seen so far.

5 | Our Commission suggested the applicant explore the
6 | possibility of retaining those three rowhomes that surround the
7 | corner, creating a prominent and unique design with historic
8 | reference and one that would, in fact -- this is important --
9 | not impede any options for the interior layout needed to preserve
10 | the proposed commercial functions.

11 | There's no evidence in the application or in our
12 | discussions that the applicant has fully considered more creative
13 | design options to serve the building's function and its unique
14 | location.

15 | On a related note, and something that's been discussed
16 | this evening, the building setback 15 feet is required and the
17 | applicant added these -- some boxes and plantings in this public
18 | space, which enhance the streetscape. We appreciate the
19 | sentiment of adding that interest, but our Commission suggested
20 | that the softscape be increased and aligned with the landscaping
21 | fronting the rowhomes on either side, which would greatly
22 | contribute to the integration of the project with the neighboring
23 | rowhomes.

24 | The plantings, as they are now, really do little to
25 | nothing to make either a public space more usable or more green

1 space more appreciated. Similarly, we suggested that the
2 neighborhood does not need another eatery, as currently proposed,
3 and the few Southeast visitors are likely to cross busy South
4 Capitol Street when they have so many options in Navy Yard. And
5 if the eatery is not the final use of that ground space, then
6 the 15-foot setback might be certainly better developed as true
7 green space to soften and make prominent this important corner.

8 In the end, the design that is currently offered is a
9 loss to the preservation of an historic crossroad and a missed
10 opportunity to create an important entrance to Old Southwest and
11 a synergy with its surrounding development.

12 ANC requested in its report that the applicant meet
13 with the officials of 1319 and report on results and options
14 considered before receiving approval. We reiterate that request.
15 We also appreciate the -- what appears to be what will be the
16 direction of the Zoning Commission to meet and work out, have
17 many more discussions and work out the issues that we've talked
18 about.

19 As Commissioner Hamilton would assess, a little test,
20 a little more time, not years, not even months would undoubtedly
21 result in a first-class project, and we hope that the applicant
22 and the Zoning Commission will take advantage of that offer as
23 we hear that they may. Thank you very much and I'm available
24 for questions.

25 CHAIRPERSON HOOD: Thank you, Commissioner Kramer.

1 Let's see if we have any follow-up questions.
2 Commissioner May.

3 COMMISSIONER MAY: Yeah. I mean, this is more of a
4 comment than a question, but it may lead to a response. I don't
5 know.

6 So in considering the testimony, the concerns that
7 you've been raising about parking and such and the use, you know,
8 things like whether it's an eatery and things like that. I mean,
9 there are some elements of what you are concerned about that do
10 relate to the design criteria that we must consider in a case
11 like this, but there are some that do not. And I know that they
12 are important to the ANC and there's certainly things that the
13 ANC should be considering and should be raising with the developer
14 because you can ask them to do anything, you know, anything you
15 want. And if they can accommodate you and that gets your support,
16 then that's great.

17 But for our decision-making, the concerns that you
18 raise really need to relate to those specific criteria. And so
19 when you talk about something like the trash handling, right? I
20 mean, whether it's five days a week that they're going to be
21 hauling trash out or seven or two, I know that rolling trash bins
22 going down the alley next to a house is loud and unpleasant, and
23 my house is on an alley. So, you know, two days a week, I get
24 that parade of people -- because the rest of the alley is
25 inaccessible -- so many, many people have to roll their cans

1 right by my house. So we hear that all the time and I wouldn't
2 want to do that every day or even -- well, I don't even like what
3 I have to put up with now.

4 And that is one of the criteria is the impact of
5 building operations on the surrounding residential area. So that
6 relates to one of the criteria. And by the way, I think the
7 applicant should take notice of the fact that I'm concerned about
8 that, that that particular thing resonates with it.

9 But I think that in your discussion and when you come
10 back next time around, it would be most helpful to relate the
11 concerns that you have to the specific criteria that we are
12 evaluating. And I mean, I would note that, you know, the fact
13 that there is not specific, you know, there is no requirement for
14 parking in the zone, I mean, that's kind of a given. So it's
15 not to say that there aren't impacts associated with that that
16 wouldn't relate to some of the criteria, but I think that you
17 have to draw that connection because we won't necessarily draw
18 that. So I don't know -- did I give you an opportunity?

19 COMMISSIONER KRAMER: I mean, I hear you and it's an
20 important instruction to us, so I appreciate that. I would say
21 the way I think about it is that it relates to the -- hauling
22 the stuff down the trash alley, if you will, is it derives from
23 the question of whether there's a different design opportunity,
24 and so that's the criteria. It's not so -- I mean, and to the
25 extent that you -- that the criteria include effect on the

1 neighbors, we're sort of -- we're okay, we're safe to make the
2 comment. But, in fact, it's a much larger issue, which is why,
3 how we wound up this way in the first place and we have not had
4 any -- we have not had a -- what I would consider, a reasonable
5 and robust or adequate discussion with the applicant to figure
6 out what exactly is -- where exactly we have opportunities to
7 design the loading and collection or the commercial functions
8 properly so they wouldn't have this byproduct.

9 COMMISSIONER MAY: Right. Yeah. Well, like I said,
10 that's one that does relate specifically to one of the criteria
11 that we have to look at.

12 COMMISSIONER KRAMER: Okay. But if you have other --
13 sorry.

14 COMMISSIONER MAY: If you have other concerns, if you
15 can just sort of tie them to what we are supposed to consider.

16 COMMISSIONER KRAMER: Okay. If you want to offer me
17 any specifics more than you've said, that's --

18 COMMISSIONER MAY: No, no, no.

19 COMMISSIONER KRAMER: -- very appreciative, but that's
20 fine. We'll do our homework.

21 COMMISSIONER MAY: Yeah. I mean, look at the
22 regulations, but look at the Office of Planning's report as well,
23 because that (indiscernible) on all of those requirements.

24 COMMISSIONER KRAMER: Okay. Thank you.

25 COMMISSIONER MAY: Yeah. That's it for me, Mr.

1 Chairman.

2 CHAIRPERSON HOOD: Okay. Thank you.

3 Commissioner Imamura?

4 COMMISSIONER IMAMURA: No comments.

5 CHAIRPERSON HOOD: Vice Chair Miller?

6 VICE CHAIR MILLER: No questions. Thank you, Vice
7 Chair Kramer, for your comments and your continuing work on this
8 project.

9 CHAIRPERSON HOOD: I thank you too Commissioner,
10 Kramer, but I appreciate the comments of my colleague,
11 Commissioner May, and let's see how you tie those together when
12 you come back. And I would implore the applicant to work very
13 closely with the ANC, with Commissioner Kramer and all those
14 commissioners, and let's see if we get much closer to where we
15 are, especially if we tie it to the regulations.

16 Any follow up?

17 (No audible response.)

18 CHAIRPERSON HOOD: Okay. Not seeing any.

19 Thank you, Commissioner Kramer.

20 Let's go to Mr. Theresa. Do you have your presentation?

21 Oh. Wait a minute. I'm sorry. Let's do cross of Vice Chair
22 Kramer.

23 Ms. Wilson, do you have any questions?

24 MS. WILSON: No. Thank you. And we look forward to
25 continuing our discussions with the ANC.

1 CHAIRPERSON HOOD: Sounds good. Thank you. I'm glad
2 to hear that. And I appreciate your opening comments too, Ms.
3 Wilson. Your opening comments went a long way with me.

4 Okay. Mr. Theresa.

5 MR. THERESA: Yes, sir. Anything to add. Is that what
6 you asked? I couldn't hear.

7 CHAIRPERSON HOOD: Oh. That's right. You know what,
8 you got to do cross and then we're going to go to your
9 presentation. Do you have cross of Ms. Kramer?

10 MR. THERESA: No. We've asked our questions.

11 CHAIRPERSON HOOD: Okay. So we're ready for your
12 presentation. That's what happens when I go off of top of my
13 head sometime.

14 MR. THERESA: Okay. Well, basically, we've kind of
15 expressed our concerns. Our concern is that --

16 MS. SCHELLIN: I'm sorry, Chairman Hood. We need to
17 do -- they are in opposition. So before we get to his
18 presentation, we need to take individuals in support.

19 CHAIRPERSON HOOD: Okay. I should not have assumed.
20 Thank you.

21 Do we have anyone here who's here in support of this
22 application?

23 MS. SCHELLIN: I do have people on the list. I don't
24 know if they're here. I have -- she may be actually with the
25 ANC, Vice Chair Alexandria Appah, but she was with Ms. Kramer.

1 She's in support.

2 COMMISSIONER KRAMER: She's not with --

3 CHAIRPERSON HOOD: No, she's not with her.

4 MS. SCHELLIN: She is not with you.

5 COMMISSIONER KRAMER: No.

6 CHAIRPERSON HOOD: The only person that's with them is
7 Commissioner Hamilton.

8 COMMISSIONER KRAMER: Correct.

9 MS. SCHELLIN: And I just -- we just needed to call.
10 Other than that, everyone else is covered and there are no
11 individuals in opposition. So Mr. Theresa will be the last one.
12 Thank you. Sorry to interrupt.

13 CHAIRPERSON HOOD: No, no, that's fine. I'm glad we
14 did that. We needed to go through that.

15 All right. Sorry about that, Mr. Theresa. You may go
16 ahead.

17 MR. THERESA: Okay. So I'm just going to read in, you
18 know, something I tried to submit earlier today. It was late to
19 submit and if you would allow me to submit this afterward, I've
20 been working on a petition challenge in an election that didn't
21 allow me to get to this, 24 hours before. But if you will let
22 me submit this, I'm just going to read it into the record right
23 now.

24 CHAIRPERSON HOOD: Before you do that, let's do this.
25 You have something you want to submit. I would be willing to

1 include that in the record. I actually would like to have to
2 read it, but if you go ahead and read it because I like (audio
3 interference) may have questions, but go ahead and read it.

4 MR. THERESA: Okay.

5 CHAIRPERSON HOOD: And then we'll might go around with
6 questions.

7 MR. THERESA: The Lam application does not meet design
8 review requirements because their architectural drawings do not
9 match their plat. 11-Z DCMR 301.1 states the following, "The
10 applicant for design review application shall furnish ten copies
11 of architectural plans and two copies of all other information
12 required by the form at the time of filing the application,
13 including the following: a map showing the location of the
14 proposed project, the existing zoning for the subject site and
15 the zoning of adjacent properties; a detailed site plan showing
16 the location and external dimensions of all buildings and
17 structures, utilities and other easements, walkways, driveways,
18 plazas, arcades and any other open spaces; and any other
19 information needed to understand the proposed project."

20 In the matter at hand, the plat submitted in the Lam
21 application does not match the Lam application architectural
22 drawings. Lot 827 extends east from South Capitol Street
23 Southwest 73 feet from the street lot line of South Capitol Street
24 Southwest 73 feet. This is accurately reflected in the plat for
25 the Lam application. However, in the Lam application,

1 architectural drawings that apparent -- it is apparent Lot 827
2 extends east from the street lot line much further than 73 feet
3 and into Lot 70.

4 This is not clear from the submitted plat because the
5 Lam application does not provide the quote, "other information
6 needed to understand the project," such as the start point of Lot
7 70. Analysis of plat information from adjacent lots makes it
8 clear that the courtyard in the Lam application is actually
9 located in Lot 70, thus not appropriately part of the lots subject
10 to design review approval in this application.

11 Lot 68 and Lot 69 extend 70 feet east from South Capitol
12 Street Southwest, again, not shown in the Lam application plat.
13 As stated above, Lot 827 extends 73 feet east from South Capitol
14 Street Southwest. However, the Lam's courtyard does not end 3
15 feet past or the -- the wall does not end 3 feet past Lot 68 or
16 69 despite the street lot line for 827 being setback from South
17 Capitol Street the same number of feet.

18 Thus the Lam application does not show the location of
19 the proposed project, does not show the location of all buildings
20 and structures, easements, walkways and other open spaces, and
21 does not readily provide the information necessary to understand
22 the project.

23 CHAIRPERSON HOOD: Yeah. I will definitely leave that
24 in the record.

25 MR. THERESA: And we'll -- and we have like maps and

1 all that stuff, so it'll be in the record. We'll submit.

2 CHAIRPERSON HOOD: Okay. All right. Thank you.

3 Let's --

4 MS. SCHELLIN: Chairman Hood, if I may. He submitted
5 it earlier, so we took it out, so I will go in right now and add
6 it.

7 CHAIRPERSON HOOD: Okay. Thank you.

8 Let's see if we have any Commission questions first.

9 Colleagues, any questions? Commissioner May?

10 COMMISSIONER MAY: Yeah. Mr. Theresa, at this moment,
11 it just sounds like you're trying to understand the dimensions
12 of the project and that's kind of all, or that leads to somewhere
13 else?

14 MR. THERESA: Well, we are trying to understand, but
15 we are opposed because, you know, there is an issue with the
16 easement. We don't think that it's a valid easement agreement;
17 I know that's not the jurisdiction of Zoning. But also, there
18 is going to be impacts to the easement and that is the
19 jurisdiction of Zoning and how a project impacts others. And so
20 they will be uniquely impacted by that as it -- as my clients
21 share that space with them. And so we want to know more, yes.
22 And right now, we do oppose.

23 COMMISSIONER MAY: Okay. All right. Well, hopefully,
24 the applicant earlier agreed to provide a drawing that would
25 clarify your questions. So hopefully that will provide the

1 information that we need to answer your questions.

2 MR. THERESA: All right. Thank you, Mr. May.

3 COMMISSIONER MAY: Yep.

4 CHAIRPERSON HOOD: Okay. Commissioner Imamura, any
5 questions?

6 COMMISSIONER IMAMURA: No questions, sir.

7 CHAIRPERSON HOOD: And Vice Chair Miller, any questions
8 or --

9 VICE CHAIR MILLER: No questions or comments. Thank
10 you for your testimony.

11 CHAIRPERSON HOOD: All right. I, too, don't have any
12 questions. Looking forward to seeing what comes out of all this
13 as we -- and let me just say this to my colleagues. I'm not
14 asking for submissions. Well, we can get submissions, but I
15 think that we need to have an additional hearing. I'm not sure
16 if others agree because there may be some questions. There seems
17 to be a lot of work that needs to be done, and I don't feel
18 comfortable just getting submissions and not being really asked
19 the questions, so that's kind of where I am.

20 Let's see if -- Vice Chair Kramer, do you have any
21 questions for Mr. Theresa?

22 COMMISSIONER KRAMER: No questions. Thank you.

23 CHAIRPERSON HOOD: Oh. I'm sorry. I meant, the
24 applicant. That's what happens when I go off of the top of my
25 head.

1 Ms. Wilson.

2 MS. WILSON: No. Thank you. And we'll be in touch.

3 CHAIRPERSON HOOD: Okay. Great.

4 Now, you're all going to work both with the ANC and
5 also with Mr. Theresa. Okay. Great. Great.

6 All right. So I don't know if you need a closing or
7 rebuttal right now at this state, but I think we can end it there.
8 But let me also mention, and I failed to mention this, we did
9 have correspondence from DHCD as well as DOEE, as far as other
10 government reports. I didn't mention that.

11 So it sounds like we have some additional work that is
12 going to be taking place in this case. I'm not sure, Ms.
13 Schellin, if we have a date or do we need to let the applicant
14 -- or do we need to advertise again? How do we work all that?

15 COMMISSIONER MAY: Ms. Schellin, you're on mute.

16 CHAIRPERSON HOOD: You're muted.

17 MS. SCHELLIN: We do not need to readvertise this
18 because we're doing it from the dais, but what -- do you want to
19 give direction about what you want at the next hearing? You
20 know, because obviously you don't want to do everything again.
21 So is it just for you guys to ask questions? Do you want them
22 to submit certain documents?

23 CHAIRPERSON HOOD: I believe it is a lot of work. At
24 least unless I hear from my colleagues, I think there's a lot of
25 work that needs to be done. I think Ms. Wilson and all of the

1 ANC and the parties know what needs to be done. I don't
2 necessarily think we can sit here and pick it out. I think, as
3 far as I'm concerned, it's still open, everything, unless my
4 colleagues disagree. I'm just looking. Okay. So everything is
5 still open.

6 Ms. Schellin, can we come up with a date?

7 MS. SCHELLIN: Okay. Then in that case, I have --

8 CHAIRPERSON HOOD: Maybe we should see how much time
9 they need first.

10 MS. SCHELLIN: Yeah, because I'm really not having any
11 dates available.

12 CHAIRPERSON HOOD: Yeah. Six months or two months,
13 three months. Tell us. Let's start with you, Ms. Wilson.

14 MS. WILSON: Rich may have something to add, but I
15 would say two months just to give us the opportunity to continue
16 to work with the ANC, and possibly attend, you know, a couple of
17 more executive meetings then. That would be helpful as well.

18 CHAIRPERSON HOOD: Okay. So one thing I am looking at
19 and I've always been concerned about the summer, but let me hear
20 from Ms. Kramer and also from Mr. Theresa.

21 COMMISSIONER KRAMER: What I just need to do is check
22 the calendar on when the ANC meeting is because I'd like to be
23 able to have a -- make sure that if we need both, the ANC, that
24 we can accommodate that. Can you wait two seconds and I'll just
25 see what the date is?

1 CHAIRPERSON HOOD: Yes.

2 Okay. Mr. Theresa. She said two months; does that
3 work for you?

4 MR. THERESA: My calendar actually ends in -- okay. So
5 I do have some (audio interference) in my calendar. So yeah, I
6 have time in June. Two months is fine.

7 CHAIRPERSON HOOD: Okay. If we can't do it in June, I
8 am not favorable for July, as July is when people go -- even
9 though they're going to start going in June -- but I don't like
10 when people go on vacations and make decisions like this. That's
11 just -- I don't know. My colleagues may differ with me, but
12 that's kind of where I've always been. I'm consistent.

13 MS. SCHELLIN: I do have one date available in June,
14 the 23rd.

15 MR. THERESA: Yeah. That would be good for us.

16 COMMISSIONER KRAMER: That gives us -- is that enough
17 time for us? Yeah. Sorry. I don't know whether anybody else --
18 our ANC meeting is on the 13th, so we could do that.

19 MS. SCHELLIN: Okay. So June 23rd at 4 o'clock.

20 COMMISSIONER KRAMER: Okay.

21 MS. SCHELLIN: And that would mean -- I just ask if you
22 want submissions so that you can have documents submitted, so
23 that you're not just having a blank hearing without anything
24 being submitted. So that's the only reason why I'm asking because
25 if nothing is submitted, then you're having a hearing without

1 anything being submitted, Chairman Hood, for the --

2 CHAIRPERSON HOOD: So let me explain to my -- let me
3 explain my position. From what I heard tonight, that's why I
4 want the set down from now on, because that would have alleviated
5 this. To me, I think we need to start a fresh hearing. The
6 comments I've heard from Commissioner May, and the comments I've
7 also heard from Vice Chair Kramer and also Mr. Theresa. I will --
8 that's what I was kind of hinting earlier about two hours ago,
9 maybe we should not have moved forward from all the things that
10 I was hearing. So I don't know if others feel that way, maybe
11 they don't. There's four of us here today.

12 Commissioner May.

13 COMMISSIONER MAY: Yeah. I mean, I think what I would
14 hope is that we are not repeating everything that we heard
15 tonight, right? So it can be a more focused presentation that
16 addresses the issues that were raised tonight as opposed to just
17 starting from scratch and doing the whole thing over again,
18 because I think it can be a little bit more efficient (audio
19 interference) 15-minute presentation.

20 CHAIRPERSON HOOD: Let me hear from Commissioner
21 Imamura.

22 COMMISSIONER IMAMURA: I would agree, Mr. Chairman,
23 that the next presentation should be more focused and just on the
24 issues that we've raised tonight and just crosswalk that with
25 what we've heard today. So that way, it's one for one. So, you

1 know, Commission expressed this concern, this is how we address
2 it, so that way we can go through it pretty quickly.

3 CHAIRPERSON HOOD: Okay. Vice Chair Miller. Ms. --
4 Commissioner Kramer, we can hear your conversation.

5 COMMISSIONER KRAMER: I'm sorry.

6 CHAIRPERSON HOOD: That's all right. You might want
7 to mute, especially if you're saying something good about us, but
8 if you're saying some bad, you might want to mute.

9 Vice Chair Miller.

10 VICE CHAIR MILLER: Yeah. No, I agree. There were
11 specific questions, specific concerns, specific issues that were
12 raised. I know Ms. Wilson is aware of them and I saw people
13 writing notes down. I was writing notes down too. So I think
14 they will come back with responses to those issues one way or
15 the other. And the ANC will have an opportunity, if maybe Ms.
16 Schellin will lay out some dates so that -- for something to be
17 submitted that the ANC and the party in opposition can respond
18 to and then we can have -- go from there.

19 CHAIRPERSON HOOD: Well, I actually don't disagree, but
20 I just think for me, the way I'm going to look at this is going
21 to be a whole new case. Some things that we've hashed out today
22 that really did not get us anywhere. I'm looking forward to a
23 more comprehensive approach. We know what the issues are, we
24 know what the applicant is saying, we know what Vice Chair Kramer
25 is saying, we know what Mr. Theresa's issues are. So -- and they

1 spell them out.

2 So those are the things we need to touch on and see how
3 we go from a Zoning perspective and how we get this taken care
4 of and how to come closer together. We may not all be holding
5 hands, but we can work this out. That's why it's very important,
6 Ms. Wilson, as you've already stated, your opening comments
7 actually set the tone. They set the tone for me. I want you to
8 file your opening comments and we will come back I believe a lot
9 closer than where we are. You agreed to work with the ANC and
10 also the party in opposition. I've heard that. Mr. Jason Lam
11 has agreed to that. So let's make it work. That's kind of where
12 I am. And I don't disagree with my colleagues. That should be
13 a 15- or 20-minute hearing because they can come back --

14 MS. SCHELLIN: So with --

15 CHAIRPERSON HOOD: -- with everything together.

16 COMMISSIONER MAY: Wouldn't (indiscernible).

17 CHAIRPERSON HOOD: Ms. Schellin, give us some dates.

18 MS. SCHELLIN: Yes. So with that being said, if the
19 applicant could provide, you know, have their discussions and
20 provide something by May 26 to the parties. That's two weeks
21 prior to the ANC's actual meeting. And so if they need to take
22 a vote, they'll have something. Doesn't mean that you guys can't
23 meet before then and try to come, you know, holding hands and
24 singing Kumbaya, and meet with Mr. Theresa and his clients also
25 and provide, you know, obviously have to serve, all of you guys

1 | serve each other.

2 | So if you could serve something by May 26, 3:00 p.m.,
3 | then they have something in the record. You know, whether it's
4 | about your meetings, maybe you guys have already agreed to
5 | everything, whatever. And then the parties would have until the
6 | 16th of June to file responses and the applicant too would be
7 | able to file a response to anything the parties submit to.

8 | CHAIRPERSON HOOD: All right. It sounds like we're all
9 | on the same page. Does anyone have anything else?

10 | COMMISSIONER KRAMER: Can I just clarify that you're
11 | still using the 23rd as the date that we'll come back to the
12 | Zoning Commission, right? Thank you.

13 | MS. SCHELLIN: At 4:00 p.m.

14 | COMMISSIONER KRAMER: Right.

15 | MS. SCHELLIN: Mr. Barron will be handling that one for
16 | you. I will not be here. Mr. Barron.

17 | CHAIRPERSON HOOD: Okay.

18 | MR. THERESA: June 23rd.

19 | CHAIRPERSON HOOD: June 23rd.

20 | MS. SCHELLIN: June 23rd. June. Two months.

21 | CHAIRPERSON HOOD: All right. Anything else?

22 | MS. SCHELLIN: That would be it.

23 | CHAIRPERSON HOOD: Okay. I want to thank everyone for
24 | your participation.

25 | MS. SCHELLIN: Although -- one other thing, I'm sorry.

1 Mr. Rittig, do you want draft findings of facts and
2 conclusions of law also provided if they choose to do so? I know
3 the applicant has to, but do you want them to provide those also,
4 Mr. Rittig, before the hearing, since this is a one vote, or
5 after?

6 MR. RITTIG: Well, afterward would be okay.

7 MS. SCHELLIN: Okay. So we'll wait until after they --
8 you guys take this up for decision, so we won't worry about that.

9 I'm sorry, Chairman Hood.

10 CHAIRPERSON HOOD: Yeah. I think -- thank you. I
11 think that's better for afterwards. We don't know where we're
12 going to be.

13 MS. SCHELLIN: It's going to happen.

14 CHAIRPERSON HOOD: All right. So I want to thank,
15 everyone. I am not closing anything. I am delaying or continuing
16 the hearing to June 23rd at 4:00 p.m. I want to thank everyone
17 for their participation, and we'll see you on June the 23rd at
18 4:00 p.m. Good night.

19 MS. SCHELLIN: Good night.

20 (Whereupon, the above-entitled matter went off the
21 record at 7:05 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 04/21/2022

Place: Teleconference

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