

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING COMMISSION

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VIRTUAL PUBLIC HEARING

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MONDAY

MARCH 8, 2021 @ 4:00 P.M.

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The Virtual Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Webex, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Commissioner, presiding.

ALSO PRESENT:

- ANTHONY HOOD, CHAIRMAN
- ROBERT E. MILLER, VICE-CHAIR
- PETER G. MAY, COMMISSIONER
- PETER A. SHAPIRO, COMMISSIONER
- MICHAEL G. TURNBULL, COMMISSIONER

OFFICE OF ZONING COMMISSION MEMBERS PRESENT:

- SARA A. BARDIN, DIRECTOR
- SHARON S. SCHELLIN, SECRETARY
- PAUL YOUNG, TECHNICAL OPERATIONS

The transcript constitutes the minutes from the Virtual Public Meeting held on March 8, 2021.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. 20-30, Ingram Texas Partners, LLC 4

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

2 (4:00 p.m.)

3 CHAIRMAN HOOD: Good afternoon, ladies and gentlemen.

4 We are conveniently broadcasting this public hearing
5 by videoconferencing.

6 My name is Anthony Hood and I'm joined by Vice-Chair
7 Miller, Commissioner Shapiro, Commissioner May and Commissioner
8 Turnbull. They have joined us.

9 We're also joined by the Office of Zoning staff, Ms.
10 Sharon Schellin as well as Mr. Paul Young, who will be handling
11 all of virtual operations.

12 Others will introduce themselves at the appropriate
13 time.

14 This evening's hearing is Zoning Commission case
15 number 20-30. Today's date is March the 8th, 2021 and this is
16 a special exception relief pursuant to Subtitle I, 581 design
17 review at Square 325, Lots 819, 820, 24 and 26 and Square 326,
18 Lot 807 through 228 12th Street S.W.

19 The virtual public hearing notice is available on the
20 Office of Zoning's website.

21 This proceeding is being recorded by a court reporter
22 and the platforms used are Webcast Live, WebEx and You Tube
23 Live.

24 The video will be available on the Office of Zoning's
25 website after the hearing.

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1 All persons planning to testify should have signed up
2 in advance. They will be called by name at the appropriate
3 time.

4 At the time of signup, all participants will complete
5 the oath or affirmation required by Subtitle Z, 408.7.

6 Accordingly, all those listening on WebEx or by phone
7 will be muted.

8 I lost my place.

9 At the time of signup, all participants completed the
10 oath or affirmation required by Subtitle Z, 408.7.

11 Accordingly, all those listening on WebEx or by phone
12 will be muted during the hearing and only those who have signed
13 up to participate or testify will be unmuted at the appropriate
14 time.

15 When called, please state your name and home address
16 before providing your testimony. When you are finished
17 speaking, please mute your audio.

18 If you experience difficulty accessing WebEx or with
19 your telephone call in, or have not signed up, then please call
20 our OZ hotline number at 202-727-5471.

21 If you wish to file written testimony or additional
22 supporting documents during the hearing, then be prepared to
23 describe or discuss it at the time of your testimony.

24 The hearing will be conducted in accordance with the
25 provisions of 11Z DC (indiscernible) Chapter 4 as follows:

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1 preliminary matters, applicant's case, applicant has up to 60
2 minutes. I don't believe we need 60 minutes this evening,
3 report of Office of Planning and District Department of
4 Transportation, report of other government agencies, report of
5 the ANC. In this case, it's ANC16. We'll have testimony of
6 organizations which will be five minutes and individuals which
7 will be three minutes.

8 And then we'll hear in the following order from those
9 in support, opposition and undeclared.

10 Then we will have rebuttal and closing by the
11 applicant.

12 Again, the OZ hotline number is 727-547 -- no,
13 202-727-5471 for any concerns during this proceeding. Let me
14 just state it again: 202-727-5471.

15 At this time, the Commission will consider any
16 preliminary matters. Does the staff have any preliminary
17 matters?

18 UNIDENTIFIED SPEAKER: Yes, sir. Two easy ones.
19 There were two motions filed by the applicant. However, staff
20 does not believe that they are necessary.

21 They were waivers from the 20-day rule filing which
22 the regs state that if the application is revised less than 20
23 days prior to the hearing, then the waiver needs to be
24 requested.

25 However, what was filed was the applicant -- I'm

1 | sorry, responded to OP's questions and they submitted a
2 | corrected surveyor's plat.

3 | And so those do not revise the application and so
4 | therefore staff does not believe that those motions were
5 | necessary. They were filings that could be accepted into the
6 | record without the waiver request.

7 | If the Chairman --

8 | CHAIRMAN HOOD: Are there any objections to what the
9 | secretary just mentioned? I have no objections, certainly not.
10 | I did see that in the file. No objections.

11 | UNIDENTIFIED SPEAKER: So, moving on, there's one
12 | proffered expert witness and that is their expert in
13 | architecture who has previously been accepted and I'm not sure
14 | if it's Mr. or Ms. Kamali. I did not look so one of the
15 | architects probably know.

16 | But they've previously been accepted and would just
17 | ask that the Commission would accept them in the case as an
18 | expert. If you would just confirm that.

19 | CHAIRMAN HOOD: Okay. So we have a Bahram Kamali,
20 | hopefully I didn't mess that up, from BBGM Architects and
21 | Interiors Architects. We've accepted previously as Michelle
22 | and (indiscernible) mentioned. Someone may already remember.
23 | I don't. But because we're previously accepted, I have no
24 | objections. We have the resume at Exhibit 12A.

25 | Does anyone have any objections?

1 Okay. We will continue that status.

2 Anything else, Michelle?

3 UNIDENTIFIED SPEAKER: Just very quickly. Steve
4 Cochran from the Office of Planning will be the planner this
5 evening.

6 Marty Sullivan and Alexander Wilson are the
7 attorneys. I believe Mr. Young will be momentarily bringing
8 them up. They have only requested 15 minutes for their
9 presentation. They have a Power Point presentation. So he
10 will be bringing them up, if that's okay. And they said that
11 their presentation shouldn't take more than 15 minutes.

12 ANC 60, as you mentioned, is the ANC. We received a
13 report late this afternoon, as you've been advised by OAG. It
14 was staff's impression that they were not going to participate
15 in the hearing but, if they show up, staff will advise.

16 CHAIRMAN HOOD: Okay. Thank you. Thank you,
17 Michelle.

18 And we will drill down on that. I did see the mixed
19 issues they were looking to drill out as we've seen. So I
20 guess Ms. Wilson -- I believe, Ms. Wilson, you will probably be
21 taking the lead and Mr. Sullivan has joined us.

22 So, with that, Ms. Wilson, we'll turn it over to you.
23 You may begin.

24 MS. WILSON: All right. Thank you all so much.

25 Mr. Young, could you please pull up the presentation

1 when you have a chance.

2 For the record, my name is Alex Wilson from Sullivan
3 & Barros and I am joined with Marty Sullivan, also from
4 Sullivan & Barros, on behalf of the applicant in this case.

5 We are joined by Ariam Robi (ph) from the ownership
6 team and Bahram Kamali, who is the project architect.

7 Next slide, please.

8 Mr. Kamali will provide more context. But a high
9 level overview is that the applicant is proposing a new 12-
10 story building with a 131 hotel rooms at 280 12th Street, S.W.

11 The end user is going to be a Holiday Inn Express-
12 type hotel or Hampton Inn-type hotel and this project has
13 already been approved by the CFA.

14 It meets all zoning and requirements other than
15 loading. Subtitle I 581 requires that all new buildings in the
16 D8 zone go to the Zoning Commission for, excuse me, for a
17 special exception approval.

18 It's my understanding that this section enumerates
19 the small -- the Maryland Small Area Plan Objectives, which we
20 will discuss more in the presentation.

21 As part of the request, we are also permitted to ask
22 for other zoning relief. And, in this case, we are asking for
23 relief from the loading requirements.

24 We are required to provide two loading berths and we
25 are providing one loading berth.

1 As we will discuss more fully, the loading relief was
2 driven by the constraints on the property, including a one
3 (indiscernible) easement in the middle of the property and C
4 Street to the South. We're not allowed to construct anything
5 in that area as it is part of the original (indiscernible)
6 plan. And that's also why the building is well under lot
7 occupancy and F.A.R. for this zone.

8 Next slide, please.

9 We attended multiple ANC meetings and, on February
10 8th, the ANC voted to unanimously support the project. Their
11 resolution was submitted this afternoon thankfully and we
12 agreed to the conditions in the resolution, which are generally
13 related to managing congestion in the proposed cul-de-sac.

14 Regarding agency outreach, Mr. Cochran has been very
15 helpful throughout this process. I believe this might be the
16 first case of -- in front of you all under Subtitle I 581. So
17 we've been working very closely with the Office of Planning and
18 also have their recommendation of approval.

19 We've agreed to all conditions proposed by OP and
20 DDOT. As noted in their report, DDOT has no objection and has
21 proposed a number of TDM and LMP measures; all of which we have
22 agreed to.

23 With that, I will turn it over to Mr. Kamali to
24 present the project.

25 Thank you.

1 MR. KAMALI: Hi. My name is Ram Kamali. I'm a
2 senior principle of BBGM Architect and architect for project
3 and can you go to next slide. Next slide, please.

4 The project as (indiscernible) the project is 131
5 stories, selected service hotel and F.A.R. allowed is 6.5 which
6 is 166,000 square foot and we providing only (indiscernible) of
7 3.8 because of constraint on the side which is 78,700 square-
8 foot.

9 And lot occupancy allowed is a hundred percent, which
10 is 25,500 square foot of the site. We are using only 28
11 percent, which is the 7,000 square foot of the site.

12 Next, please.

13 At the project located in the corner of the C and 12
14 and C, and the surrounding with several federal buildings.

15 Next please.

16 As you see, this slide is show you the constraint we
17 have on the site. The building is located (indiscernible)
18 substation which we cannot add any load and design a building
19 without any load to the building.

20 Also there is a (indiscernible) easement of 80 feet
21 which we have not provide any construction within that zone
22 areas.

23 Next please.

24 This slide show you the situation around the side
25 where we putting the entrance of the building. We have

1 provided entrance to the building on the C Street which is cul-
2 de-sac and the north side through the 12th Street is access to
3 loading dock. We will see more detail on the next slide.

4 Next, please.

5 This -- what we have done for design of building, we
6 are inspired by surrounding building. We have several
7 historical federal building surrounding this site and which is
8 -- one of them is Annex Building. Other one is at the Park
9 Mall Architectural building.

10 We have use our design by getting inspiration from
11 the surrounding and historical building. This building that
12 you see is show you the existing building for Annex and also
13 the architectural building which you have a unique design.

14 By having a build course -- I mean (indiscernible)
15 course, but also punch windows with some kind of the horizontal
16 element and also the same time (indiscernible) also they have
17 two texture site.

18 Next please.

19 And this is our building which is really taking a
20 vocabulary from surrounding building, we have designed a
21 building to be as a background for the surrounding historical
22 building. As you see, we use a hat (indiscernible) we can
23 build corners and so if the punch windows, we are building to
24 make sure that we are within the surrounding area building as a
25 background.

1 And also the (indiscernible) we using (indiscernible)
2 for a building and the building façade is a precast concrete
3 which is the color and texture is similar to the limestone and
4 brick we have on surrounding building.

5 And the entrance of the building from the C Street
6 for the -- having that sense of arrival, we having a granite
7 ground entrance to emphasize of the surrounding -- sense of
8 arrival.

9 Also 11 and 12 story of the building, we provide a
10 set back. Eleven is a setback is the line we (indiscernible)
11 also on 12 (indiscernible) recessed area of the building step
12 back because that -- having the -- having the building height
13 seems much lower than interiors.

14 Next.

15 When you see the site from the park -- the park view,
16 I'll talk about the park later on when we see the floor plan.
17 That is from backside which we have an access to
18 (indiscernible). We have providing a park with a wall with the
19 feature wall that you don't see all this access to another
20 wall.

21 Next, please.

22 This is how our building is sit with the surrounding
23 building where you have wind shear that whatever we design is
24 having the same vocabulary of surrounding building at back --
25 as background for all the surrounding.

1 Next.

2 This is the view you see from the mall. From the
3 mall you see and what is the left side, you see what's existing
4 and the right side, we see what we propose.

5 Next, please.

6 And this, when you go closer, we have designed the
7 building to make is a very minimum impact on the surrounding
8 federal building which became our building is that part of the
9 vocabulary of the same.

10 And you see off the right side, we show our building
11 within the surrounding which you see the height compared with
12 that (indiscernible) building.

13 Next, please.

14 This show the level we providing a basement level
15 below as you see that (indiscernible) shows the area that we
16 have for the WMATA substation.

17 Next, please.

18 And this shows that where is the WMATA ground is
19 located and we provide the access from the 12-C. Our entrance
20 will take it on the C Street to (indiscernible) this side with
21 the canopy and the ground floor is a lobby with the entrance
22 and the (indiscernible) back up the house.

23 And if you see that from the side, I don't know if
24 you can see my pencil or not, but this is the WMATA. I don't
25 know if you see my pencil but any -- this is WMATA wall that we

1 have to provide the access to it. And with the height, we have
2 to create some kind of height because they need a minimum of 16
3 foot height because they moving out of or coming from that
4 wall.

5 And this is one of major criteria for the ground
6 floor design and the how is located our design.

7 Next, please.

8 Second floor of the building is some meeting room and
9 exercise room, is a typical hotel room.

10 Next, please.

11 And that's the typical floor of the guest room.

12 Next, please.

13 And this is show that other floor that we have a
14 setback.

15 Next, please.

16 And this is top floor. Top floor, we have a lounge.
17 We have a nice view of the D.C. area. I made these for the
18 hotel and the guests.

19 Next, please.

20 This shows that -- the façade of the building from
21 all four side to make sure that we have a continuous -- a
22 continuity on all four sides of the building.

23 Next, please.

24 On this slide we show the material we're using
25 (indiscernible) and texture (indiscernible) we using it. Also

1 we using a metal panel as similar to surrounding building. If
2 you see that pattern on Annex, Annex have some metal panel on
3 their windows. We use the same color of the metal window.

4 And also on the arrival to hotel, we use the granite
5 for sense of arrival.

6 Next.

7 We add more detail. And this shows the building
8 section which we have, if you see the right side, it show the
9 WMATA wall that we need to have an access to. It's 60 feet
10 high of the access from the backside from our loading dock.

11 Next, pleas.

12 And this is a more detail of -- detail that we have
13 on the building. The detail we have done, we try to use some
14 of the detail on existing surround buildings, federal building,
15 historical. And you see that the front of the hotel and the
16 granite surrounding with the signage and the canopy for having
17 sense of arrival, emphasize the sense of arrival to hotel.

18 Next.

19 This is a more detail of that -- the entrance of the
20 building and also what is surrounding because there's a fence
21 and the end of the C Street that ANC ask us to make sure we
22 show this slide, having that (indiscernible) in the existing
23 fence.

24 Next, please. Next, please.

25 And that's the last (indiscernible) what we have done

1 on the north side of building, we have designed a very nice
2 park areas which is for the people working there or the
3 visitor. They come over there and having the lunch, during
4 their lunchtime, or visitor to come take a walk with a very
5 nice benches and also water feature for the very nice relaxing
6 areas.

7 And you see the trees and some of the ideas for the
8 trees, the shrubs, we using surround the building.

9 Next, please.

10 And this shows the location of the park also the view
11 -- the view of the park when your walking from the mall to the
12 site.

13 And that's the last slide that we have.

14 MS. WILSON: Go to the next slide. Yeah. Perfect.
15 Thank you so much.

16 Pick up the zoning criteria.

17 Thank you so much, Bahram.

18 As I mentioned before, we are requesting special
19 exception relief pursuant to I 581.

20 Regarding the general special exception criteria, the
21 granting of the requested relief will be in harmony with the
22 general purpose and intent of the zoning regulations.

23 The applicant is proposing a hotel and public park
24 space which is consistent with high density development and the
25 promotion of greater pedestrian connectivity.

1 The granting of the relief will not tend to adversely
2 affect the use of the neighboring properties as the surrounding
3 properties are office and federal buildings.

4 The ComUnex (ph) is proposing a development across
5 the street but the hotel use will compliment the proposed
6 development.

7 Next slide, please. Thank you.

8 Regarding the specific relief, this has already been
9 reviewed by CFA and we do not require referral to NCPC.

10 Next slide, please.

11 The standards for approval are that the Zoning
12 Commission consider the objectives of the small -- of the
13 Maryland Small Area Plan, which are enumerated in this section
14 of the regulations as I 581.2(a) through (g).

15 Regarding (a), there is no visual connection with the
16 structures listed. However, the building has been designed to
17 respect those surrounding federal buildings and has already
18 been approved by CFA.

19 Next slide, please.

20 Regarding (b), the project meets the school as the
21 site includes the now closed 1100 block of C Street which was
22 originally part of the L'Enfant Planned Street System and is
23 part of the Maryland Small Area Plan.

24 There's no construction on top of the historic right-
25 of-way and we worked with OPHPO and will continue to work with

1 DDOT and public space regarding dimensions, trees and
2 integration of the former right-of-way into any future
3 reestablishment of C Street.

4 Next slide, please.

5 Regarding (c) and (d), pedestrian and (indiscernible)
6 complex will be minimized. The design includes a sidewalk
7 along the former C Street and paving that reflects public space
8 standards; a design that allows for safe turning whether or not
9 closed street and there is a proposed cul-de-sac.

10 The proposed curb cut on 12th Street would be used
11 only by WMATA vehicles and delivery vehicles to the hotel.

12 Next slide, please.

13 Regarding (e) through (g), the project meets the
14 goals of the applicant will pursue lead gold certification.
15 There is no proposed house, rooftop structures, or
16 architectural embellishments that would compete the view of the
17 castle when viewed from south or west from the mall or north
18 from 10th Street S.W.

19 CFA evaluated and did require design changes to
20 insure that the design was compatible with the surrounding
21 buildings and the view shed.

22 Next slide, please.

23 Regarding I, 581.3, Subtitle I 525.2 prohibits above
24 ground construction within the right-of-way. So we are not
25 proposing any construction on top of that former C Street

1 right-of-way.

2 Next slide, please.

3 We are also requesting variance relief for a loading
4 berth. We are proposing one loading berth were two are
5 required.

6 Regarding the first two prongs of the variance test,
7 the property faces an exceptional condition because of the
8 WMATA Vault easement on the ground level which has to be clear
9 for access. That vault takes up about 2,000 square feet in a
10 location that could otherwise be used for loading.

11 And then we are restricted by C Street to the south,
12 which can't have any above ground structures.

13 So our limited building footprint allows for about
14 7,000 square feet on the ground floor and the vault occupies
15 nearly 30 percent of that space.

16 Providing an additional berth inside would further
17 restrict the already constrained ground floor space.

18 As you saw in the plans, the lobby is already quite
19 small. So were the applicant to provide another berth, it
20 would make a huge impact on that lobby.

21 And then were the applicant to eliminate GFA, we
22 could get the requirement down to one berth by reducing the
23 hotel space by 40 percent when we are already well below the
24 F.A.R. would be a clear practical difficulty as well.

25 And then finally providing the additional loading

1 berth outside would have significant impacts on the park space
2 requested by C.F.A. during its design approval.

3 Next slide, please.

4 There will be no substantial detriment to the public
5 good as the building will be an express type hotel and there
6 are currently no adjacent residential uses.

7 We are providing a park to the north of the hotel
8 which will be open to the public and the provision of one
9 loading dock has been sufficient for these types of hotels.
10 There's no restaurant use and we've talk to potential future
11 operators who confirm that one loading bay will be sufficient
12 for this type of hotel.

13 The applicant has worked with DDOT regarding the TDM
14 and LMP plans and has agreed to all of the conditions. Given
15 the TDM and Loading Management Plan granting the relief should
16 not substantially impair the zone plan.

17 Next slide, please.

18 That concludes our presentation and we are happy to
19 answer any questions.

20 Thank you all so much.

21 CHAIRMAN HOOD: Okay. I want to thank you for your
22 presentation. This is where they'll be comments or questions.
23 Commissioner May?

24 COMMISSIONER MAY: Yeah. So I just have a question
25 about the plans and I'm looking at -- in page 15 of the -- of

1 the Power Point, so maybe, Paul, if you could bring that up.

2 Yeah. So, and maybe you could zoom in a little bit
3 on the loading dock area; is that possible?

4 One more click. There you go. That's good.

5 So this loading dock space in configuration is
6 different from what's shown on the landscape plan. I'm not
7 sure if you catch what I'm talking about but the -- you know,
8 there's that little jog there at the top. The hard black line
9 in the -- in the landscape plan, that jog occurs, I don't know,
10 15 feet to the left of where it shows now and the whole loading
11 dock space is shifted substantially closer to the building and
12 is longer than -- I don't know.

13 It's just -- there's an inconsistency there and I'm
14 wondering -- I mean, I assume this is right because it looks
15 like it's somewhat functional as a loading dock and turnaround.

16 But maybe not entirely because of that way some of
17 the dashed lines overlap with curbs and things like that.

18 But, anyway, I'm wondering what's going on there and
19 the difference.

20 So if you want to look at the other page, it's on
21 page 26.

22 MS. WILSON: Yeah. I --

23 MR. KAMALI: Yeah. I think we explained this one,
24 explained this one.

25 This is the correct plan because we had to work with

1 the DDOT to make sure that the (indiscernible) and make sure
2 that truck coming in and the same way going out. That was
3 their requirement.

4 COMMISSIONER MAY: Right.

5 MR. KAMALI: (Indiscernible) it just showed the
6 landscape area. See, that's not really reflect any
7 architecture. There may be some difference between them but
8 this is the one that we using for construction and that what we
9 going to follow.

10 Landscape drawing it just for the landscape. There's
11 not any architectural or loading dock areas. That's to show
12 the trees and how the water feature works and the sidewalks,
13 how the pattern is. It's nothing with the building and the
14 loading dock.

15 COMMISSIONER MAY: Okay. So could you bring up page
16 26 --

17 MR. KAMALI: It's --

18 COMMISSIONER MAY: -- bring up page 26 anyway,
19 please, Paul.

20 So, yeah. I mean, it's -- just so everybody
21 understands what I'm talking about. That -- that jog is much
22 larger and the loading space isn't really even shown here and
23 the turnaround doesn't work.

24 I'm -- you know, I know that it's -- it's just the
25 landscape plan, which, you know, I don't like using that

1 terminology to begin with because a plan is a plan whether it's
2 done by the architect or the landscape architect or the
3 engineer and the drawings that we receive should be consistent.

4 So is there an updated version of this that is
5 consistent with that architectural plan?

6 MR. KAMALI: No. We don't have it at the moment
7 because we did not feel that it is a -- the landscape shows
8 most of landscape drawing.

9 We did not update architecture -- landscape drawing
10 because we have gone through several revisions to architect
11 drawing to make sure that loading dock and everything works and
12 we did not update that landscape drawing because we thought
13 that landscape drawing is only shows the trees, the landscape
14 area. It doesn't have that much of building.

15 We have not done it.

16 COMMISSIONER MAY: Okay. So -- I mean, I'm not --
17 I'm not -- well, I'm not sure of the extent to which our review
18 requires a complete review of the -- of the site; maybe that's
19 a legal question.

20 But I'm -- I would really want to see a landscape
21 plan that is consistent with the -- with the architectural
22 plans.

23 Can we go back to the other plan again? I'm sorry to
24 do this, Paul, but can we go back to the other plan? There we
25 go.

1 Yeah. The other question I have about this is that
2 -- I mean, I -- it -- I think I understand what's going on. A
3 truck is pulling in forward and pulling into that -- into the
4 vault space, roll out door or whatever. And then backing out
5 into the loading space; is that right?

6 MR. KAMALI: Yes, correct.

7 COMMISSIONER MAY: Okay. So you're going to be
8 loading out of the back of the truck into -- is that all a
9 paved area that leads to the back of houses. Is that what the
10 idea is there?

11 MR. KAMALI: Yes. Yes.

12 COMMISSIONER MAY: Okay. So can you explain how a
13 truck can make that maneuver given where your -- it looks like
14 the dash lines indicate that the -- that truck is jumping a
15 curb. So you see what I'm saying?

16 MR. KAMALI: Yes. That's correct. When the truck
17 moving is that -- I don't know you can see mu cursor or not,
18 they coming in here, they go back and they back here.

19 COMMISSIONER MAY: All right. I cannot -- I cannot
20 see your cursor. So --

21 MR. KAMALI: (Indiscernible) shows that how the truck
22 coming into the area, we providing for a vault, is a big open
23 space, very high, big open space and go back in the loading
24 dock and how --

25 COMMISSIONER MAY: Right.

1 MR. KAMALI: -- (indiscernible) out of there.

2 COMMISSIONER MAY: Right. But you see where the --

3 MR. KAMALI: The dotted line shows the maneuver.

4 COMMISSIONER MAY: Say that again.

5 MR. KAMALI: The dotted lines shows the maneuver of
6 the --

7 COMMISSIONER MAY: Right. But do --

8 MR. KAMALI: -- truck.

9 COMMISSIONER MAY: -- you see where that dotted line
10 crosses over the curb that helps define the loading dock space?

11 Directly above the word Admin, there's a dash --

12 MR. KAMALI: I see the corner. Yeah. I see the
13 corner. We need to cut that corner, too. Yeah.

14 COMMISSIONER MAY: Yeah.

15 MR. KAMALI: Because actually when we did them
16 originally, (indiscernible) easily because we show -- we have a
17 really dark -- the plan that shows exactly how the truck
18 movement is. Was really complicated to see how to go around a
19 lot of line over that. We simplify them this way.

20 I think you look at them --

21 COMMISSIONER MAY: Well, we're accustomed to --

22 MR. KAMALI: -- (indiscernible) to show then is good
23 enough.

24 COMMISSIONER MAY: We're accustomed to seeing
25 engineering drawings, you know, done by the traffic engineers

1 | who -- that show the actual tracing of the wheels. You know,
2 | we're -- we're familiar with that. So you don't need to dumb
3 | it down for us.

4 | All right. Well, those are my questions. I
5 | personally think that we have to have drawings that are
6 | consistent and correct before we can approve anything.

7 | But that's my only question. Thank you.

8 | CHAIRMAN HOOD: Thank you, Commissioner May, and good
9 | line of questioning and I would agree.

10 | Let me see. Commissioner Shapiro, do you have any
11 | questions or comments?

12 | COMMISSIONER SHAPIRO: I don't I just appreciate
13 | Commissioner May's attention to detail.

14 | I was just noting that I appreciate -- I was thinking
15 | how much I appreciate the design and I couldn't decide, Mr.
16 | Kamali, that meant it was just really easy for you or really
17 | hard for you.

18 | MR. KAMALI: (Indiscernible).

19 | COMMISSIONER SHAPIRO: So easily match the other
20 | buildings. But I like it. I think that, you know, especially
21 | with the -- the views from across the mall, I think it was,
22 | that we were showing.

23 | Yeah. It looks like the building's been there
24 | forever. It fits right in. So -- and I have nothing further
25 | to add, Mr. Chair.

1 CHAIRMAN HOOD: Okay. Thank you. Commissioner
2 Turnbull.

3 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

4 Thank you for your presentation and thank you for an
5 interesting building that will be added to the center of town.
6 I think, how often I've been on 12th & C and it's kind of an
7 ugly little corner at times.

8 But I think that you're just going to add a very
9 important building to a spot in the city that's really needed.

10 Question, the dark bands at the chorus and at the --
11 at the bill chorus, it looks like crown moldings that are being
12 put around. Are that -- is that precast concrete also? I --

13 MR. KAMALI: Yes, yes. There'll be precast concrete.
14 Yes. Correct.

15 COMMISSIONER TURNBULL: Okay. So the only granite is
16 really on the surround up by the doorway, the entryway.

17 MR. KAMALI: Yes, yes. Correct. The entrance of the
18 building, correct.

19 COMMISSIONER TURNBULL: Okay. Will there be -- now
20 the lounge area is not a penthouse. Will there be -- will you
21 be serving alcohol up there?

22 MR. KAMALI: This depend on the operation of the
23 hotel. Sometime they do it and sometime they don't do it.

24 COMMISSIONER TURNBULL: Okay. I don't -- I didn't
25 know if we needed to address that or not if it comes up as part

1 of the review or not. You'll need to get a NABRO (ph) approval
2 to do that.

3 I would agree with Commissioner May. I -- we're
4 really used to getting drawings that are complimentary from
5 architectural to landscaping and they both are -- they
6 supplement one another.

7 And the turning radius by that -- it looks like
8 there's about a four-foot or more gain on -- it looks like
9 you're losing some on that landscape plan by around four feet,
10 five feet, by the turn.

11 So I think it would be good -- because it may affect
12 the overall plan as you look at it plus the turning radius of
13 the trucks. I think you really got to get that right. If you
14 have to make that curb less on the inside as it goes into that
15 little boy, I think we really should see that.

16 My other question is that in that loading bay, when
17 the truck pulls in, I guess they're just a loading right out to
18 the pavement. The guys are just going to take it down.

19 But it looks like there is a loading dock. There's a
20 line. I can't tell. But on the plan the line looks lighter
21 there. Is that the entry into where they're going at the side
22 there?

23 Could you bring up the plan, Paul, we could look at
24 it again?

25 On that -- the mustard yellow, whatever you want to

1 call that color, right under the admin, it looks like there is
2 an opening in the wall down there. There's two little squares
3 that are highlighted. And I see the little hand. Is that
4 where the whatever's being unloaded is going to be going into
5 the building?

6 MR. KAMALI: No, no. This is the -- the two small
7 one that you see the -- you see the finger there, those are the
8 front desk.

9 They going back --

10 COMMISSIONER TURNBULL: Well, where does the stuff go
11 from once they unload the truck?

12 MR. KAMALI: It's going from the back side. You see
13 the double door, they go here to the double door. Double door,
14 go to back out the house areas. Yeah. That what you see, a
15 finger. Yes. Yes. Yeah. That's what going in.

16 The back of the house goes there from that side.
17 Actually on -- yeah. I show back to the side. Yeah.

18 COMMISSIONER TURNBULL: Well, I was -- I was just
19 curious. I don't know how the -- whatever packages get dropped
20 off, where they're -- how they're being routed into the
21 building and I didn't really see a direct line unless I'm --
22 I'm just curious. It looked like an awkward setup to me.

23 MR. KAMALI: It goes back -- it come to platform.
24 You see the platform, the way the -- I see the hand over there,
25 that platform, it come to that platform and goes into the back

1 of the house spaces.

2 COMMISSIONER TURNBULL: Okay.

3 MR. KAMALI: All the way to here. That's the back is
4 go from here to platform. Goes to this part here and this.

5 COMMISSIONER TURNBULL: Okay. I was just curious.

6 MR. KAMALI: Yeah. Actually this curb is not there
7 anymore actually. It's coming back toward the hill line back
8 it provide a big areas over there for all loading and for the
9 truck movement.

10 COMMISSIONER TURNBULL: Okay. Well maybe when you're
11 clarifying the drawings and getting the revised drawings, you
12 could correct that or clarify that also.

13 Just one curious thing. The -- you're talking about
14 the structure how you can't penetrate into the vault, this
15 sounds like it's going to be an interesting project on how to
16 frame it.

17 How are you actually -- I mean, it's not part of our
18 review. I'm just curious on how you're actually drilling down
19 and going over the vault.

20 MR. KAMALI: We having a three story trusses. How we
21 drill is we have three story trusses and holding all the
22 building from one side to other side of the building, from left
23 side. It is quite a unique structure for this building.

24 (Indiscernible) structure and holding up a whole
25 building. Actually we hanging a building. We are not holding

1 up -- the building does not go on the ground. It's holding
2 over three store trusses.

3 COMMISSIONER MAY: Mike, you're on mute.

4 MR. KAMALI: It's like a big bridge.

5 COMMISSIONER MAY: Commissioner Turnbull, you're on
6 mute.

7 COMMISSIONER TURNBULL: Can you hear me now?

8 Well, that will be interesting to see it actually
9 being built.

10 But did you say three story trusses?

11 MR. KAMALI: Yes. Three story trusses. Yeah.

12 (Indiscernible) load in the trusses, yeah.

13 COMMISSIONER TURNBULL: That will be very
14 interesting.

15 All right. Thank you very much. It sounds like it's
16 going to be a very interesting project.

17 MR. KAMALI: It going to be pretty unique structure.

18 COMMISSIONER TURNBULL: It does sound like that.
19 Thank you very much.

20 CHAIRMAN HOOD: Okay. Thank you, Commissioner
21 Turnbull. Vice-Chair Miller, do you have any questions or
22 comments?

23 VICE-CHAIR MILLER: Yes. Thank you, Mr. Chairman,
24 and thank you Mr. -- Ms. Wilson and Mr. Kamali for your
25 presentation.

1 And thank you for your responsiveness to Office of
2 Planning and DDOT and the ANC's conditions and suggestions and
3 I guess a thank you for your year's worth of dealing with the
4 Commission of Fine Arts various concerns.

5 I didn't see all the previous -- or I don't see any
6 of the previous iterations of this project except I may have
7 read an article about it at one time.

8 But I think what you ended up with was a pretty good
9 design as some other commissioners have pointed out and is
10 complimentary to that area but also in an effective way because
11 there's some buildings there in that area that are not very
12 attractive at all.

13 So I think you did a good job. I guess design by
14 committee, sometimes does work. I don't know. But that's
15 Washington, D.C.

16 What is happening on the -- you say you don't have a
17 occupiable penthouse. You have what would normally be on the
18 penthouse level, what you have on the 12th floor, the lounge
19 and -- what's actually going on on that 12th -- oh, and I
20 appreciate the setbacks on the 11th and 12th floors. I think
21 that's a good thing and the park. The pocket park landscaping
22 looks like it'll be a good community benefit for everybody who
23 comes to that area which is a lot of people, post-pandemic,
24 which I think we can see the light at the end of that horrible
25 tunnel.

1 But what's going on on the 12th floor? You got the
2 -- you have the space designated as lounge. I guess it's
3 flexible as to what it's going to be based on what the
4 operator, the hotel operator, wants up there.

5 But is -- do you have a sense or what's in the plans,
6 Ms. Wilson, maybe you can articulate what exactly is going on up
7 there. What's inside? What's outside. I think it'd be --
8 it'd be great if the more active that -- and open to the public
9 that 12th floor is, I think the better. I mean, this is --
10 this whole project is fit into the vision for the Maryland
11 Avenue Plan and the -- that southwest transformation from a
12 federal office mall district to a mixed used district, which I
13 think is the hotel and the residential that's going to be
14 coming next door, I think, is a good thing to activate this
15 area, which is pretty dead at night.

16 But what's going on up on the 12th -- on that 12th
17 floor?

18 MS. WILSON: Sure. I'm happy to jump in because we
19 had the exact same discussion with the ANC, who of course is
20 interested.

21 It's my understanding that it's intended to be sort
22 of a meeting room. I don't know how the end user will end up
23 renting, possibly renting out the space.

24 But it's intended for meetings, you know, like
25 business meetings or something like that. It's not intended to

1 go into the late hours of the night.

2 I know it says lounge but we did confirm with the
3 owner and then with, you know, potential end users, the goal is
4 to have it be sort of a meeting space.

5 And that outdoor space is very small. So I think it
6 was just to provide some light and air into the space and you
7 can open a couple of the windows. There's not a ton.

8 Bahram can talk about more of the window space but
9 it's not intended to be like a late night lounge area; more of
10 a meeting area that possibly could be rented out.

11 VICE-CHAIR MILLER: Yeah. I noticed that the windows
12 at least from the renderings that I saw, it looked there there
13 were less windows up on that area which seems a shame, it seems
14 a waste of a vista (indiscernible) but is it limited -- do the
15 plans actually limit the windows to what we see on that
16 perspective -- on that rendering because it looks like there
17 are only a couple windows in this -- I guess if its going to be
18 a meeting space, it doesn't need windows.

19 Although I always like to meet in a room with windows
20 and zoom from a room with windows. So it's not going to have
21 windows there? Not many windows? Just -- or many openings?

22 Or does it have the flexibility to have more --

23 MR. KAMALI: Yeah. It has the flexibility. We're
24 understated by CFA or anybody else not to have that -- having
25 more windows there. But don't forget this is just a conceptual

1 level plan and that's an idea is that we have now, we have to
2 develop further to see what's -- how it develop and also what
3 we will have window or opening.

4 This is just a conceptual areas that for -- for right
5 now. We have a possibility if you want to add more window. Is
6 no restriction anyway or zone for that (indiscernible) from the
7 planning or anyone else that I can see that has a restriction
8 for not having a window there or have less or more window.

9 VICE-CHAIR MILLER: Well, were you implying though
10 that CFA wanted less windows; is that --

11 MR. KAMALI: CFA did not make comment of the window
12 on the top. They did not have any comment.

13 VICE-CHAIR MILLER: Okay.

14 MR. KAMALI: What I'm saying is a flexibility to add
15 or delete the window on the top.

16 VICE-CHAIR MILLER: Okay. I just don't know if we
17 need to have that written into the order, if what's before us
18 allows for that flexibility by not saying anything or -- I just
19 don't know. Well, I guess we can talk to our counsel about
20 that as we go -- and with the applicant if they have any --
21 with the applicant's representative. Communicate between the
22 applicant's representative and the -- and our counsel to see if
23 there needs to be some language to either more -- less
24 conceptually define what's going on up there or just to allow
25 for the flexibility that you're talking about.

1 On the ground floor, it's just the -- yeah, you're
2 constrained by all the WMATA vault space. OP, at one point,
3 suggested and one of our guidelines I guess for special
4 exception review of this area called for a 14 foot high, from
5 ceiling to floor, floor to ceiling, on the ground floor to
6 encourage retail but you're not having retail or anything open
7 to the public on the ground floor because of the constricted
8 space; is that correct?

9 MR. KAMALI: That --

10 VICE-CHAIR MILLER: Are you at -- what is the floor
11 to ceiling height on the ground floor? Do you have the
12 flexibility -- are you at 14 feet so that, in the future, you
13 could go to that -- go to a little café that's open to the
14 public or do you not even have that flexibility -- do you not
15 have that 14 feet?

16 MR. KAMALI: Yeah, 14 feet give us the flexibility.

17 VICE-CHAIR MILLER: You do have --

18 MR. KAMALI: 14-feet is a good height in the lobby
19 area is that it give us the flexibility.

20 VICE-CHAIR MILLER: Thank you. That answers my
21 questions, Mr. Chairman. I appreciate the applicant's
22 presentation and I (indiscernible) coming forward.

23 CHAIRMAN HOOD: Thank you. I think we narrowed down
24 -- I heard a lot of conceptual (indiscernible) typically our
25 process, I think, is more direct than that.

1 So I would ask you look at the turning radius for the
2 loading dock, you also nail some of those other items down
3 because I think this is a design review for us and it sounds as
4 though -- I almost had to -- it sounds (indiscernible) reason
5 to -- you need to nail some of those things down.

6 But my question is more not necessarily in line with
7 design, my question, Ms. Wilson, is more in line with -- well,
8 first. Let me say this.

9 I really appreciate your Power Point presentation.
10 You made things a lot easier. It was all in one place. And I
11 appreciate the way it was done.

12 So accolades to you and your team. Mr. Sullivan
13 really was only doing Power Point, I really appreciate that.

14 So let's figure out, tell me a little more about the
15 restrictive area on C which is in the -- let me see if I can
16 pull that up. Which was -- okay. The pedestrian access within
17 the (indiscernible) C Street shall not be restricted.

18 Can you tell me a little bit -- when I looked at what
19 the ANC submitted versus what the Office of Planning put, what
20 you agreed to. So I think some of those things kind of tie-in.
21 Can you elaborate? First elaborate a little bit more for me on
22 the C Street not going to be restricted.

23 And then let's talk about the ANC, what they
24 submitted today (indiscernible) and how that already
25 corresponds with your transportation report, with your report.

1 MS. WILSON: Absolutely. So the regulations prohibit
2 any construction on top of that former C Street right-of-way.
3 It's Subtitle I 575.2.

4 So, at one point, we were even proposing bollards and
5 we talked to Steve who has been super helpful throughout this
6 whole process and he said that that would require special
7 exception relief and then we discussed with the ANC the fact
8 that there's already a fence separating that C Street right-of-
9 way from the 12th Street Expressway and we removed bollards
10 from the plan. So that's why it was mentioned in the OP
11 report, I think.

12 CHAIRMAN HOOD: Well, thank you very much for that
13 clarification. I think that's one less thing that we need.

14 I don't have any other questions. Let me see if we
15 have any go backs.

16 So let me open it up and see if we have any
17 questions.

18 Let's continue to move on. With the ANC, Ms. Wilson
19 has already mentioned that the ANC has voted -- let me do this
20 first. Michelle, are -- we don't have anybody from ANC6 here?

21 MICHELLE: I checked the list of attendees and none
22 of those matched up with the ANC Commissioners.

23 CHAIRMAN HOOD: Thank you. Because I don't want to
24 get in any -- I stay in trouble. But anyway, I can handle it.

25 So ANC6 they vote 7-0-0 to support with conditions

1 | this special exception (indiscernible) 20-30 has been noted by
2 | Ms. Wilson that they have agreed to all of the conditions. Am
3 | I repeating that back correctly, Ms. Wilson?

4 | MS. WILSON: That is correct. We agree to all of the
5 | conditions.

6 | CHAIRMAN HOOD: I have to do things for the record.
7 | So thank you.

8 | All right. So let's go -- I don't see any other
9 | government reports other than OP and DDOT. Did I miss
10 | anything, anybody?

11 | Okay. All right. Again, Michelle, is there anyone
12 | here to testify or even support, opposition or undeclared?

13 | MICHELLE: We do have one person who was undeclared.
14 | Let me go back real quick and check that name because I've lost
15 | it off the top of my head. Let me look real quick.

16 | It's Wyatt Steel or Steel Wyatt. And let me see. I
17 | don't recall seeing them in the -- no. He's not in the list of
18 | attendees.

19 | CHAIRMAN HOOD: Okay. What's the name again,
20 | Michelle?

21 | MICHELLE: It has it listed as Steel Wyatt but I'm
22 | thinking that maybe it's Wyatt Steel.

23 | CHAIRMAN HOOD: Okay.

24 | MICHELLE: Either way --

25 | CHAIRMAN HOOD: Wyatt Steel or Steel Wyatt, let the

1 record reflect we did call and understand that they -- so noted
2 that they are not on this particular virtual hearing. So we
3 did call for them. So I want to make sure I put that on the
4 record.

5 We don't see anyone else from what I'm being told.
6 So, at this time, we will go to rebuttal and closing. Do you
7 have any rebuttal, Ms. Wilson, or closing. I'm not sure how
8 much rebuttal you have but -- so let's go to closing.

9 MS. WILSON: I do not have any rebuttal. And,
10 inclosing, the application meets the special exception
11 requirements of the 581 as well as the variance -- the variance
12 test for the one loading berth.

13 Thank you again for your time and that's -- that
14 concludes my presentation.

15 CHAIRMAN HOOD: Okay. Thank you all. Thank you very
16 much, Commissioners. We have asked for a few things before we
17 continue. We -- let me see -- Commissioners, any other
18 questions or comments, additional -- Vice-Chair Miller.

19 VICE-CHAIR MILLER: Thank you, Mr. Chairman.

20 Just quickly, when you're providing additional
21 information, if this -- if the CFA comments aren't already in
22 (indiscernible) could be useful to have that in the record
23 since we -- the Chairman just called on other government
24 agencies and what reports we have. And since they did review
25 it for a year, it would be useful to see that.

1 And I had a quick question for Mr. Cochran that I
2 meant -- if he's still here with us. I meant to ask, does this
3 zone -- I have some recollection, vague recollection, that I
4 don't remember -- I don't remember it for sure, does this zone
5 require in this area that the top floors be setback the way
6 that they're being setback? Are the setback --

7 MR. COCHRAN: No.

8 VICE-CHAIR MILLER: Comments that you had provided
9 and CFA had provided for protecting vistas. But I thought
10 there were setback requirements on those upper levels in this
11 zone.

12 MR. COCHRAN: If this property had gone a few more
13 feet north, it would have because anything with fronts on
14 Constitution Avenue, excuse me, Independence Avenue, have to
15 have a setback but this one doesn't actually front on
16 Independence Avenue. So a setback isn't required.

17 I believe it was the CFA that encouraged them to
18 setback a little bit the 11th and 12th floors. It looked sort
19 of like a penthouse but they're not. They're real floors.

20 VICE-CHAIR MILLER: Right. Okay. Thank you for that
21 information.

22 MR. COCHRAN: Sure.

23 CHAIRMAN HOOD: Okay. Any other questions or
24 comments, Commissioners?

25 Not seeing any. Michelle, can you call with some

1 | dates?

2 | MICHELLE: Yeah. I wanted to ask Ms. Wilson how much
3 | time she thinks they need to get all of this information in in
4 | order to -- because I know there was going to be some changes,
5 | corrections to the plans and then Commissioner Miller just
6 | asked for some information.

7 | MS. WILSON: Sure. So we have the -- we should have
8 | the CFA report readily available. And in terms of clarifying
9 | the loading bay, I'll defer to the architect if he's still on.
10 | I see him muted, to see how long we can get those plans turned
11 | around. That change turned around. Bahram, are you still on?

12 | MR. KAMALI: Yes. Yes.

13 | MS. WILSON: How quickly can you provide an update?

14 | MR. KAMALI: We just need a few days. We'll provide
15 | them within a few days.

16 | MICHELLE: Okay. So then we could shoot for -- so if
17 | you guys could provide all of that information by 3 o'clock
18 | p.m. on March 15th, that would give you a week and when the
19 | ANC, OP and DDOT, if they feel necessary to provide a response,
20 | they could do that by March 22nd, 3 o'clock p.m.

21 | We could put this on for the March 25th meeting and
22 | if you could provide a draft order also by the -- I would say,
23 | if you could provide your draft order by the 15th also, that
24 | would be good.

25 | MS. WILSON: Thank you.

1 CHAIRMAN HOOD: Okay. So we don't have -- do we have
2 anything else?

3 MICHELLE: No, sir.

4 CHAIRMAN HOOD: All right. I want to thank everyone
5 for their participation tonight in this hearing. The Zoning
6 Commissioner will be handling this monthly meeting on March 11,
7 2021 at 4:00 p.m. the same exact platforms and, with that, this
8 hearing is adjourned and everyone continue to stay safe. See
9 you later. Good night.

10

11

12 (Whereupon, the public meeting was adjourned.)

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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 Meeting

Before: DC-BZA

Date: 03-08-21

Place: Videoconference

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