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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 16-01 [TMASSHLDDING, LLC. - Capitol Gateway
Overlay District Review at Square 656, Lot 813.]

6:35 p.m. to 7:23 p.m.
Thursday, March 17, 2016

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 MARCIE COHEN, VICE CHAIR

3 PETER MAY, Commissioner

4 ROBERT MILLER, Commissioner

5 MICHAEL TURNBULL, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JOEL LAWSON

12

13 DDOT:

14 JONATHAN ROGERS

15

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

2 CHAIRPERSON HOOD: Okay good evening, ladies
3 and gentlemen, this is a public hearing of the Zoning
4 Commission for the District of Columbia. If you can't
5 hear me, or hear us, let us know at any time.

6 And today's date, excuse me, is March the
7 17th, 2016. My name is Anthony Cohen and joining me
8 are Vice Chair Marcie Hood -- oh, I'm sorry. Let me
9 back up. I do watch when I'm not here, so this is a
10 public hearing of the Zoning Commission of the
11 District of Columbia for March 17th, 2016. My name
12 is Anthony Hood, joining me are Vice Chair Marcie
13 Cohen, and Commissioner Miller, Commissioner May, and
14 Commissioner Turnbull. We're also joined by the
15 Office of Zoning, Ms. Sharon Schellin, Office of
16 Planning staff, Mr. Lawson and Mr. Rogers.

17 Anybody else want to join us this evening?
18 Okay. This proceeding is being recorded by a court
19 reporter and it's also webcast live. Accordingly, we
20 must ask you to refrain from any disruptive noises or
21 actions in the hearing room including display of any
22 signs or objects. Notice of today's hearing was
23 published in the D.C. Register and copies of that
24 announcement are available to my left on the wall
25 near the door.

1 The hearing will be conducted in accordance
2 with provisions of 11-DCMR-3022 as follows,
3 preliminary matters, applicant's case, report of the
4 Office of Planning, report of other government
5 agencies, report of the ANC, organizations of persons
6 in support, organizations and persons in opposition,
7 rebuttal and closing by the applicant.

8 The following time constraints will be
9 maintained in this meeting. The applicant has up to
10 60 minutes. I think this is pretty straightforward.
11 I think we have read the material so we can -- five
12 minutes and then address some of the questions that
13 the Office of Planning had in their report. All
14 persons appearing before the Commission are to fill
15 out to witness cards. These cards are located to the
16 left on the table near the door.

17 Upon coming forward to speak to the
18 commission please give both cards to the reporter
19 sitting to my right before taking a seat at the
20 table. When presenting information to the
21 Commission, please turn on speak into the microphone
22 first stating your name and home address. When you
23 are finished speaking please turn off your microphone
24 off so that your microphone is no longer picking up
25 sound or background noise.

1 The decision of this Commission in this case
2 must be based exclusively on the public record. The
3 staff will be available throughout the hearing to
4 discuss procedural questions. Please turn off all
5 electronic devices at this time so not to disrupt
6 these proceedings. Would all individuals wishing to
7 testify please rise to take the oath? Ms. Schellin,
8 would you please administer the oath?

9 MS. SCHELLIN: Yes, please raise your right
10 hand.

11 [Oath administered to the participants.]

12 MS. SCHELLIN: Thank you.

13 CHAIRPERSON HOOD: Okay, I have a preliminary
14 matter before I go to Ms. Schellin. I want to wish
15 our Vice Chair a happy birthday, today is her
16 birthday. And also I want to acknowledge our visitor
17 that we have sometime down here to the left. I wish
18 he would put his hat on as we -- there we go. Kind
19 of spruce us up and get us in the mood for St.
20 Patrick's Day. So, glad to have you join us this
21 evening.

22 MR. TURNBULL: I think it's going to be a
23 green night.

24 CHAIRPERSON HOOD: Okay sounds good.

25 MR. TURNBULL: That means go, so.

1 CHAIRPERSON HOOD: Those are my preliminary
2 matters. Ms. Schellin.

3 MS. SCHELLIN: Yes. First, before we do the
4 preliminary matter for tonight's case I just want to
5 announce that the case from last night, Case No. 15-
6 19, 411 New York Holdings, has been rescheduled for
7 Thursday, April 21st, and I just want to announce
8 that so if anyone is listening they will know that
9 since we did state that we would announce that this
10 evening.

11 And moving on to this evening's case, the
12 applicant has proffered one expert and that is,
13 Aubrey Grant. He's been proffered as an expert in
14 architecture and would ask the Commission to consider
15 that. Exhibit 17 is the resume for Mr. Grant.

16 CHAIRPERSON HOOD: Has he been proffered
17 previously?

18 MS. SCHELLIN: No.

19 CHAIRPERSON HOOD: Okay. All right. Any
20 objections on Mr. Grant being proffered as an expert
21 in architecture?

22 Okay. And that's Exhibit 17, again, refresh
23 our memories for his resume. He is registered in the
24 District and in Maryland.

25 Okay, so any objections, anybody?

1 MS. COHEN: No.

2 CHAIRPERSON HOOD: Any objections? Oh, okay.

3 MR. TURNBULL: Oh, I'm sorry. No.

4 CHAIRPERSON HOOD: I was waiting. Okay. All
5 right. Okay. Anything else, Ms. Schellin?

6 MS. SCHELLIN: No, that's it. Just so you
7 know, we have received the affidavit of maintenance.
8 Everything is in order.

9 CHAIRPERSON HOOD: Okay. Let's begin with
10 our presentation. You can introduce yourself, again,
11 if we could hit the highlights and address those
12 issues in the office of planning report we can move
13 right through this. Turn your microphone on,
14 introduce yourself. Oh, I'm sorry. The Vice Chair
15 must cut this off. Okay.

16 MR. MERKELEY: There we go. So, I'm Tyler
17 Merkeley, Southwest resident and the president and
18 sole member of the LLC that represents this property.
19 My architect.

20 MR. GRANT: I'm Aubrey Grant with Motive
21 Architecture, Northeast resident.

22 CHAIRPERSON HOOD: Mr. Grant, you can
23 actually use that mic. You don't have to share mics.
24 We do have a few mics down there so you can just use
25 that one. Okay. What's your name again, I'm sorry?

1 MR. MERKELEY: Tyler Merkeley.

2 CHAIRPERSON HOOD: Merkeley. Mr. Merkeley.
3 Okay. You may begin.

4 MR. MERKELEY: Good evening, Chairman Hood,
5 Members of the Commission and Members of the Office
6 of Planning and Department of Transportation. We
7 here tonight to present our application for the
8 zoning design review under the Capitol Gateway
9 Overlay and our request for area variance for our
10 development located at 1542 1st Street Southwest,
11 Square 656, Lot 813. The subject property is 3000
12 feet, it's a narrow lot, 24 feet wide and 125 feet
13 deep. The project is being called Stadium District
14 Lofts. It's bounded by the corner of 1st and Q.
15 it's a mixed use residential neighborhood with CR
16 zoning and again sits in the Capitol Gateway Overlay.
17 Previously it was a vacant property that was razed in
18 December. Raze was completed in January and it's
19 within walking distance of the Metro.

20 I understand -- move this microphone a little
21 closer. I understand tonight we had a full brief and
22 you asked us to keep it brief and focus on the Office
23 of Planning. I will start with our end goal in mind
24 tonight, which is endorsement by the Zoning
25 Commission of our design review application, and

1 granting for our request of a three-car parking
2 variance requirements.

3 I'm now going to jump ahead to the Office of
4 -- start with the Department of Transportation's
5 comments and then we'll go to Office of Planning.

6 So DDOT was supportive of the project. Our
7 use of public space both our short and long-term
8 parking spaces, and our request for a parking
9 variance. The only item that were additional
10 opportunities for improvement was an item that we
11 already had on our radar and spoke to DDOT about
12 addressing, is once the public released a document
13 for the Buzzard Point street scape is released, we're
14 going to align with the Buzzard Point street scape.
15 So it's just not publically released right now so
16 we're not able to incorporate that into our design,
17 but as soon as that document is made publically
18 available we'll make sure the street scape aligns
19 with what's going to go on Buzzard Point.

20 Office of Planning comments, in general they
21 were supportive of our height and our design. Our
22 real strategy to bridge the height back into the
23 neighborhood so you know the soccer stadium, and we
24 also have the PEPCO plant that's been built, is about
25 90 feet coming back into the stadium, or into the

1 community, which is R-4 zoning with traditional
2 1940's two-unit flats. We wanted to make sure we
3 bridge the height back, and I think Office of
4 Planning recognized that and that was communicated in
5 their letter, which is why we're only going to a 55
6 feet height while we have the ability to go above
7 that. And we think that's the right thing for the
8 community and for the development.

9 They were supportive of our CR public space,
10 10 percent setback that is adding additional green
11 space back to the community. It also aligns with the
12 framework plan that Office of Planning put out and
13 they were supportive of our parking variance.

14 I will say that DDOT just released -- or
15 sorry, OP just released their framework for Buzzard
16 Point and I think it's probably one of the best
17 strategy documents I've seen put out. I really
18 appreciate the work that went into that and it was
19 great to see how we aligned with that. In areas
20 where we hadn't aligned, we made adjustments from
21 October to when this was submitted.

22 There were two items that were pointed out in
23 the Office of Planning letter, and we've worked
24 aggressively over the last 10 days to address that
25 and we'll talk about that tonight. One was a

1 recommendation to meet with Mr. Wilson and the
2 Department of Energy and Environment. We met with
3 Mr. Wilson, had a great conversation with him, and we
4 made some changes already to our zoning certification
5 card for LEED certification. In addition, we're
6 going to have follow-up conversations with him as we
7 go into the permit drawing phase about different
8 strategies we can use to leverage some of the green
9 initiatives in the city, and also storm water
10 maintenance.

11 In addition, there were some concerns about
12 our party walls, and we proposed some additional
13 options, which I'll have them back up tonight. It is
14 in your deck in front of you, that will go through
15 and we would proffer those to you for some
16 suggestions and we'll look to Office of Planning for
17 some additional comments.

18 As we do that I'll mention that, you know,
19 this is a small project and there's a significant
20 cost associated with the party walls. The building
21 directly to the right of us is currently for sale.
22 They're in due diligence now, it's under contract.
23 We expect that to be built up in the near term. And
24 in addition there's a school on the left. The
25 gentleman there has approached me about buying our

1 property, but also redeveloping his space. I told
2 him that we were in this for the long run to move
3 this project forward and build it, but both of those
4 projects, I think, are going to be built. So the
5 party wall I don't think will be an issue for very
6 long, but we recognize we need to come up with a
7 temporary solution that works for Office of Planning,
8 and the Zoning Commission.

9 So, just kind of jumped it back up here. So
10 two issues that were requested with our lead card
11 certification. I'm a big believer in under promise
12 and over deliver. So when we put this in front
13 knowing I was going to have to go in front of the
14 ANC, we had a lot of maybes and preliminary in our
15 initial design. And the reason we did that was we
16 didn't know what tradeoffs we were going to have to
17 make. You know, I'm a small business owner. This
18 was the first major project I've done, and it's
19 definitely going to be the first LEED one and I
20 wanted to make sure I didn't put something out there
21 that I couldn't deliver on.

22 So we've gone back now and relooked at that
23 card, moved items that were in preliminary to final,
24 and met with Mr. Wilson at DOEE. And we now clearly
25 show that we are going for Silver certification.

1 Now you might ask, why are we going for
2 silver versus perhaps gold or platinum, and again,
3 this being our very first LEED project, I've only
4 done renovations of smaller houses before, this is a
5 big step for us. It's a big step for our first
6 program going forward. So, you know, we're trying to
7 do this in the right size. I think we're going to
8 see some additional points be added to this as we go
9 forward. But I can't commit that we're going to get
10 to gold or to platinum. So our focus right now is on
11 silver and making sure we can build this project and
12 align it.

13 Second item that was on the Office of
14 Planning, was again a concern about the party wall.
15 So I didn't share the original party wall, but the
16 original party wall just simply had three vertical
17 colors. We had our mocha, our plum, and our mocha
18 color broken down. You'll probably see it in your
19 original exhibits you have in front of you.

20 Here, and I can slide back to that if you
21 want to see it again. So, Mr. Matthews suggested we
22 look at some other options, so we looked at a couple
23 suggestions. One was a kind of a checkerboard
24 pattern. So this is a smaller checkerboard pattern
25 using EFIS in two different colors that really pull

1 off the tones of the brick. The plum pulls off the
2 darker slate or the mocha color pulls of the slate
3 color, and we're really trying to bring the colors
4 from the brick that's on the pattern behind you that
5 you can see there. You can also see the two EFIS
6 colors, along with our stone that will be at our
7 window headers and stuff. Also on the floor back
8 there is the permeable pavers that we look to put in
9 the public space and in the right of way leading up
10 to the property.

11 The second look is a little bigger look. I
12 think this would be kind of our preferred option at
13 the moment. Again, on the, I guess the south side of
14 this building, which is actually this view
15 specifically, you won't see that bottom component of
16 the line because it's actually behind where the
17 liquor store is, so it is currently a common wall.
18 Now, again, we expect that the building next to us
19 will be higher than ours, or maybe if it stays near
20 the same height of ours. So, we don't expect this to
21 be exposed but we were looking at a little bigger
22 grid pattern here.

23 They also asked, OP also asked to think about
24 stripes or also, so we looked at some horizontal
25 stripes here that kind of align with each of the

1 floors. They're a little bigger than the floors
2 because we had the parapet above so we wanted to make
3 sure they were all equal. And lastly, and I think
4 one of our least favorite, is kind of the vertical
5 stripes with the floor. And I saw that look. It's
6 all right. I felt the same way when we looked at it
7 the first time.

8 You know, and lastly we thought maybe a
9 different strategy, a funner dynamic strategy working
10 with potentially a local artist to put something on
11 that would really kind of make this a defining
12 location. You know, until the other buildings are
13 built up around this, if you're leaving the soccer
14 stadium and you're exiting, you know, and you're
15 looking back up 1st Street as you go down the
16 promenade on Potomac Avenue, you know, if you put a
17 mural or something on the wall it would be something
18 that would be recognized from the neighborhood and
19 there's some different strategies we could do with
20 that.

21 Again, all of these that we think are short
22 term options that will probably be there from three
23 to five years, maybe a little bit longer, especially
24 with the other property under due diligence with
25 someone that wants to do a residential building

1 there, and we would really like to make sure -- we
2 invested some expensive brick for the front of the
3 building because we know that's the part that's
4 always going to be seen. There's significant
5 additional cost of we had put brick along the whole
6 side. So we wanted to really invest in the front of
7 the building which is going to be visible for the
8 long-term.

9 So kind of wrapping up real quickly, again
10 our two end goals tonight was support of our
11 application in front of you tonight, and also our
12 grant for a three-car parking variance. In addition,
13 we think the flexibilities are within your authority
14 for a parking variance. It aligns with, I think,
15 very -- a lot of support we've had from OP, DDOT,
16 minus these two items that we just spoke about. The
17 ANC was fully in support of this and I really
18 appreciate, Rhonda is here tonight, our ANC single-
19 member district to represent 6D, and also Council
20 Member Allen's office was in support of it. In your
21 package there's three letters from neighbors. One
22 directly across the street that's lived in the
23 community for 50 years, and another neighbor who
24 actually has a property adjacent to me that I worked
25 really focused on the back yard to make sure it

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1 aligned with their vision.

2 So lastly I leave you with these two items
3 and I would like to take this opportunity to thank a
4 number of people at the Office of Planning. Jennifer
5 and Matt were awesome in helping me kind of align
6 this and put this together. Mr. Rogers, Jonathan,
7 really sat down with me and worked on this public
8 space. He does this a lot so I put the pen in front
9 of him and we kind of marked up and made some
10 changes, and I really appreciate his effort, along
11 with their scoping document. Doing this for the
12 first time it was really appreciated to have that
13 scoping document.

14 And I would also like to thank Ms. Schellin
15 for her work and helping us to prepare for this.
16 Doing this the first time we definitely appreciated
17 all the help that we got from D.C. offices.

18 So with that I will turn it back over to you
19 for any questions.

20 CHAIRPERSON HOOD: Okay. We really
21 appreciate your presentation and also we really
22 appreciate you acknowledging all those who helped you
23 get to this point. So I'm sure they greatly
24 appreciate the gratitude.

25 Let's see if we have any questions up here.

1 Commissioner May?

2 MR. MAY: Thank you. I'll try to be quick.
3 It's sometimes hard to help myself. But so I don't
4 think there's any problem with the parking relief. I
5 mean, you know, it's very clear there's no way to
6 park the site with off-street parking so I understand
7 that completely.

8 But I'm curious about the mixture of units.
9 This is the first time I think I've seen a project
10 that has so -- that has multiple interior bedrooms
11 that are only, you know, they're only using shared
12 light. Is this something that you know is
13 marketable? I mean, are people selling this product
14 that I'm not aware of? Because we'll see -- you
15 know, we've seen shared light sort of junior one-
16 bedroom kinds of things. But they're a one-bedroom.
17 They're not the sort of circumstances where, you
18 know, you basically have a glass wall or a partial
19 glass wall between the bedroom and the big window.
20 So what's the deal?

21 MR. MERKELEY: Yes, sir. You know, I think
22 to step back, the first thing we were looking at was
23 putting a court in the property.

24 MR. MAY: Yeah.

25 MR. MERKELEY: And we couldn't actually do a

1 court because the property isn't quite wide enough
2 and as we went up in floors we weren't meeting the
3 minimum requirements. And my strategy from this
4 project from the beginning, and probably very
5 different from most developers, I wanted to come into
6 you with only variances that I had to have, and I had
7 to ask for. I didn't want to come in in a situation
8 and ask for a bunch of different variances.

9 So when we couldn't put the court, the option
10 was to come in and ask for a variance for the court,
11 or try to make this design work. So we went with
12 approach of asking for less and not asking for
13 additional variances. So originally light was going
14 to come in, obviously, through the court.

15 So I went down and I looked at a lot of
16 buildings and there was a building I think up on
17 15th, right off of Pennsylvania that was just
18 recently built. I don't think it -- I think it was a
19 BZA case, maybe that it came in front of. And they
20 had a similar design where they had brought light
21 into the central things. There were some one and
22 two-bedroom. You know, it's not the best situation.
23 I recognize that. You know, one of the reasons it's
24 a buy and hold for me as a long-term. But the
25 alternative was to you know, try to get a court in

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1 and that didn't really look great and work well, or
2 to have a situation where we have to sell it to a
3 neighbor and you know, we're going to expect to see a
4 much larger building, which I don't think bridges the
5 height back into the community and what the community
6 wants to see, including the ANC.

7 So I think there are going to be some
8 restrictions. I expect our rents will be a little
9 lower than a two-bedroom somewhere else. But I think
10 we're trying to make it work on a tough lot.

11 MR. MAY: Right. Well, I mean it seems to me
12 it's sort of, it narrows your target audience because
13 I can't see it working really well for many families
14 to have, I mean, that kind of -- I mean, it's a
15 different relationship in terms of the privacy of the
16 units and the bedrooms and so on. And I think
17 actually, I mean, there are some things that you
18 could do. The three-bedroom units you could
19 actually, you know, if you reconfigured where your
20 loft space is you could actually have a bedroom
21 toward the, you know, toward the front on the
22 windows. Or you could even have two up there and
23 then only have a single you know, unit further back.
24 Or a single bedroom further back. Or, you know,
25 whatever. There are lots of different things that

1 you could do.

2 I also think that in terms of a court, you
3 know, one of the things that makes the -- well, I'll
4 come back to that, those sorts of things.

5 The other issue I see with this is the
6 interior bike parking, which if you're going to --
7 you know, in particular with these kinds of units,
8 which is more likely, I think, to be, you know, a
9 collection of group home -- I mean, group house kind
10 of configurations. You know, multiple singles,
11 sharing an apartment because it's cheaper and --

12 MR. MERKELEY: Uh-huh.

13 MR. MAY: And they're all going to have their
14 own bike. And so you've got parking for eight bikes
15 and you're going to have, you know, 16 or 20 bikes
16 there. At least I'm hoping that. So you might want
17 to try to plan for a little bit more interior bike
18 parking space because I think that would be a very
19 valuable amenity to those dwellers because it's not a
20 building where you can carry your bike up to your
21 room because, you know -- I mean, I guess you could
22 but who wants to carry their bicycle up two flights
23 of stairs? But, you know, you might be able to
24 squeeze some more room on the first floor.

25 In terms of the -- oh, okay. So the bike

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1 parking that's in the public space or toward the
2 public space, whatever, I don't know whether it's
3 inside the yard or outside the yard, it doesn't work
4 for them to be right along the sidewalk. I mean, I
5 assume that DDOT will help you figure that out. But
6 that's not really a great place if it's going to be
7 parking for the people who live in the units. So a
8 little bit of separation or maybe turning at 90
9 degrees or something like that, so it gets it out of
10 the way of people walking by, because you know,
11 you're going to wind up with a greater problem with
12 bike theft and things like that if it's right on the
13 sidewalk than if it were a little bit closer to the
14 building. And, you know, I've had a few bikes
15 stolen.

16 So in terms of the party wall, you know, I
17 appreciate knowing what you think the future holds in
18 terms of those other sites. I'm actually, you know,
19 I prefer the original scheme, you know, as -- I'm
20 often one of the biggest critic of big blank walls,
21 but this is a relatively small big blank wall, and it
22 is one that's likely to get built out and I don't
23 have any problem with, you know -- it seems crazy to
24 me to put a lot of expensive brick on something
25 that's going to be covered up in 10 years or less.

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1 And of all the schemes that you have I think that the
2 one that you start out with is probably the best of
3 all those. And I'm not losing any sleep over that.

4 The other comments I have, I mean, have to do
5 with the architecture of the building. I mean, I do
6 think that a court scheme would have been a lot
7 better and it would have been worth trying for the
8 variance. I don't know how much of a variance you
9 would have needed or how, you know, how difficult --
10 how problematic it would have been, but I think it
11 would have been a, you know, worth going for.

12 And there are some issues with the plans the
13 way they are. These are not really zoning issues, so
14 you can take them as free advice which, you know, we
15 all know what that's worth. The first floor unit
16 plan could be configured a little bit differently,
17 pushing the kitchen to the front window is probably
18 not the best scheme because you wind up with an
19 unworkable living space and the couch is kind of in a
20 corner.

21 The stairway configuration is awkward because
22 you walk in the -- you know, in that long corridor,
23 and then you have to sort of walk around the stairway
24 to get to the back unit. And you know, you could
25 very easily shift that stairway closer to the core of

1 the building and still have essentially the same
2 circulation.

3 But more important than that, the stairway,
4 even if you don't have a court, you could do a
5 skylight and you could have a really nice stairway.
6 Have one really nice stairway. And it becomes a
7 feature of the building. And if you think about it,
8 you know, I'm sure Mr. -- I'm sorry. Is it Grant?
9 Is that --

10 MR. GRANT: Yes, sir.

11 MR. MAY: Mr. Grant, you're familiar with,
12 you know, Paris apartment buildings and things like
13 that, and you know, European cities where they've got
14 these really wonderful interior stairways that are
15 sky lit that have -- you know, that are a feature of
16 the building and add something to it. Doesn't need
17 to be really fancy and gilded and all that kind of
18 stuff. But it could be something that's really good.
19 Right now it is just as boring and deadly as it could
20 possibly be. And, you know, it could become a way to
21 sell the building, even if you don't manage to, you
22 know, improve the bedrooms or get light into bedrooms
23 or things like that. I think it could be a really
24 great thing.

25 And I wish you the greatest success with this

1 because I think it's going to be a neat little
2 project.

3 MR. MERKELEY: Thank you, sir. And I take
4 all notes of all those items and we'll work to
5 address them.

6 CHAIRPERSON HOOD: Okay. And Vice Chair
7 Cohen?

8 MS. COHEN: The only comment I had was
9 already mentioned by my colleague, and that was
10 skylights. I think that that would have opened it up
11 a bit more. I have one in my house and it really is
12 helpful. It's over the stairway so I have nothing
13 else. I too hope that this is a successful project.
14 Thank you.

15 MR. MERKELEY: Thank you.

16 CHAIRPERSON HOOD: Okay. Commissioner
17 Miller?

18 MR. MILLER: Thank you, Mr. Chairman, and
19 thank you for your presentation. And I appreciate
20 all the work that you did with the ANC and your
21 neighbors, getting their support. It's obvious by
22 their letters that you did early outreach to them and
23 got their input, and that's great.

24 Its' a very attractive in-fill project and I
25 like the -- I really do like the facades in the front

1 and the rear facades.

2 On the party wall I don't have any strong
3 preference. I think all of them are fine, whether
4 you go with the original vertical or with the small
5 checkerboard or -- you said that the Liquor Mart
6 parking, Liquor Mart next door, site you know is
7 going to be developed in the near future?

8 MR. MERKELEY: Yes, sir. It was for sale
9 last year. It went pending at about December. I've
10 had a couple e-mails from the individuals that are
11 purchasing the property. They're doing the due
12 diligence process now to go through the process. So,
13 you know, I expect it will be sold.

14 MR. MILLER: And what do you -- what have you
15 heard that they're planning to -- how high are they
16 planning to go?

17 MR. MERKELEY: I have not on this specific
18 project. There was someone else that was looking at
19 the project that approached me to purchase my
20 property back in July. They were looking to do
21 micro-units, apartment units there. So this is a
22 bigger developer group. You know, I think our
23 biggest concern is, one is obviously light down the
24 road, if they build higher by their matter of right.

25 I think the other concern we would have is

1 you know, we have gone ahead and done the setback,
2 which I think is good for the community with the CR
3 zoning of the 10 percent, which turns out to 12.5
4 feet. If that line isn't held, you know, they come
5 forward with their development, we could find
6 ourselves in a canyon, and you know, we obviously
7 would rather not be in a canyon. So I think it's the
8 right thing to do, talking to OP and your guys'
9 vision is for this area down here. I think that
10 would be one of our other potential concerns long run
11 if they redeveloped and then they moved their project
12 farther forward.

13 MR. MILLER: Right. Because they could go to
14 90 feet. As you could have, right, under the matter
15 -- under the --

16 MR. MERKELEY: Correct. And actually even
17 higher because of the Capitol Gateway Overlay if you
18 do inclusionary zoning.

19 MR. MILLER: Right. And I missed the -- you
20 stated you did only go four stories and the 54 or
21 five feet. I missed that line of -- I mean, I can
22 see why, with the neighborhood as it exists now it's
23 a transition between --

24 MR. MERKELEY: Well, and if you look at the
25 zoning, right, you're only -- we're right at the edge

1 of the R-4 zoning. Right? There's only one building
2 after me, or two buildings after me, the way it's
3 laid up. And you know, I think to have these stark
4 buildings that would be 94 -- you know, 90 feet tall
5 and then right next door you'd have a little 30-foot-
6 tall, 20-foot-tall building, based on the zoning I
7 don't think is an appropriate bridge back into the
8 community. I think you read the Office of Planning's
9 framework plan, they specifically even say around Q
10 Street, and anything kind of from Potomac Avenue
11 back, that they would like to start seeing height
12 kind of reduced back into the community.

13 So, you know, I think thinking about what's
14 coming it's important that we have that height. For
15 us, you know, we saw this as a smaller project that
16 we can maintain. It's a stick build project. We're
17 not doing concrete and we think it's the right design
18 for us and the project to move forward.

19 MR. MILLER: Well, I think it makes sense.
20 The rooftop deck, that's going to be for use by the
21 residents. It's a wood deck, and it's got some green
22 roof up there as well?

23 MR. MERKELEY: It does have some green roof
24 and we're evaluating the green roof options.
25 Additionally, we're looking at some potential bio

1 retention at grade in the back yard, so we have to
2 kind of manage the storm water, which is DOE.

3 And to be all fairness, until I knew kind of
4 the support I was going to get from the community,
5 from the ANC, from the Office of Planning, DDOT, and
6 yourselves, we've kind of tried to manage the costs
7 because, you know, I'm doing this project by myself
8 right now. So, you know, one of the things about
9 having Jason join our team the last two months, and
10 moving our team forward is, you know, we're going to
11 look to him for things like the skylights in our
12 design and our conceptual design. And looking for
13 other options so we can improve the property. And
14 that's one of the reasons we picked him.

15 So, you know, right now a lot of this is
16 conceptual to make sure to get through this process,
17 get our entitlements and then we're really going to
18 dive into these items, recognizing that we had to go
19 through a design review and we have to stick with the
20 things we put in front of you tonight for the design
21 review.

22 MR. MILLER: But you think that the rooftop
23 deck will be usable by the residents? I mean, it's
24 intended to be?

25 MR. MERKELEY: It is intended to be, you

1 know, which units are going to have access to that.
2 You know, we'll still work that out. But we do
3 expect that, you know, they'll want to have access
4 and hopefully it will be open by the time the D.C.
5 United opens in the Spring of 2018, so, for the first
6 game.

7 MR. MILLER: Right. And when do you
8 anticipate, if it all goes well, you would be
9 opening?

10 MR. MERKELEY: You know, I think our hope
11 would be that once we get through this process
12 tonight that we can move into our permit drawings,
13 and then going through that -- with DCRA to go
14 through that process. We'll see how long that takes
15 and our teams take. And then, you know, hopefully
16 we'll be breaking ground sometime next year, you
17 know, so the project can be done in time. We have a
18 local bank that I've done multiple project with that
19 are really kind of excited to support us in this next
20 step. They supported four of my smaller renovations
21 that I've done. So they're kind of excited to move
22 forward with this project with us.

23 MR. MILLER: And my last question was just,
24 in the rear yard is there a fence back there, or is
25 there going to be a fence back there, and what's that

1 going to look like?

2 MR. MERKELEY: Yeah. It's an item that we
3 kind of had left open and we need to think about a
4 little bit more. And to be honest, part of the
5 challenges of what's there now, there is some alley
6 access there. I think you saw that in Mr. Harper's
7 letter. You know, his deck right now goes almost to
8 the end of his property, and you know, he wants to
9 make sure that if we put a fence back there at some
10 point, that one, he still has access to his property
11 because there isn't officially an easement through
12 there. But in addition, it doesn't have a stark, you
13 know, difference. So I think right now there's a
14 large iron fence with the school. I think we would
15 look for something that was appropriate back there
16 and that also was okay with the Harpers to make sure
17 it worked for them.

18 MR. MILLER: Well, I compliment you again on
19 working with the neighbors on this project and
20 cleaning up the property to begin with, which has
21 been apparently a nuisance property for some time for
22 that neighborhood. So, I thank you for bringing this
23 forward.

24 MR. MERKELEY: Thank you, sir.

25 CHAIRPERSON HOOD: Okay. Commissioner

1 Turnbull.

2 MR. TURNBULL: Oh, thank you, Mr. Chair. I
3 want to thank you for your presentation too, and
4 trying to keep it as brief and as direct as needed.
5 It's refreshing to have an applicant developer who is
6 conscientious and thinking about the neighborhood as
7 your comments have -- especially the height, and I'm
8 sure the rest of the projects, as they come before
9 us, we will be looking at them carefully also.

10 But, no, I really appreciate what you're
11 trying to do. It's a difficult site. Twenty-four
12 feet wide. I think it's 24 feet wide, something like
13 that. But I think you've done an admirable job and
14 as far as -- I really have no comments, I mean, other
15 than Commissioner May had pointed out a few things
16 and you've addressed all the items that OP had said.

17 I would say I think the bike issues is --
18 because Commissioner May had a point. I think you
19 may want to rethink that. And then wall, I think as
20 Commissioner Miller said, you know, we -- I wouldn't
21 want to see you jump through a lot of hoops and pay a
22 lot of money for a wall that's got a lifespan of five
23 years. And I think even your very basic original
24 scheme with the three is not -- I mean, it's not -- I
25 mean, I think it's up to you. I mean, I think the

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1 first scheme was at least an attempt to try to
2 introduce some color. I don't really think you need
3 to do a mural. I think it's a nice gesture. That's
4 up to you, but it seems like it's an awful lot of
5 money you're putting in for something that's only
6 going to be appreciated for three to five years. I
7 mean, it's a wonderful thought and I think it's a
8 great idea.

9 And the other schemes, some of them don't
10 work. Some of them are just kind of -- I mean, but
11 it's up to you. I think that's really -- I think the
12 very basic scheme is fine too. I have no problem
13 with it.

14 Parking relief is, I think is has already
15 been said, is fairly -- that's a no-brainer. I think
16 that's easy to grant. That's not hard at all.

17 But you could think about, again, some of the
18 things -- the only thing is, up on the roof, the
19 lighting is all down lighting, indirect, I mean, low
20 lighting. Nothing glaring going up, I mean, because
21 you're going for LEED as far as you can get it
22 anyways, which wouldn't be looking to have any kind
23 of up lighting. So I'm assuming it's all down
24 lighting and very -- okay.

25 Other than that, Mr. Chair, I think it's an

1 admirable job. I think you know, it's a tight little
2 -- it's probably one of the smallest projects we've
3 had before us in a long time. So there's not a lot
4 of issues for us to actually get hung up on. So,
5 appreciate you coming down.

6 MR. MERKELEY: Thank you, sir.

7 CHAIRPERSON HOOD: Okay. And I will -- you
8 got a lot of pleasantries tonight so I'm going to
9 spoil it a little bit. Actually, I'm not because for
10 me, when I look at the ANC letter, and I always look
11 to see what the community -- you're a part of the
12 community. And my hats off to you, what you've done
13 in the past. You've been there nine years according
14 to the letter. Maybe it's 10 now. But I can assure
15 you that one thing about the developer in the
16 community, you don't do what you say you're going to
17 do then you may have to move. So --

18 MR. MERKELEY: I'm aware of that, sir.

19 CHAIRPERSON HOOD: -- I'm sure that you're
20 going to continue this good reputation and what I see
21 here from the ANC, and I applaud you for what you all
22 are doing, and in the manner you're doing it.

23 I don't have any questions. I'm not going to
24 sit here -- normally, typically, also your first time
25 down here, and you explained -- I mean, your first

1 time doing this, you usually get a pass by us. But
2 you actually didn't get a pass because you got a lot
3 of comments from Commissioner May and others, but
4 they were very pleasant comments. We usually are
5 nice to you the first time, so try not to come back a
6 second time. No, I'm just playing. I'm just
7 playing. But continue the good work you're doing and
8 I don't really have any questions for you.

9 Let me see, Commissioner Hamilton, do you
10 have any cross-examination? I'm going to bring you
11 up later for your presentation. You have any cross,
12 cross-examination?

13 MS. HAMILTON: No.

14 CHAIRPERSON HOOD: Okay.

15 MS. HAMILTON: I had a chance to sit down
16 [speaking off microphone.]

17 CHAIRPERSON HOOD: Okay. Well, when I bring
18 you up you can get in -- right now is the time to do
19 the cross. You've seen this a lot so I know you know
20 what to do. So we'll bring you up shortly.

21 Let's go to the Office of Planning, Mr.
22 Rogers. Oh, Mr. Lawson.

23 MR. LAWSON: Yeah. Good evening, Members of
24 the --

25 CHAIRPERSON HOOD: Oh, that's right. Wait a

1 minute.

2 MR. LAWSON: Good evening. Joel Lawson with
3 the Office of Planning. I'm also going to keep this
4 very short. Of course as the Commission members
5 know, the Capitol Gateway Overlay requires mandatory
6 design review only for parts of the overlay. Parts
7 of it do not require review. And the rationale,
8 the reason for that review varies differently for
9 different parts of the overlay itself. The rationale
10 for design review on the waterfront is different from
11 design review, you know, north of the baseball
12 stadium.

13 For this area the design review really was
14 intended to make sure that new development
15 acknowledges the lower density development to the
16 north and kind of in this general vicinity and we
17 think that the applicant has done a very good job of
18 acknowledging that and kind of setting a tone, as he
19 stated, for future development in this immediate
20 area. So certainly when future developments do come
21 in we will be looking at that same kind of a context
22 issue. And now this is helping to establish that
23 context just a little bit stronger in fact. And so
24 that will be part of future discussions.

25 With respect to the two questions that we

1 raised, you know, we thank the applicant for reaching
2 out to Jay Wilson at DOEE and working through those
3 issues, and we're encouraged that he's going to
4 continue those discussions and make this building as
5 sustainable as possible.

6 With respect to the party wall, I have to say
7 I completely agree with the members of the Zoning
8 Commission that it's probably not appropriate to
9 spend huge amounts on this wall and of the options
10 that I see in here I probably also prefer the
11 original solution better than the options shown in
12 here, and I think that we're generally comfortable
13 with that.

14 With regards to the mural, personally I'm not
15 a huge fan of murals but they can be an effective
16 thing. They can also become a bit of a neighborhood
17 institution and that can be a problem when somebody
18 wants to build over top of them. So we understand
19 why that's probably not the best option. We would
20 want to make sure that that wall, even in the short-
21 term, is not used for advertising purposes, and so
22 that may be something that you want to consider
23 making a condition.

24 But again, of the options we've seen, I think
25 as long as the Commission is okay with it, we're

1 comfortable with the originally proposed scheme.

2 Thanks, and we're available for questions.

3 CHAIRPERSON HOOD: Okay. And I just have one
4 question for Mr. Rogers. Why did you let me get away
5 with saying that you work for the Office of Planning?
6 You work for DDOT.

7 MR. LAWSON: It's a promotion. It's a
8 promotion.

9 CHAIRPERSON HOOD: Oh, that's a promotion?
10 Oh, okay. Well, Mr. Rogers, forgive me, you work for
11 -- Mr. Rogers is from DDOT. Okay.

12 MR. LAWSON: Or a demotion. I'm not quite
13 sure.

14 MR. ROGERS: Good evening, Mr. Chair, Members
15 of the Commission. I'll keep my comments very brief.
16 Appreciate the close coordination that the applicant
17 has had with DDOT through the development review
18 process, and would just like to note that the design
19 guideline -- the streetscape guidelines for the
20 Buzzard Point neighborhood are expected to be out
21 very shortly so I'll make sure you see those and look
22 forward to working with the public -- through the
23 Public Space permitting process with you and happy to
24 answer any questions the Zoning Commission may have.

25 CHAIRPERSON HOOD: Okay. I want to thank you

1 both, Mr. Lawson and Mr. Rogers. Let's see if we
2 have any questions of either the Office of Planning
3 or DDOT. Commissioner Miller.

4 MR. MILLER: Yeah. Thank you, Mr. Chairman.
5 Yeah, I just had one question for Mr. Rogers. So
6 there are -- are there already RPP signs up on this
7 block? I thought one of the existing pictures showed
8 a sign that I couldn't read it, but it looked like
9 the color of what I recognize as an RPP sign.

10 MR. ROGERS: There is RPP in there.

11 MR. MILLER: But is it two hour or is it Ward
12 6 only? My only point in raising that was that
13 because of the soccer stadium coming there are a lot
14 of -- I think there are a lot of Ward 6 only or
15 further restrictions than the normal RPP in this
16 whole stadium ballpark area. And it probably is
17 going to need that as opposed to allowing outsiders
18 to be there for two hours.

19 MR. ROGERS: Certainly. So there will be
20 significant transportation changes in the area as the
21 area transitions from -- especially to the south
22 where it's a little bit more industrial than this
23 particular block, as the area transitions and the
24 soccer stadium comes and other development follows.
25 There will be lots of changes to a number of areas

1 including the parking signage.

2 One of the areas -- or one of the planning
3 documents and efforts that will help is called a
4 transportation operations and parking plan, which is
5 to support game day operations in the vicinity.
6 There's one for National's Ballpark, and that
7 included some, among other things, changes to parking
8 to help reserve the parking for the community and to
9 try to prevent fans coming in to -- from parking
10 there. So similar process would happen for the
11 soccer stadium. That generally happens between 12
12 and 18 months in advance of the soccer stadium
13 opening. So that's certainly on the radar and one of
14 the things that we'll be working with the community
15 on.

16 MR. MILLER: Okay. Thank you.

17 CHAIRPERSON HOOD: Any other questions up
18 here? Okay. Does the applicant have any cross of
19 either Office of Planning or DDOT? Commissioner
20 Hamilton, you have any cross of either Office of
21 Planning or DDOT? Okay.

22 Let's go to other government reports. I do
23 want to acknowledge, as has already been stated, that
24 we do have a letter from the honorable councilmember
25 Ward 6 in support as well as the letter from ANC

1 which is going to be spoken about shortly. And we
2 have a couple other letters in here of support. I
3 did not see anything in opposition of this case, so
4 all of our letters are in support. We've already
5 talked about the DDOT report. And at this time we
6 will have Commissioner Hamilton come up and give us
7 the ANC 6D report on behalf of ANC 6D. It's been a
8 while since you've been down here to see us, hasn't
9 it?

10 MS. HAMILTON: [Speaking off microphone.]

11 CHAIRPERSON HOOD: Fine, how are you? Turn
12 your mic on, introduce yourself, and you may begin.

13 MS. HAMILTON: Good evening, Commissioner
14 Hood and Members of the Commission. My name is
15 Rhonda Hamilton. I'm with ANC 6D, I represent 6D-06.
16 This project sits within my single-member district.

17 I would just be reading through the letter
18 that the ANC gave in support. Clearly we are in
19 support of this project. At our last regularly
20 scheduled business meeting in February, we wrote it
21 in support of Tyler's project. We also voted in
22 favor of his exemption because he's requesting
23 exemptions from the parking space to be provided.
24 Because the ANC recognized in the letter that the
25 applicant has no option for on-site parking as the

1 property is only 24 feet wide with no alley access.

2 Accordingly, ANC voted to provide special
3 exceptions to our longstanding policy of not
4 supporting residential permit parking on new multi-
5 family project. The ANC also believes that the
6 proposed residential development and the
7 architectural design and location of the project on
8 site all further goes in policy of the Capitol
9 Gateway Overlay District, and the ANC supports the
10 public space planning in front of the building along
11 with the planned use of building materials that
12 reflect the industrial heritage of the community.

13 And you all have noted that Tyler is a long-
14 term resident in the community. He's done a lot to
15 try to provide employment and other opportunities for
16 residents. He's also actively involved in the
17 community, so the ANC found favorable on this
18 project. We, myself and members of the commission,
19 we had a chance to sit down and talk to him, you
20 know, about any concerns that were raised about this
21 project, and Tyler has been very responsive to any
22 concerns that were brought forward from the projects
23 with the other commissions as well as with myself.

24 So we find that, you know, he is going to,
25 you know, do his due diligence to make this a

1 excellent project. So we are in support of it. And
2 I'll answer any questions that you have at this time.

3 CHAIRPERSON HOOD: Okay. We really
4 appreciate your testimony and you coming down and
5 providing it. We appreciate all the work that ANC 6D
6 has done over the years and continue to do.

7 Let's see if we have any questions for you,
8 Commissioner. Any questions up here? None up here.

9 Does the applicant have any cross?

10 MR. MERKELEY: No, sir.

11 CHAIRPERSON HOOD: Okay. Oh, I was getting
12 ready to ask the Office of Planning. I only missed
13 two times. I was getting ready to ask Office of
14 Planning if they have any cross. Must be tripping.

15 Okay. Thank you very much. We appreciate
16 you coming down. You can just stay -- since
17 everybody is holding hands, you can stay right there
18 at the table as we finish this.

19 MS. HAMILTON: Okay.

20 CHAIRPERSON HOOD: Let's see if we -- that
21 isn't anybody calling in opposition, is it? I hear
22 the phone ringing. I'm trying to be funny, man,
23 you're supposed to laugh. Okay. Let's go to
24 organizations and persons who are here in support who
25 would like to testify in support. Organizations or

1 persons who are here who would like to testify in
2 opposition.

3 Okay. Do you have any rebuttal or closing?

4 MR. MERKELEY: Sir, I just ask that we would
5 have this case closed tonight. If you have no
6 additional comments, so we could move forward with
7 this project. And lastly, in our supplemental we
8 asked for some proposed design parameters flexibility
9 just in case we have any issues and we had specific
10 language in there. We would ask for you to consider
11 that as you close out, as we move forward. And I
12 want to thank you for your time tonight.

13 CHAIRPERSON HOOD: Okay. And I pronounce
14 your last name Merkeley, right?

15 MR. MERKELEY: Yes, sir.

16 CHAIRPERSON HOOD: Okay. All right. Thank
17 you very much, and we appreciate everyone's response
18 to this tonight, and questions. And we will now
19 close that part and see what my pleasure of my
20 colleagues. Do we need to get a date or are we ready
21 to move forward this evening on Mr. Merkeley's
22 request?

23 MR. TURNBULL: It's a green night.

24 CHAIRPERSON HOOD: Oh, that's right. You did
25 say it's go. So would you like to make a motion, Mr.

1 Turnbull? Oh, Mr. O'Turnbull, would you like to
2 make --

3 [Laughter.]

4 MR. TURNBULL: Mr. Chairman, I would move
5 that we approve Zoning Case No. 16-01, 1542 I Street
6 Southwest, design review under the Capitol Gateway
7 Overlay.

8 MS. COHEN: And I'll make that second.

9 CHAIRPERSON HOOD: Okay, it's been moved --

10 MR. TURNBULL: 1st Street. Did I say I
11 Street? I can't read.

12 CHAIRPERSON HOOD: I see.

13 MR. TURNBULL: I meant 1st Street.

14 CHAIRPERSON HOOD: 1st Street, yeah. Okay.
15 It's been moved and properly seconded. Any further
16 discussion.

17 [Vote taken.]

18 CHAIRPERSON HOOD: Ms. Schellin, would you
19 record the vote?

20 MS. SCHELLIN: Yes, sir. Staff would record
21 the vote five to zero to zero to approve final action
22 in Zoning Commission Case No. 16-01, Commissioner
23 Turnbull moving, Commissioner Cohen seconding,
24 Commissioners Hood, Miller, and May in support, and
25 we'd ask the applicant to provide us with draft

1 findings of facts, conclusions of law. If you could
2 do that within the next two weeks. Thank you.

3 CHAIRPERSON HOOD: We only had one vote on
4 this, right?

5 MS. SCHELLIN: That's correct.

6 CHAIRPERSON HOOD: So we don't need to do
7 anything else.

8 MS. SCHELLIN: Nothing else.

9 CHAIRPERSON HOOD: Yeah, we don't have to do
10 anything. Okay.

11 MS. SCHELLIN: That's why I just wanted to
12 make sure he provides us with a draft order.

13 CHAIRPERSON HOOD: Oh, yeah. Okay.

14 MS. SCHELLIN: So he can get going.

15 CHAIRPERSON HOOD: Move forward, yeah. And
16 do we have anything else?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: All right. So who was
19 trying to rush us out of here to go watch March
20 Madness? Maybe it was me. Anyway, wish you good
21 luck as you move forward in our development years,
22 and we thank everyone for coming out to participate
23 in this case tonight. And with that, this hearing is
24 adjourned.

25 [Hearing adjourned at 7:23 p.m.]