

To: D.C. Zoning Commission

RE: Zoning Case #22-28, Design Review

Date: November 17, 2022

Written Testimony from Lauren Fascett, President, The Kennedy on L Condominium Board of Directors, (located 37 L St. SE, adjacent to 1100 S. Capitol St. SE) *with Standing*

Chairman Hood and Members of Zoning Commission:

Thank you for the opportunity to provide a statement and testimony regarding ZC#22-28, Design Review for the proposed residential building at 1100 South Capitol Street SE (“1100 S. Cap.”).

We, the Board of Directors for the Kennedy on L Condominium (“Kennedy on L”) located at 37 L Street, SE write to express our strong reservations about aspects of the design of the residential development 1100 S. Cap. by Ruben Companies.

Specifically, we are gravely concerned by 1100 S. Cap.’s proposed loading dock entrance and access point. The proposed loading dock is located off the North-South alley “(NS alley”) that runs parallel to S. Cap. St. and perpendicular to L and M streets.

We assess that Ruben Companies has grossly underestimated the width of the NS alley required to sufficiently and safely access and accommodate 1100 S. Cap.’s loading dock.

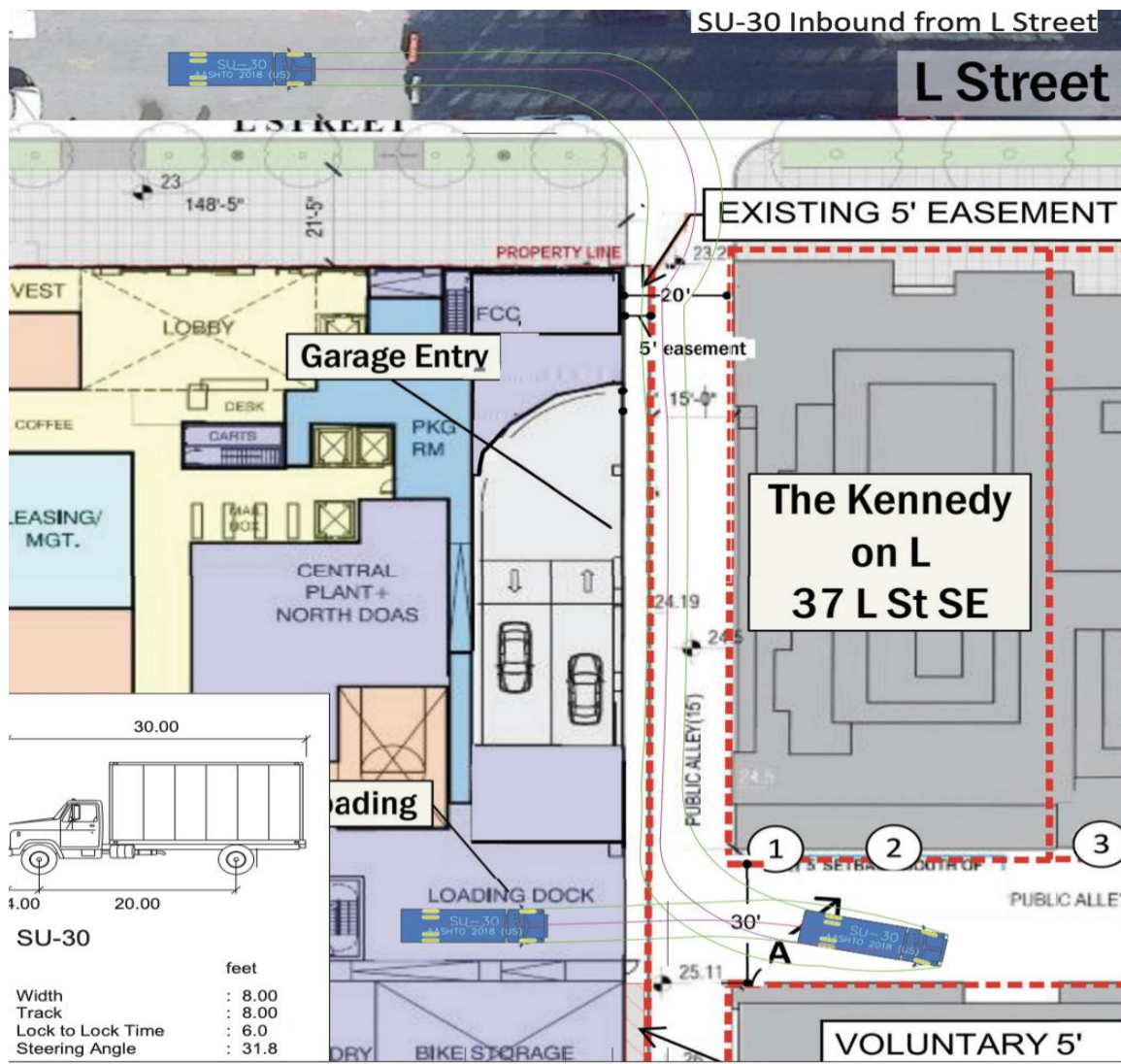
As you know from their design review filings, Ruben Companies already recognizes that the current alley width is too narrow. As requested by The Office of Planning (*see* Ruben Companies’ Zoning case Exhibit 14), Ruben Companies has agreed to accommodate and extend the existing 5 foot easement for the length of its property in the NS alley via a 5 foot setback in its design for the first two stories of its building. This planned setback from its property line would widen the NS alley to 20 feet total along the length of the property.

We commend this decision. However, we believe that it is insufficient for the safe and effective use of 1100 S. Cap.’s loading dock as the current design keeps the highly trafficked NS alley excessively narrow.

We assert that Ruben Companies' design should **increase the setback by an additional 10 feet in order to create a 30 foot wide NS alley so that trucks accessing 1100 S. Cap.'s loading dock can access it directly from the NS alley.**

As the Ruben Companies' Zoning Case Exhibit 13D shows, large delivery, moving, and trash trucks for the 1100 S. Cap.'s 260 units' residents will not be able to make turns from the NS alley into its loading dock due to the narrowness of the NS alley.

Specifically, trucks will have to execute a 3-point turn, using the larger East-West alley ("EW alley") to back into the loading dock. (The EW alley off Half St. is approximately 30 feet wide but narrows to 25 feet wide near Half St. The NS alley currently is 15 feet wide with a partial 5 foot easement.)



We are deeply alarmed by DDOT's determination of no objection to the proposed project design. *See* Ruben Companies' Zoning Case Exhibit 15. Frankly, we fear that DDOT did not adequately review the specifics of this application and the public safety implications of the blind 3-point turn required by the proposed design.

We believe that is critically important that Ruben Companies create a 30 foot wide NS alley for the following reasons:

- 1) To ensure that 1100 S. Cap. may access their loading dock in the most efficient way, by providing direct access throughout the 8am – 8pm loading dock operation window.

- 2) To prevent serious harm to other pedestrians and drivers. As proposed, truck drivers must back into the loading dock from the EW alley blindly without any direct visibility into pedestrian or vehicular traffic in the NS alley.
 - a. This plan is in violation of the goals of D.C.'s Commitment to Vision Zero. And it is an unforced error that should not be blessed by the Zoning Commission.

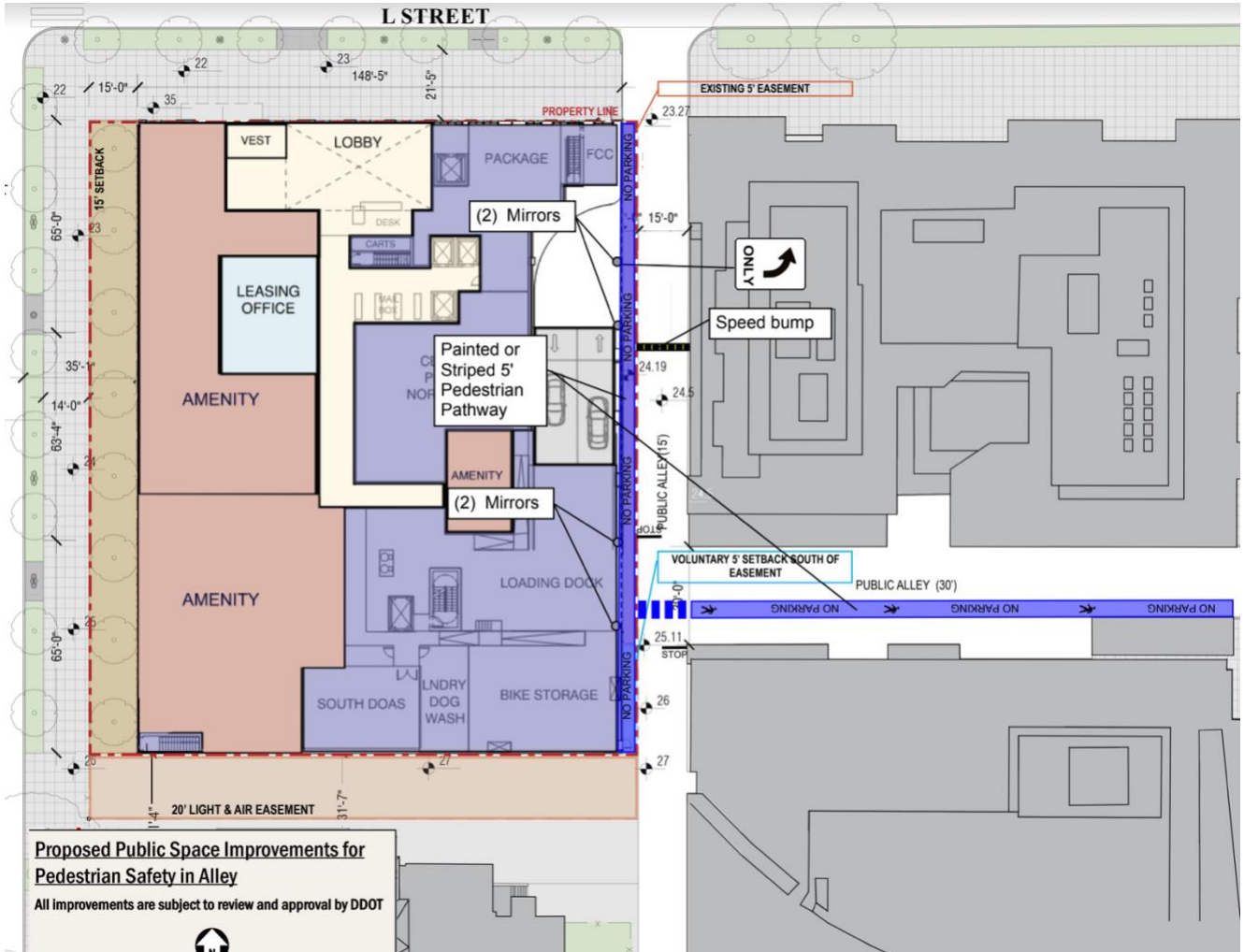
 - b. This is a significant public safety hazard to cars traversing the NS alley as well as pedestrians who inevitably walk down the NS alley en route to the Kennedy on L's back entrance, Coda on Half's back entrance and hotel garage located in the EW alley, and to the Washington National's baseball stadium. (Yes, they often walk down the NS alley, rather than down Half St. SE.)

 - c. Ruben Companies' two proposed mirrors as shown in the image below will not adequately mitigate this serious public safety issue. *See* attached Ruben Companies' Proposed Alley Management and Loading Operations Plan.

 - d. Further, Ruben Companies' proposal for speed bump on the NS alley as shown in the image below, while appreciated, does nothing to improve the safety of the 3-point turn as it has no bearing on visibility.

 - e. Similarly, the proposed NO Parking pedestrian zone in the EW alley as shown in the image below, lacks value as Ruben Companies' transportation plan requires their trucks to drive through the proposed pedestrian walk zone in the EW alley.

Image from Ruben Companies' Proposed Alley Management and Loading Operations Plan



- 3) To achieve the “easier turning movements” requested by the Office of Planning. Again, we appreciate that the Ruben Companies accommodated The Office of Planning’s request for a setback (as listed in the Office of Planning Report at P5, see Ruben Companies’ Zoning case Exhibit 14) in order to provide for “easier turning movements”. However, it is clear to us and must also be clear to the Ruben Companies that the 5 foot setback is not sufficient to allow for “easier turning movements”. *To accommodate the goal of OP’s request, a 15 foot setback is essential.* Ideally, OP would have determined this, however, it’s not too late to rectify this dangerous situation.

committed to guaranteeing full electrification for the building’s systems, it is planning to use an electric heat pump system and would have a higher solid to void ratio in building facades than has been typical for recent buildings in the District. The applicant states that building materials would require lower carbon emissions in their production than is typical (Exhibit 13, page 9 and 10).

Parking, Loading, and Alley Setbacks: The required long-term bicycle spaces would be located on the ground floor, with access from the alley. Required short-term parking would be along the project’s perimeter.

All existing curb cuts on L Street and South Capitol Street would be closed. Approximately 162 underground vehicle parking spaces (≈/- 10%) would be entered and exited from the public alley, as would an on-grade loading berth, a service/deliver space and a loading platform. **To provide easier turning movements the applicant would setback the building 5 feet from the eastern property line. This would extend the 5-foot public easement on the west side of the alley for the length of the building, effectively expanding the alley-width to 20 feet along the eastern side of the property.** The setback would extend vertically to the top of the building’s second floor.

- 4) To eliminate an unnecessary burden on the Kennedy on L and and Coda on Half residents who will be trapped in their respective garage egresses at peak hours by 1100 S. Cap.’s turning trucks. (The Kennedy on L’s parking garage entrance is located at the west end of the EW alley at the intersection with the NS alley. Kennedy on L’s loading dock is to the immediate right in the EW alley.)
- 5) To prevent the Kennedy on L from losing access to its loading dock 8 times per day, 7 days per week as trucks enter and exit 1100 S. Cap.’s loading bays during the morning and afternoon moving reservation windows, as well as biweekly trash truck pickups and daily package delivery trucks.
- 6) To limit both the likelihood and the impact of the inevitable lane blockage of the NS alley from time to time by providing space for cars to pass stopped vehicles via the additional space provided by a 30 foot NS alley.

- 7) To allow for proper flow of two-way traffic in the NS alley. Both the current NS alley width (15 feet) and the proposed alley width (20 feet) are not wide enough to accommodate two-way traffic. Widening the alley to 30 feet benefits 1100 S. Cap.'s design and residents by ensuring access to its residential parking garage and its loading dock directly from the NS alley, without requiring use of the EW alley.

As the above reasons demonstrate, ensuring a 30 foot wide NS alley is critical to the public safety and welfare of 1100 S. Cap.'s future residents and their neighbors. Further, the additional 10 foot setback requested of the Ruben Companies will not significantly impact 1100 S. Cap.'s overall square footage as the proposed design shows that Ruben Companies is only extending the proposed 5 foot easement setback to a height approximately 20 feet (second story) along the western perimeter of the building.

In conclusion, we determine that is extremely beneficial to the 1100 S. Cap. property, its future residents, and the adjacent residents in the Kennedy on L and Coda on Half for the NS alley to be widened to 30 feet (via a total setback of 15 feet) so that 1100 S. Cap.'s loading dock can be accessed from the NS alley, without the use of the EW alley.

We urgently request that you consider our testimony as you evaluate the design and require that Ruben Companies create a revised design that accommodates a 30 foot NS alley.

Thank you for your time and continued service and support for our city.

/s/ Lauren Fascett
Lauren Fascett
President, The Kennedy on L Condominium Board of Directors

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CC: Stephen Cochran, Development Review Specialist, Office of Planning, Stephen.Cochran@dc.gov

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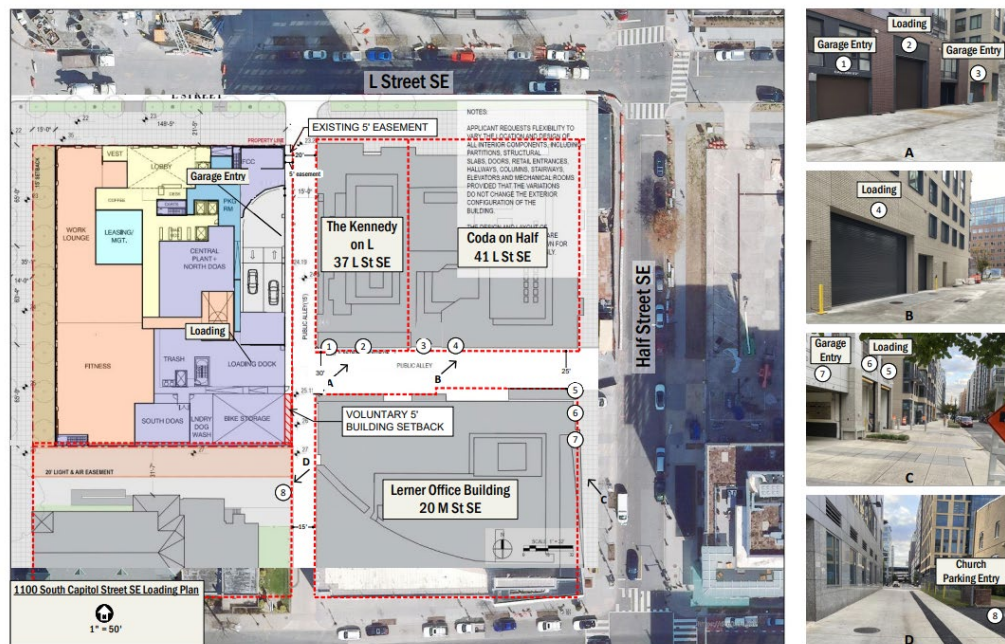
PROPOSED ALLEY MANAGEMENT AND LOADING OPERATIONS PLAN 1100 South Capitol Street, SE

Proposed 11/3/2022

I. Background

Alley Configuration and Alley Users in Square 698

There are two buildings (Kennedy on L and Coda on Half), and one proposed building (1100 South Capitol), that park and load off the alley. In addition, the St. Vincent de Paul Church parks off the alley.



Legal Requirements and Restrictions for Access and Loading

The following requirements apply to the proposed building at 1100 South Capitol:

- For a residential building with 50 or more units, Sub. C, Sec. 90.1 of the Zoning Regulations requires one 30-foot loading berth, a 100 square foot platform and one 20-foot service/delivery space. All loading must accommodate head-in/head-out truck movements to and from the public street.
- All access to parking and loading facilities must be taken from the public alley.
 - Per Sub. I, Sec. 401.1 of the Zoning Regulations: "In a D zone, a vehicular entrance to a garage or loading area shall be permitted on the face of a building adjacent to a public street only if the District Department of Transportation (DDOT) permits

access to the garage entrance or loading area directly from a public street right of way without an intervening alley and (a) there is not an improved and accessible alley or alley system that is consistently at least fifteen feet (15 ft.) wide connecting a public street and the building lot's rear or side property line; or (b) ..." [N/A]

- Per DDOT Design and Engineering Manual (DEM), Section 31.5.1(a): "A new curb cut or driveway is not permitted from any property with alley access, potential access through an improved alley, alley widened onto private property or with potential access to an expanded alley network on private property, unless the applicant provides documentation demonstrating that alley access is not possible due to topography, or that alley access would conflict with existing land uses and is not supported by guidelines in the current DC Comprehensive Plan, Zoning Regulations (DCMR Title 11, Subtitle I § 601), and those outlined in Section 31.4."
- Access to parking or loading from South Capitol Street, SE is prohibited.
 - Per Sub. I, Sec. 616.7(e) of the Zoning Regulations: "There shall be no openings in building frontages adjacent to South Capitol Street that provide entrances or exits for vehicular parking or loading."

The proposed project at 1100 South Capitol Street, SE complies with all of the above-referenced requirements.

II. Alley Management and Loading

In order to promote a safe alley environment and reduce conflicts among truck traffic, parking traffic and other users of the public alley from the three residential buildings and the Church, 1100 South Capitol proposes the following loading operations plan:

- A building employee will be designated as the loading dock manager who will be on duty during move in/move out and deliveries. The dock manager will be responsible for coordinating with vendors and tenants to schedule deliveries and will work with the community and neighbors to resolve any conflicts should they arise.
- Tenants will be required to schedule in advance any deliveries that require the use of the loading area.
- The dock manager will schedule loading activities such that the loading dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time when a berth will be available so as to not compromise safety or impede the alley functionality.
- The loading dock will be open and available for use seven days a weeks, from 8 am until 8 pm.
- Trucks using the loading dock will not be allowed to idle and must follow all District guidelines for heavy vehicle operation, including but not limited to DCMR 20 – Chapter

9, Section 900 (Engine Idling), the goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map (godcgo.com/freight).

- The dock manager will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently use the building's loading dock as well as notifying all drivers of any access or egress restrictions (e.g., preferred truck routes, etc.). The dock manager will also distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure, to drivers as needed to encourage compliance with idling laws. The dock manager will also post these materials and other relevant notices in a prominent location within the loading area.

1100 South Capitol proposes that the other two buildings using the alley adopt a similar loading plan, and that the loading managers from the three buildings meet quarterly to evaluate the operation of the alley and implement any further measures that might be necessary for its smooth operation.

