

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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- - - - - :
IN THE MATTER OF: :
Consolidated PUD & Related : Case No.
Map Amendment from MU-4 to : 20-27
MU-6, Square 445, Lots 191-
194, 800, 821, 822 :
- - - - - :

Thursday,

May 20, 2021

Video Teleconference

The Regular Public Hearing of Case No. 20-27 by the District of Columbia Zoning Commission convened at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
PETER MAY, COMMISSIONER
MICHAEL G. TURNBULL, Commissioner
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

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OFFICE OF PLANNING STAFF PRESENT:

ANNE FOTHERGILL
JENNIFER STEINGASSER

DISTRICT DEPARTMENT OF TRANSPORTATION

KIMBERLY VACA

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MR. RITTING, ESQ.

The transcript constitutes the minutes from the
Public Hearing held on May 20, 2021

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2 4:00 p.m.

3 CHAIRMAN HOOD: Good afternoon, ladies and gentlemen.
4 We are convening and broadcasting this public hearing by video
5 conferencing. Today's date is May 20, 2021.

6 My name is Anthony Hood. I'm joined by Vice Chair
7 Miller, and Commissioners Shapiro, May, and Turnbull. We're also
8 joined by the Office of Zoning Staff, Ms. Sharon Schellin, our
9 secretary; and Mr. Paul Young, who will be handling all of our
10 virtual operations; and we have joining us, Mr. Ritting (ph), who
11 is from the Office of the Attorney General, our legal counsel. I
12 will ask others to introduce themselves at the appropriate time.

13 The virtual public hearing notice is available on the
14 Office of Zoning's website. This proceeding is being recorded
15 by a court reporter and the platforms used are webcast live via
16 Webex and YouTube Live. The video will be available on the Office
17 of Zoning's website after the hearing.

18 All persons planning to testify should have signed up
19 in advance and will be called by name at the appropriate time.
20 At the time of sign up, all participants will complete the oath
21 or affirmation required by Subtitle Z 48.7. Accordingly, all
22 those listening on Webex or by phone will be muted during the
23 hearing, and only those who have signed up to participate or
24 testify will be unmuted at the appropriate time. When called,
25 please state your name and your home address before providing

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1 your testimony. When you are finished speaking, please mute your
2 audio. If you experience difficulty accessing Webex or with your
3 telephone call-in, or have not signed up, then please call our
4 OZ hotline number at 202-727-5471. If you wish to file written
5 testimony or additional supporting documents during the hearing,
6 then please be prepared to describe and discuss it at the time
7 of your testimony.

8 This hearing will be conducted in accordance with
9 provisions of 11Z, DCMR, Chapter 4 as follows: preliminary
10 matters; the applicant's case, the applicant has up to 60 minutes;
11 report of the Office of Planning and District Department of
12 Transportation; report of other government agencies; the report
13 of the ANC. Testimony of organizations will have five minutes
14 and individuals three minutes. And we will hear in the following
15 order from those in support, opposition, and uncleared, and then
16 we will have rebuttal and closing by the applicant.

17 Ms. Schellin, do we have any preliminary matters? MS.
18 SCHELLIN: Yes, sir. At Exhibit 22, the applicant has filed a
19 waiver of the requirement to have an affidavit of maintenance and
20 an affidavit of posting notarized, and they have filed an
21 affirmation instead, and so would ask the Commission to consider
22 that.

23 CHAIRMAN HOOD: Okay. Commissioners, any objection?
24 Not hearing any.

25 Ms. Schellin, anything else?

1 MS. SCHELLIN: There's a proffered expert, their
2 proffered expert witnesses: Eric Colbert, Jean-Baptiste -- I'm
3 sure I'm going to mess this up -- Lallement, his architects; and
4 Dan VanPelt in transportation. I know Dan VanPelt and Eric
5 Colbert have been accepted before and did not have a chance to
6 check for the other person.

7 CHAIRMAN HOOD: Okay, let's bring -- Mr. Young, let's
8 bring Ms. Prince up because I believe I've heard the name
9 Baptiste.

10 MS. SCHELLIN: Yeah.

11 CHAIRMAN HOOD: She can help us run through this right
12 quick.

13 MS. SCHELLIN: Yeah, I'm going to check.

14 CHAIRMAN HOOD: Good afternoon, Ms. Prince.

15 MS. PRINCE: Good afternoon, Chairman Hood and members
16 of the Commission. Would you like me to start?

17 CHAIRMAN HOOD: We're trying to do expert witnesses at
18 this time, so we know of two. I believe Mr. Baptiste as well.
19 Could you just help us run through that list right quick, please?

20 MS. PRINCE: Sure. Eric Colbert of Eric Colbert and
21 Associates, and Dan VanPelt of Gorove/Slade have both been
22 qualified as experts multiple times by this Commission. Jean-
23 Baptiste Lallement has not been qualified as an expert. His
24 resume is at Exhibit 18C of the record. He's a registered
25 architect who has been in practice for almost 20 years.

1 CHAIRMAN HOOD: So let's do it like this. The first
2 two, Mr. VanPelt and Mr. Colbert. Any objections, Commissioners?

3 (Negative head shake.)

4 CHAIRMAN HOOD: Okay. Let me change my grid here.
5 Okay. No objections.

6 I recognize the name Baptiste, but the last name after
7 that I did not recognize. And who -- Ms. Prince, who are you -
8 - what do you proffer him as?

9 MS. PRINCE: An expert in architecture. He has worked
10 with Eric Colbert for several years and he's a registered
11 architect. He has done many, many of the buildings that you've
12 seen over the years.

13 CHAIRMAN HOOD: How do you pronounce the last name?

14 MS. PRINCE: Lallement.

15 CHAIRMAN HOOD: Lallement. Okay, so Mr. Lallement. Mr.
16 Turnbull.

17 COMMISSIONER TURNBULL: Yeah, Ms. Prince, I am not
18 doubting you, but his resume that you have submitted mentions
19 nothing about being a licensed architect.

20 MS. PRINCE: Oh, I thought I checked it before I
21 submitted it and that he was a registered architect. It is in
22 18C. He's here, if you'd like to hear from him directly.

23 COMMISSIONER TURNBULL: Well, I'm looking at Exhibit
24 No. 28B.

25 MS. PRINCE: I thought it was 18C.

1 COMMISSIONER SHAPIRO: His resume is in both, but 18C
2 is the more full-blown one. No, it is the same one, never mind.

3 CHAIRMAN HOOD: So what I've learned over the weekend,
4 I think being licensed in the District of Columbia, I think is
5 very crucial. I can't remember how we do this, but I did learn
6 that over the weekend. From the Board, I think they -- I don't
7 know if we've ever consulted with the Architectural Board, but I
8 think that that actually is a big deal. So I'm not sure. Mr.
9 Chairman, let me let you finish first.

10 COMMISSIONER TURNBULL: No, I'm just saying, I did not
11 see anything on 28B, if that's the most up to date one that we
12 should be looking at. So he has a master's in architecture, but
13 he's not -- it doesn't say he's licensed or registered in any -
14 -

15 MS. SCHELLIN: It's 18 c.

16 COMMISSIONER MAY: It's in both locations. It's the
17 same resume. And Mr. Turnbull is right, it doesn't show his
18 licensure. So can we just bring him into the meeting and ask him
19 if he's licensed?

20 MS. PRINCE: Yes, he's here. He's ready to talk and
21 if you're unable to qualify him, that's fine. They would still
22 like him to testify along with Eric Colbert.

23 COMMISSIONER MAY: Sure.

24 CHAIRMAN HOOD: So we will hear his testimony, Ms.
25 Prince, I think -- I think. And that's something we need to find

1 out, especially from the Architectural Board here in the city.
2 I think that's -- from what I heard this past weekend, that's
3 actually a big deal. And I think we've been -- I think we've
4 been true to that. I'm not sure.

5 COMMISSIONER MAY: Yes.

6 CHAIRMAN HOOD: Yeah, we have been true to it? Okay,
7 good.

8 COMMISSIONER MAY: I mean maybe not when I first came
9 onto the Commission, which I don't even know what century that
10 was, but I think we that we have been pretty consistent on
11 insisting on licensure, so.

12 CHAIRMAN HOOD: Well, I'm glad to hear that. Ms.
13 Prince, we will hear his testimony.

14 COMMISSIONER MAY: Well, but -- he's on the screen, Mr.
15 Lallement.

16 CHAIRMAN HOOD: Okay.

17 COMMISSIONER MAY: Mr. Lallement, are you licensed in
18 architecture in any jurisdiction?

19 MR. LALLEMENT: Not in Washington, D.C. I am a French
20 architect. (Indiscernible), I think probably ten months ago for
21 a PAD application, in Marquette. Marquette (indiscernible).

22 COMMISSIONER MAY: Did we give you expert status in
23 that meeting?

24 MR. LALLEMENT: Yes.

25 COMMISSIONER MAY: And you say you have a license in

1 France?

2 MR. LALLEMENT: In France. I am not licensed and
3 registered in D.C.; I am not.

4 COMMISSIONER MAY: Okay. I mean, that -- that's
5 acceptable from my perspective. I don't know about you, Mr.
6 Turnbull. I mean, the license -- I don't know anything about
7 licensure requirements in France, but I have to believe they're
8 similarly rigorous to what Mr. Turnbull and I had to undergo to
9 get our licenses. I don't know. Mr. Turnbull?

10 COMMISSIONER TURNBULL: Commissioner May, since you
11 know and worked with L'Enfant, I'll take your word as good, so.

12 (Laughter.)

13 COMMISSIONER MAY: By the way, I understand he went by
14 the name Peter, not Pierre.

15 COMMISSIONER SHAPIRO: I did not know that.

16 CHAIRMAN HOOD: Okay.

17 COMMISSIONER MAY: I've read it. I've got a biography,
18 so.

19 COMMISSIONER SHAPIRO: I have no objection, Mr. Chair.
20 I'll follow with Commissioner May and Commissioner Turnbull's
21 lead.

22 CHAIRMAN HOOD: Okay. Ms. Schellin, I do want to check
23 in with the Architectural Board because I got nervous when I
24 heard the (audio interference). But Mr. -- I want to pronounce
25 it -- let me try to get that down.

1 COMMISSIONER MAY: Mr. Chair.

2 CHAIRMAN HOOD: Mr. Lallement, we will give you expert
3 status. Mr. Shapiro.

4 MR. LALLEMENT: Thank you.

5 COMMISSIONER SHAPIRO: The first time you pronounced
6 his name, you got it exactly correct.

7 CHAIRMAN HOOD: So what are you saying? The second
8 time, I messed it up?

9 COMMISSIONER SHAPIRO: Yeah, you did.

10 CHAIRMAN HOOD: Okay. Well, I won't pronounce it again.
11 I'll just call him JB; is that okay?

12 COMMISSIONER TURNBULL: The only think I would just
13 recommend, that in the future, when you are you're submitting
14 your resume, you might put licensed in France.

15 MR. LALLEMENT: Yeah, I apologize. I thought I did,
16 so.

17 CHAIRMAN HOOD: Okay, that probably won't be long in
18 the hearing, but anyway, let's -- anything else, Ms. Schellin?

19 MS. SCHELLIN: Let's see. Sorry, I was just going back
20 to the expert list. Everything else looks good from OP. Tonight,
21 we have Ms. Fothergill and Ms. Steingasser, and from DDOT, we
22 have Ms. Vacca.

23 CHAIRMAN HOOD: Okay. I thought we had a total of
24 four. Ms. Prince, did we cover everybody?

25 MS. PRINCE: Yes, we did.

1 CHAIRMAN HOOD: All right. With that, Ms. Prince, we
2 will turn it over to you, you may begin.

3 MS. PRINCE: Good afternoon, Chairman Hood, and
4 members of the Commission. I'm Allison Prince with Goulston and
5 Storrs on behalf of the Applicant, High Street District
6 Development. Also attending with me is Jen Logan of Goulston and
7 Storrs, and Eric Colbert as we discussed, JB Lallement, and also,
8 Dan VanPelt. Testifying on behalf of the applicant is Rich
9 McPhillips from Trammell Crow Company.

10 The project tonight involves an opportunity to fill a
11 prominent corner (audio interference) just two blocks from the
12 convention center with a well-designed, mixed-use building that
13 will provide approximately 223 apartments, 29 of which will be
14 affordable and ground-floor retail. The project will offer three
15 different levels of affordability, including some deeply
16 affordable units. It will also offer a higher proportion of two-
17 bedroom affordable units than market rate.

18 Finally, there will be no affordable unit on the lowest
19 level of the building.

20 Two lots that are part of the project site are subject
21 to affordability covenants that require the provision of deeply
22 affordable units. And we note that only through the PUD process
23 would it be likely for these units to actually be developed. And
24 the affordability constraints associated with these two small
25 lots are great enough that it's very unlikely they would have

1 ever been developed independently.

2 The site has been vacant, possibly since the riots in
3 1968. And as you'll hear from some of the neighbors on Marion
4 Street, the condition of the site has detracted greatly from
5 their living experience over the years. The applicant has
6 recently taken control of the site for a ground lease, but up
7 until now it has not had control over the property.

8 The request is straightforward. We seek rezoning of
9 the site from MU4 to MU6. The majority of the site has a future
10 land use map designation of medium density residential and medium
11 density commercial. However, the easternmost portion of the map
12 is in the moderate density residential zone. The western portion
13 of the building -- I'm sorry, the eastern portion of the building
14 has been reduced to only 43 feet in height along Marion Street
15 in direct response to this Commission's concern about the
16 moderate density designation and the building's relationship to
17 Marion Street. And as we described in our prehearing submissions
18 to the Commission, the applicant believes that the project is
19 overall not inconsistent with the comprehensive plan, but we do
20 acknowledge and respect the Commission's views on the matter of
21 density designation and that's why we made the change that we
22 did. I should note that the Marion Street neighbors seem quite
23 appreciative of the scale of the project on Marion Street as a
24 result of the changes that you recommended.

25 As Rich McPhillips will explain, the level of community

1 outreach for this project has been strong and consistent for
2 almost one year despite the constraints of the pandemic. The
3 focus has been on understanding the community's concerns,
4 interests, and needs. Some of the Marion neighbors have been in
5 their homes for over a decade, and they know their neighborhood
6 better than we do.

7 I was particularly touched to talk with a neighbor who
8 painted a mural on a retaining wall at our site and installed a
9 planning strip along the retaining wall just so we'd have
10 something better to look at during the pendency of this project.
11 They're incredibly invested in the neighborhood, and they were
12 actively involved in this process. The lots that are devoted to
13 use by City Blossoms create effectively a mini park on the block,
14 which is also quite nice.

15 I will allow the architects to present the design but
16 suffice it to say that the combination of the step downs for
17 Marion and the alley, the setback from the alley, combined with
18 the design of the eastern facade, allow the building to really
19 blend well into the Marion Street side.

20 We request -- we've already talked about getting JB to
21 be an expert. And if you have no questions, I'd like to proceed
22 with our first witness, Rich McPhillips. He is a senior vice
23 present at Trammell Crow.

24 CHAIRMAN HOOD: Ms. Prince?

25 MS. PRINCE: Yes, Chairman Hood.

1 CHAIRMAN HOOD: Let me just interrupt. I was so focused
2 on JB -- I did not mention something I should have mentioned in
3 the very beginning, so just indulge me.

4 MS. PRINCE: Sure.

5 CHAIRMAN HOOD: Tonight -- and this is for the public
6 -- the Zoning Commission case tonight is 20-27. The applicant
7 is High Street District Development, Inc., submitted a request
8 for consolidated plan and development and related map -- zoning
9 map amendment for the properties located at 631 P Street
10 Northwest; 1501 through 1503 7th Street Northwest; 1525 7th
11 Northwest; 1507 7th Street Northwest; 1509 7th Street Northwest;
12 1511 7th Street Northwest; and 1513 7th Street Northwest; Square
13 445; Lots 191-194, 800, 821, and 822; to construct a mixed-use
14 building with 230 units. That's the subject of tonight's hearing
15 and I apologize to the public. I meant to do that, but it got
16 lost in my file. And excuse me -- pardon me, Ms. Prince, you
17 all may continue.

18 MS. PRINCE: I'd like to proceed with the testimony of
19 Rich McPhillips from -- he's a senior vice president with the
20 Trammell Crow Company.

21 MR. McPHILLIPS: Thank you.

22 Good afternoon, Chairperson Hood, and members of the
23 Commission. My name is Rich McPhillips and I'm with the
24 applicant, High Street District Development. And thank you for
25 taking the time this afternoon to hear our application.

1 First, I would like to give you a quick background
2 about the applicant and history of the project. The applicant
3 is a subsidiary of Trammell Crow Company and we focus on mixed-
4 use, pedestrian-oriented projects. We have extensive experience
5 with residential development in the District and have made a
6 significant contribution to IZ and affordable units in the city
7 through our developments. Specifically, we are currently under
8 lease up or under construction of 100 IZ units total amongst our
9 Saint Matthew's PUD project, our Central Armature PUD project,
10 and a by-right development at 2607 Reed Street.

11 Turning to the project site, where currently the ground
12 lease of the majority of the (audio interference) site and we're
13 also the contract purchaser for the northern portion of the site,
14 which includes a barbershop that is currently located there. We
15 started working with the owner of the ground lease portion of the
16 site back in March of 2018, and after working with this owner,
17 we determined that the site could be further improved by adding
18 in the northern barbershop parcel, so we subsequently put that
19 parcel under contract to be purchased and included into the
20 development. Prior to our involvement with the development site,
21 as Allison mentioned, it was subject to title litigation, which
22 complicated the potential development of the site. Also, two
23 lots that are part of the site are encumbered by affordability
24 covenants that require provision of deeply affordable units,
25 which further complicates development options for the site.

1 The current market conditions also pose challenges to
2 new development on the site. As you all know, the number of PUDs
3 moving forward has been decreasing and the market disruption
4 caused by the pandemic has introduced uncertainty that has
5 further hindered development, especially in urban environments.
6 Also, the current decline in rents and a rise in prices of
7 construction materials have further complicated the development
8 landscape. Yet despite these complexities and uncertain
9 conditions, we are dedicated to moving forward with this project.
10 The site is currently in poor condition and it attracts crime.
11 We are confident that the project will transform this underserved
12 and rundown corner into a vibrant and well-designed building
13 located close to transit and with this PUD approval, we will plan
14 to immediately begin work on drafting our construction document.

15 We have conducted extensive outreach to the community
16 and neighbors throughout the development process. We have made
17 multiple presentations to ANC 6E and have been in communication
18 with their SMD Commissioner.

19 We began grassroots outreach to the neighbors almost a
20 year ago, and despite the coronavirus, we were able to engage
21 with multiple neighbors by meeting outdoors and through Zoom
22 meetings. We undertook consistent outreach over the past year,
23 including direct -- including a direct mail outreach to Marion
24 Street residents to ensure that they had an opportunity to discuss
25 any concerns or questions about the project with us. We have

1 also been engaged with the following community groups: Shaw Main
2 Street, City Blossoms, Friends of Kennedy Playground, New
3 Endeavors by Women, and Citizens Organized Patrol Efforts. We
4 understood through these discussions that these groups -- with
5 these groups that the best way to be supportive of their missions
6 and the community was through grants which will be used by the
7 various groups to purchase materials, support, programming, and
8 support community art. Our financial commitment to these groups
9 totals 145,000 dollars.

10 As a part of the project, we are proffering substantial
11 public benefits and amenities. Most significantly, the project
12 will include approximately 19 IZ units, which is greater than
13 required. Additionally, the proportion of two- bedroom IZ units
14 will be larger than the proportion of two- bedroom market rate
15 units. Furthermore, this PUD will enable the creation of a
16 financially viable project that is large enough to unlock and
17 support the provision of the deeply affordable units required by
18 the affordability covenants. Without a PUD, the development of
19 the deeply affordable units will likely be financially
20 infeasible.

21 In addition to the affordable units, the project will
22 introduce almost 200 units of market rate housing and will include
23 superior urban design and architecture. Additional public
24 benefits and amenities include public art along P Street and
25 retail along 7th Street.

1 The project will meet the LEED Gold standard and will
2 include solar panels. Utilities serving the common areas will
3 be supplied by the solar panels, offsetting the common area
4 maintenance costs for the tenant.

5 Finally, it is our intent to bring back the barbershop
6 as a retail tenant into the project. We will provide relocation
7 assistance to the owner of the barbershop during the construction
8 of the project and have offered the owner the option to use the
9 retail space in the project once it is constructed at reduced
10 rent for several years.

11 So in summary, we are excited about this project. We're
12 excited that after years of the site deteriorating and complex
13 title litigation, we have an opportunity to take control of the
14 site and move forward with this high-quality project, a project
15 that will provide much needed affordable housing and transform a
16 currently rundown corner into a well-designed and high-quality
17 development. And with that, I will turn it over to our project
18 architect to walk you through the proposed plans. JB?

19 MR. COLBERT: Actually, I wanted to say a brief
20 statement. This is Eric Colbert. Good afternoon, Mr. Chairman
21 Hood, and members of the Commission.

22 My name is Eric Colbert with Eric Colbert and
23 Associates Architects. And I just want to say a brief statement.
24 I'm going to let JB fill you in on the details, but I think that
25 the reason we have overwhelming community support has to do with

1 the fact that this long, unused land has become like a nuisance
2 in the neighborhood and for the people that are living directly
3 near there.

4 Based on the Commission's comments, we created
5 significant further setbacks along Marion Street as requested,
6 and we lowered the portion facing Marion Street one floor to be
7 less than the matter of right permitted height. Our plans are
8 consistent with the Convention Center Area Strategic Development
9 Plan. And as Rich mentioned, we have allocated space for public
10 sculpture on the eastern portion of our P Street property
11 development.

12 We changed the color of the penthouse. We made it a
13 little darker to respond to other Commissioners' comments.

14 Our affordable housing program is significantly greater
15 than other recent PUDs that my firm has been involved with and
16 we adjusted our signage proposal based on the Commission's
17 comments. And we also, in terms of architectural modifications,
18 we made changes to the facade at the corner of 7th and P Street
19 so there was less glass per the Commission's comments.

20 You will also notice that we have a slight increase in
21 lot occupancy, and that's due to the fact that we put a roof over
22 the drive going to the garage entrance where we have a green
23 roof. We will have a green roof in that location. And JB, if
24 you'd like to show the documents, that would be great, please.

25 MR. LALLEMENT: Good afternoon. You can start the

1 slide. So my name is JB Lallement, and the project is the design
2 architect on this project. I'm working with Eric Colbert for over
3 15 years. If we could potentially start the slide show.

4 So we are proposing a mixed-use building, over 7,000
5 square feet of retail on the ground floor, 423 units, 56 parking
6 spaces.

7 If you can go to the next page, please.

8 So I wanted you to clarify some of the special exception
9 we actually used to ask really for, but we are not asking really
10 for anymore. We used to ask relief for a side yard requirement
11 and for the (audio interference). Now, we increased the setback
12 along Marion Street. The balcony do not encroach into the court
13 anymore, so we do not seek relief for the court there. And as
14 we are providing side back as well along the alley on the north
15 side of the building, we got confirmation from the zoning
16 administrator that actually setback meets the side yard
17 requirements. So we are not seeking a relief for the side yard
18 as well.

19 We also used to be required -- a variance for the
20 maximum driveway; a great change for the ramp going to the garage,
21 which we do not seek a variance anymore. Now we are covering
22 the driveway, which will restrict use. So by doing so, we also
23 are increasing our lot occupancy on the ground floor. So you
24 can see actually our first really zoning relief requesting, it
25 is for the lot occupancy on the ground floor, which is retail

1 from the previous design. We show you (audio interference) to
2 the roof structure. And our second and last relief we are asking
3 for, in terms of zoning, is for the penthouse, mostly due to the
4 fact that we are incorporating the (audio interference) room and
5 some small storage room adjacent to the staircase at the
6 penthouse. And we should use that in a (audio interference) to
7 the floor plan.

8 If you can go to the next slide, please.

9 So as Rich mentioned earlier, we are committing to a
10 legal certification on this project and additionally, we are
11 locating some solar panels at the rooftop and this will help us
12 to offset some of the utility expenses in the building.

13 Can you go to the next slide, please?

14 So as you all know, the site pretty well, located on
15 the north side of P Street between Marion and 7th Street. This
16 has been a hole in the urban fabric for over 50 years. And we
17 are all aware of the changes being tied between low density,
18 (audio interference) National Street as Marion on the east side
19 and the west Side, higher density and more commercial. So we
20 hope that we are responding to this challenge with the appropriate
21 design.

22 If it can go to the next slide, please.

23 (Audio interference), as Rich mentioned, we have over
24 7,000 square feet of retail, mostly located in the southwest
25 corner along P Street and turning the corner on 7th Street, all

1 the way to the north. You can see actually on what used to be,
2 on what is parcel 194, is the barbershop, we are providing them
3 with space, the same location, similar sites on the north side
4 of 7th Street. We are asking for a bit of flexibility, not
5 knowing what the retail market is going to look like in the next
6 couple of years. We might have some -- what you are calling --
7 between the lobby and the main retail space in between space that
8 could go to retail or could be potentially -- be part of the
9 amenity spaces for the residents of this building. But when you
10 look at the building, you can see on the west side is mostly
11 commercial. On the east side is (audio interference) along Marion
12 and P Street.

13 What I wanted to highlight on this floor plan, it's a
14 way of breaking up the residential component on the east side
15 into smaller elements into the floor plan as well by creating
16 some recesses on Marion Street, where we put some stoops on the
17 ground floor and some recessed balcony on floor -- from second
18 to the fourth floor, try to break up this facade in smaller
19 elements while very similar in scale, height, and width, as in
20 many of the building you find along Marion Street. We are doing
21 actually a different strategy, but pretty much with the same
22 effect along P Streets where instead of recessing some balconies,
23 we are actually doing big projection with the same proportion
24 along P Street on the east side. And this big projection respond
25 very well to the tunnels as you find further east on P Street.

1 Adjacent to each one of these big projection on P street, you
2 can see we have some landscape where we intend to locate some
3 artist installation for the public there and we worked very
4 closely with some of our partners. And we should show Main Street
5 a group to determine which type of artist and installation that
6 goes there.

7 On the left side is (audio interference) access
8 directly from Marion Street. We provide the setback directly
9 from the ground floor where we push back our building (audio
10 interference) feet just on the ground floor there allowing a bit
11 of traffic and allowing to try to get into our loading and trash
12 to go through, you know, in the way of the building. As you can
13 see, our trash and loading area is very recessed so it is not
14 going to be visible at all for Marion Street. It is actually
15 hidden behind the bulk of the building. For the waste (audio
16 interference), you can see the ramp that we are covering which
17 restrict you and we show you that that you can see the street
18 view on the next floor plan.

19 I think we can go to the next slide, please.

20 So on the topic of floor above, you can see the roof
21 structure above the ramp which creates (audio interference) on
22 lot occupancy on the ground floor, but I want to highlight we
23 actually asked to make sure that we complied, which we do on the
24 setback we are providing as well on the first to the fifth floor,
25 we are providing a ten-foot set back on the north of the alley.

1 Starting on the fifth floor, we are actually providing an
2 additional set back on the north side of ten feet for a total of
3 close of 20 feet on the north side. And we start introducing
4 our first setback on Marion Street of 15-foot setback from 5th
5 to 7th.

6 Then -- if you can go to the next slide, please.

7 And then on the floor above, the eighth and ninth floor,
8 we introduce a second setback for Marion Street, for a total of
9 30 feet. And then you can go -- you can see your penthouse,
10 which is also a setback, one-to-one. Going to the penthouse,
11 quick overlook. You can see we have two zone in the penthouse.
12 We still have the residential zone. We have a few residential
13 units. Facing east, these units are mostly surrounded with
14 landscape green roof. We anticipate having a lot of green roof
15 as well in each one of the setbacks on the east side and the
16 minimum outdoor spaces only for residential unit for (audio
17 interference) as a penthouse. On the west side of the penthouse
18 is where we locate amenity spaces, indoor and outdoor amenity
19 spaces for the residents of this building. We have a swimming
20 pool on the far southwest corner. And I want to highlight, just
21 on top of the swimming pool, you can see the staircase enclosure
22 there. And I think the big challenge is why we ask for relief
23 there, is because we are attaching to this staircase, a pool
24 room, and a storage room for the pool equipment. And by doing
25 so, we trigger (audio interference) some (audio interference) for

1 the penthouse requirement, which we are hoping that you can grant
2 us relief. I think the (audio interference) a facilitator (audio
3 interference) and all the system for the pool. So you can see
4 most of the bulk of them is really located to the southwest
5 corner.

6 We can go to the next slide, please.

7 So overall this diagram shows best the setback, but you
8 actually have a similar diagram that I forgot to include, but on
9 the other side, where we are sitting back to your setback along
10 Marion Street, (audio interference) fifth floor, 15-foot setback,
11 and then an additional 15 foot for a total of 30-foot setback at
12 the 7th floor.

13 Next slide, please.

14 So this is a view what you're going to see from Marion,
15 the south side of Marion, close to the P Street intersection
16 looking north, and you can see these three elements of the facade
17 of the composition of the facade, really mostly due to the
18 recesses we are creating through these tubes as a ground floor
19 and the recessed balconies above. We have this (audio
20 interference) element, which is mostly masonry, brick, we have
21 selected red brick. We used a metal panel between the windows.
22 And you can see we are going to play with the brick pattern,
23 having different brick pattern between windows, some nice brick
24 bands, really similar to what we find in more historic
25 architecture you find along Marion Street. We actually finished

1 the top of the 4th floor with a nice color (audio interference)
2 would be the same composite metal panels that you find between
3 the windows.

4 If you can go to next -- actually, what you can see as
5 well in this slide, is a setback on the north side of the
6 building, set back 20 feet from the property line. So you can
7 see on the fourth floor the massive bulk of the building is just
8 stop moving south into the (audio interference).

9 Next slide, please.

10 So here you can see the stoops. We are actually
11 responding to the stoops we found (audio interference) Marion
12 Street and you can see what is the depth of the balcony and also
13 successfully breaking up the mass of the building there.

14 Next slide.

15 So once again, we are carrying the same system façade
16 along P Street all the way to the main entrance to the building,
17 which is pretty much located, you know, on the middle west side
18 of P Street. (Audio interference), it is very simple. We just
19 have to connect the main artery of the residential part of the
20 building with a nice canopy, small signage, and try to open up a
21 little bit more glazing at the ground floor to welcome residents
22 into the building. You can see adjacent actually, there will
23 also be a projection. You can see the landscape buffer we are
24 creating which in this rendering we wanted to create some
25 transparency to showcase architecture, but we see like a nice

1 landscape buffer to give some privacy to the residents. We also
2 think it's going to be a perfect location for art installation
3 for this space.

4 I want to highlight, you can see on the top of the
5 building and further the west, the (audio interference) of
6 balconies. We do believe that, well, first of all, they are
7 going to provide very nice outdoor spaces for the residents of
8 this building, but it is this main facade as well as the west
9 facade are going to get a lot of direct sunlight. So it's going
10 to be filtering and breaking up the direct sunlight for the
11 residents below the balconies. (Audio interference) so it will
12 have a dual impact on the facade, creating a lot of depth and
13 shadowing into the facade.

14 If you can go to the next slide, please.

15 I wanted to show this perspective. We worked very
16 closely. We heard the comment of this corner being a little bit
17 too glassy. We are at the southwest corner of the building along
18 7th and P. So we changed, revised the design to be more like a
19 (audio interference) window, very similar to what you have
20 throughout the building. You can see the same articulation with
21 balconies. We just kind of break up the sunlight and (audio
22 interference) on the southwest corner as well to create some very
23 nice shadow line. The (audio interference) only start at the
24 second floor and leaves the ground floor retail pretty much the
25 opportunity to accommodate any type of retail -- retailers there,

1 we think, you know, it's a great location and being a corner
2 piece, it's going to be a give you a lot of opportunities. The
3 (audio interference) store front is typical store front with a
4 nice signage band just above the store front for the visitors to
5 use.

6 Next slide.

7 So the penthouse once again, a few elements I wanted
8 to highlight on the penthouse. So you can see on the east side,
9 almost the green roof and the (audio interference) unit on the
10 top floor and green roof on each one of the setbacks. We actually
11 -- you can see on the (audio interference) first screen of the
12 penthouse, of the main penthouse, a series of solar panels that
13 are going to be integrated into a screen, a mechanical screen
14 wall there. It is actually perfect (audio interference). Even
15 so, it doesn't really impact our green roof, so it give an easy
16 access for maintenance. This penthouse have small area. It was
17 very challenging to find a very efficient location for solar
18 panels and we believe that this would be very successful and very
19 easy to access and maintain and provide safety for everyone to
20 maintain it.

21 Once again, I want to highlight our penthouse relief
22 request we are doing for this (audio interference) closure on the
23 north side of the penthouse. We also decided to not get all the
24 way to the 20 feet for the staircase enclosure as we don't need
25 to, so we're creating a third height for the penthouse at 15

1 feet.

2 Next slides.

3 Going through quickly with the materials starting from
4 the bottom left picture, we talked about the red brick with some
5 nice articulation with different type of brick pattern, some nice
6 horizontal elements made out of brick. We have the middle panel
7 between windows. If you go to the match and to the zoom on the
8 upper left, you can see the cornice element again will be made
9 of the same metal panel, same color as the windows system will
10 really blend in very well. On the upper floor, we have a two
11 tier. We have the two-tier setbacks, so we have the fifth to
12 the seventh floor which would be a darker brick, so it will give
13 you a nice section of the facade with some architectural panels
14 between windows, very subtle, which is going to be a very similar
15 color to the red brick below. And then we go to the top two
16 floors. If you look at the image, the top image to the right,
17 the top two floors, mostly (audio interference) windows, which
18 are exactly the same proportion as the floor below. But we don't
19 have to use a brick, we will have a lighter material. We plan
20 to use a metal panel (audio interference) towards the building
21 at the top floor. And the bottom right image is zooming to the
22 bay projection on 7th Street, which is going to be mostly made
23 out of a metal panel and (audio interference) windows. We are
24 planning to use a similar architectural panel, a dark one for the
25 penthouse to respond to the Commission.

1 Next, please.

2 So I wanted to go through quickly through all our retail
3 signage strategy throughout the building. This (audio
4 interference) placement (audio interference) for signage (audio
5 interference), the size of the sign. So an example, if you look
6 at the south elevation, if you look at the entry to the (audio
7 interference) building (audio interference), we really like to
8 have the opportunity to look at the sign on the canopy. It
9 doesn't mean the sign will be the full width of the canopy. We
10 just want to have the opportunity as a canopy area. So not
11 knowing yet the name of the building, if you go with an address,
12 we'll have to get to a little bit of flexibility there. If you
13 can see at the west side on (audio interference) on the south on
14 the south elevation, we have a brick (audio interference) going
15 to the ground. We think it could be a nice opportunity to put a
16 very subtle sign here for the name of the building. So it's what
17 you see orange. As for the blue, is what we think would be a
18 sign for the retail, which is pretty standard. Just above the
19 store fronts, we have a band which would be an opportunity for
20 signage for retail. And once again, the alley should be kept on
21 east elevation, there was enough elevation just basic sign to
22 indicate a loading area and the parking garage access. And that's
23 it for me. Thank you.

24 MS. PRINCE: Does the Commission have questions for
25 Peter or (audio interference)?

1 CHAIRMAN HOOD: Mr. Prince, we will probably ask our
2 questions once you all finish your whole presentation.

3 MS. PRINCE: All right. We have Dan VanPelt here to
4 testify on traffic issues, but they're pretty minimal for this
5 application, so if we can just simply have him available for
6 questions, if you'd prefer that.

7 CHAIRMAN HOOD: Okay, that's fine. Are you now
8 complete, Ms. Prince?

9 MS. PRINCE: That concludes our presentation.

10 CHAIRMAN HOOD: Okay. I want to thank you for your
11 presentation and I really -- I looked at some of the highlights
12 that you had. You've definitely done your homework on the
13 Commission, when I saw solar panels and balconies and some other
14 things, signage area, so I'll see what the response is, but I
15 really appreciate the outreach. And what I really liked was when
16 I saw 30 and 40 and 50 percent of MFI, so some of those nature
17 things. So anyway, let me open it up, see if we have any questions
18 or comments. Commissioner May?

19 COMMISSIOENR MAY: Yeah, I'll try to be brief. It's
20 always a struggle.

21 So first of all, I would just echo the chairman's
22 comments. I appreciate all that you've done in response to the
23 Commission's earlier comments and set down. It seems like you
24 were really trying to hit all the bases. And certainly, I
25 especially appreciate the changes that were made to the design

1 from what we first saw in how you are treating Marion Street.

2 I also appreciate having received many letters of support
3 from people who live on that block and who will be looking
4 directly at this building, because that was the one thing I was
5 most concerned about, knowing the nature of Marion Street,
6 knowing how small a street it is and what an impact a building
7 like this could have.

8 Let me ask -- I mean, I think we talked specifically
9 about making sure that somebody was like going out and knocking
10 on the doors of all the houses on Marion Street. And I'm
11 wondering if you could talk a little bit to that effort, because
12 we certainly do have letters in the record in support, and that's
13 helpful. But I'm wondering, did you actually go out and try to
14 talk to everybody? And, you know, was everybody either in support
15 or don't care, or did you find some people who are concerned
16 about the height of the building?

17 MS. PRINCE: Rich is really the best person to address
18 that. Rich, if you want to explain your outreach.

19 COMMISSIONER May: You're muted.

20 MR. McPHILLIPS: Apologies. So, yes, starting since
21 last summer, we began an outreach during the depths of COVID,
22 where we were obviously sent out the official notification to
23 property owners within 200 feet. We had some responses from
24 that. And then through those responses, we worked with those
25 neighbors, to connect with others, anyone that they have heard

1 of who had any concerns. And we began with conducting Zoom
2 meetings to talk through the project and work through the details
3 of the design. As the development process moved forward, we
4 continued to do that, the continued outreach through various
5 channels. And we also sent out -- to make sure that we get
6 everyone because you can't just reach everyone during the day
7 knocking on doors -- we sent out letters to all the property
8 owners surrounding -- a personal letter to all the property owners
9 surrounding the site. And we have not received any concerns,
10 certainly none that I know of about the project and all the
11 neighbors that we have spoken to have spoken to us, have expressed
12 support for the project. And I continue to stress to everyone
13 that we spoke to on Marion Street that if you hear any concerns
14 about anyone, we're happy to meet with anyone to talk through the
15 details of the project.

16 COMMISSIONER MAY: Okay. All right, well, I do
17 appreciate that, and it sounds like you actually did go out and
18 try to knock on doors and reach everybody on Marion Street. I
19 think I was -- that was sort of embedded in your response, but
20 you actually did go out and try to knock on the door.

21 MR. McPHILLIPS: I will state that I technically did
22 not go to every door and knock on them, I did not. Like I said,
23 during the depths of COVID, you know, showing up with a mask
24 would freak people out, we made a decision. So we sent letters
25 to everyone instead.

1 MS. PRINCE: And I can just add, we were very in the
2 letter effort. There were 30 letters sent to Marion Street
3 neighbors, many of them acknowledged having received them, and
4 15 additional letters to a condominium building. We thought that
5 was really the most effective way to reach out during COVID on
6 top of all the ANC meetings and other meetings.

7 COMMISSIONER MAY: Right. Well, I'm glad to hear it.
8 I do find it a little bit surprising that you haven't heard from
9 anybody who had concerns about it, but I guess I should not just
10 be a pessimist all the time and accept the fact that you did do
11 the outreach and got to everyone.

12 So I do have a couple of smaller questions about the
13 materials because I'm just a little bit confused. If we can go
14 to the slide with the -- sort of the four elevations, with the
15 call outs with materials. There we go. Yeah, that one. So I
16 mean, I had that blown up there on my other screen here.

17 I heard reference to two different brick, I think, you
18 know, one color and then a darker color brick. And I'm trying
19 to understand better where that would be, because I'm seeing one
20 color brick and then I'm seeing a darker color of something that
21 I would think would be brick, but it's actually labeled
22 architectural panel. Maybe I'm just misreading how these are
23 done. You have like a reddish brick and then almost a black.

24 MR. LALLEMENT: Could we go to page 19, please? I did
25 provide a material sample of both. Here we go. So I think if

1 we can zoom into one of the (audio interference) of one at the
2 bottom left. So you can see -- so that we definitely, you know,
3 you understood it. It's the first and fourth floor, and I think
4 before so -- so at the first setback, we intend to use this darker
5 brick as we think it is going to bring some nice texture to the
6 building. And then, with the second setback, we transition to a
7 composite metal panel. It's a great panel. You see --

8 COMMISSIONER MAY: I really appreciate that because I
9 -- well, 1st of all, I did not know to look for your material
10 panel in the middle of the Gorove/Slade section of the
11 presentation. That's pretty much a good way to make sure I don't
12 find it. And it was also -- I didn't see it in the earlier
13 architectural drawings, submissions, or what I saw didn't was not
14 as clear as this. So I appreciate seeing this. You have
15 a metal guardrail on all of the balconies and then a glass rail
16 only on the roof; is that right?

17 MR. LALLEMENT: Correct. Because we think there's a
18 nice view of the rooftop. We would like to -- in order to capture
19 the view best and to minimize the perception of height of the
20 building, use glass (audio interference) just at the west corner.

21 COMMISSIONER MAY: Okay. Yeah, I don't buy any of that
22 stuff, but I don't really care. You're meeting the setbacks, so
23 it doesn't really matter. Even on the rooftop, to me, it feels
24 solid.

25 But that that's not really the concern that I have.

1 And it's -- I can't say I think this is a concern, but I'm just
2 -- I'm curious. There seems to be a pattern to the metal balcony
3 guard -- guardrail section. Do you have a close-up image of
4 that, or is it just these smaller images?

5 MR. LALLEMENT: We don't. Yeah, we --

6 COMMISSIONER MAY: Do you have anything in particular
7 in mind?

8 MR. LALLEMENT: No, we don't. The idea is really for
9 the railing to match the color of the windows and I think is what
10 we want to be consistent in terms of colors. So it is going to
11 be an aluminum post rail system and to match the color of the
12 windows, which will match as well the color of the metal panel.

13 COMMISSIONER MAY: Okay, so, yeah. I mean, the color
14 makes sense. It's the pattern that I find very distracting. It
15 looks, you know, almost, "chainlinky" or expanded metal lathe,
16 you know. It's just -- and it's (audio interference) largely the
17 image.

18 MR. LALLEMENT: I apologize. It might be an
19 illustration issue. It is not our intent. Our intent is post
20 and (audio interference) panel, but we want some things that
21 respond to the architecture -- the overall architecture for sure.

22 COMMISSIONER MAY: Right. I would -- I think it would
23 be very good to see. I mean, this is going to be a two- decision
24 case, so even if we took action immediately, there's an
25 opportunity to see, you know, get an additional submission. And

1 I would be very interested in knowing what you are looking at
2 for those guardrails to know what kind of patterns you're thinking
3 about. Because, I mean, when I look at this facade, I think
4 overall it's very good and well composed and a good assortment
5 of materials and colors and very coherent. But then I see that
6 that guardrail area and it just sort of like, it throws me off.
7 There's something that doesn't seem to match up with the rest of
8 it. And again, it may just be in the rendering, given the scale
9 of what we're looking at, or it may not be something that, you
10 know, this may not be the thing you're thinking about at the
11 moment. Seeing what you are considering, I think would be
12 helpful. And I don't know that I necessarily would want to bind
13 you to something that you are submitting if you still need to be
14 thinking about it. But knowing what you're thinking about. And,
15 of course, if you have decided on something, seeing that up close
16 would be good. You can do something really great with those
17 kinds of rails that contribute to the architecture of the
18 building. And yeah, I mean, I think that's -- I'm hoping that
19 that's what you're you are heading for.

20 MR. COLBERT: We'll be glad to provide you with more
21 detail.

22 COMMISSIONER MAY: Okay, that would be great.

23 MR. LALLEMENT: My apologies.

24 COMMISSIONER MAY: Thank you. Yeah. So can we go can
25 we go back to the other version, Paul, that has the four images

1 that are noted. There we go, that one. So can you just I mean
2 -- I know that I can identify where the image is in the lower
3 left corner, but the other ones, I don't know where they are.
4 And I could probably figure it out if I studied it really hard,
5 but I'm very tired and I can't figure it out.

6 MR. LALLEMENT: So the lower left, we've seen the main
7 entry to the (audio interference) building above. Actually, it's
8 the same location just in the upper floor. So it's along P Street
9 and you can see -- you can capture the fourth floor, fifth, seven,
10 eight, nine. So you see the transition from the big projection
11 in red brick to the darker brick in the background and the top
12 two floors. Going to the right, it is actually moving, I would
13 say, 50 feet west of this. So it's where we are. You can see
14 where the glass balcony at the southwest corner. We have brick
15 pier elements on the west side, and we have same, it is kind of
16 overlapping with the image to the left. And the bottom right is
17 actually along 7th Street at the (audio interference) projection,
18 where we change -- we used to be more glassy, but we changed it
19 to punched windows with composite metal panel.

20 COMMISSIONER MAY: All right. Great. Do we have --
21 we don't have an enlarged elevation of the north side, right?

22 MR. LALLEMENT: We did provide the far side elevation
23 and the application --

24 COMMISSIONER MAY: The slide that has the building
25 signage, I think shows it.

1 MR. LALLEMENT: Correct, they do as well.

2 COMMISSIONER MAY: Yeah, but it's a little hard to --
3 without seeing it, it is a little hard to tell what's going on
4 there. Could you just sort of explain the strategy on the north
5 side?

6 MR. LALLEMENT: So on the north side actually we carry
7 out the dock -- the brick (indiscernible) and the language of
8 the -- so pretty much the language you find on the west side and
9 the fifth to seventh floor carry all the way to the back. So
10 it's got to be mostly masonry. We should (indiscernible) punched
11 windows and the same architectural panel accent between the
12 windows.

13 COMMISSIONER MAY: Right. Okay. And there isn't really
14 any change in the design or quality, you are just sort of carrying
15 that thing all the way over (indiscernible).

16 MR. LALLEMENT: No. The only change we are doing to
17 the back side is to -- with the exception of the setback along
18 the alley, the rest is actually the same facade system throughout
19 the (indiscernible) facade.

20 COMMISSIONER MAY: Okay. And then on the 7th Street
21 section of the north elevation, there's a large area that does
22 not have any windows. I assume that's because it's abutting what
23 will eventually be built up as opposed to being built
24 (indiscernible).

25 MR. LALLEMENT: Correct. So there are (indiscernible)

1 windows and then they close to the adjacent roof, so we are
2 providing a buffer and (indiscernible) providing windows
3 (indiscernible), I forget, I think it's 35, 40 feet above the
4 roof.

5 COMMISSIONER MAY: Yeah. I mean, if I'm looking at the
6 -- can we go back one slide, I think, to number 15? No, maybe
7 it's forward. There we go. And Paul, can you zoom in on the
8 upper left image? Thank you. So, yeah, we can start to see it
9 there. So we're seeing this nine square grid treatment and then
10 there are only -- there two stories of windows above it. Right?

11 MR. LALLEMENT: Right.

12 COMMISSIONER MAY: And what you are abutting on that
13 side -- I mean, are you right on the property line there, and
14 therefore abutting a building on the lowest level?

15 MR. LALLEMENT: Correct. We just had a property line
16 there, so we just, you know, allow a minimum of space for
17 deflection so (indiscernible). And the idea is to bring some
18 interest to this facade by carrying the same frame you find
19 throughout the building and carrying the architectural panel as
20 well.

21 COMMISSIONER MAY: Right.

22 MR. LALLEMENT: To bring some interest into this façade
23 without doing any windows on the lower floors.

24 COMMISSIONER MAY: Right. And that's partially the
25 assumption is that eventually there would be a taller building

1 potentially built there?

2 MR. LALLEMENT: Correct. And if the building go all
3 the way to the same height as we do, we know this you need these
4 windows are at risk windows, so you need to be able to accommodate
5 for this. You need to be (audio interference) it.

6 COMMISSIONER MAY: While I appreciate that treatment,
7 it would be nice to see that façade in a little less fuzzy way.
8 And if that's already in the drawing and I just missed it, just
9 point me to it at some point, but the -- just to see that and
10 see how it's done. And I appreciate the fact that you actually
11 paid attention to that, because too often what we wind up with
12 is a, you know, an at risk, you know, maybe some at risk windows,
13 but a very blank, dull facade that winds up being there for
14 decades even. And it's only because we say, "Hey, we're going
15 to be looking at this wall for a long time, can you make it look
16 nicer?" You've actually done something with it already, and I
17 really do appreciate that.

18 MR. LALLEMENT: I'm going to direct you to page A17 on
19 the submission set for the building elevation and we can see --
20 A16 through A18 you have all the building elevations there.

21 COMMISSIONER MAY: Great. You know, I had a bit of an
22 issue opening up that set, but I got it now. Okay, great. That's
23 it for my questions. Thank you.

24 MR. LALLEMENT: Thank you.

25 CHAIRMAN HOOD: Okay, thank you. Commissioner Shapiro,

1 any questions or comments?

2 COMMISSIONER SHAPIRO: Yes, briefly. Thank you, Mr.
3 Chair.

4 Actually, on that last one that Commissioner May was
5 talking about, I had a question around that. So you are saying
6 that there's going to be 6 sets of at-risk windows. Just help
7 me to understand why 6, why not 3, why 9 or 12? What -- you
8 know, what business calculation or what design calculation went
9 into setting that number of at-risk windows?

10 MR. LALLEMENT: So, and Eric feel free to jump in --
11 but I think it is trying to keep a distance as a fire code, if I
12 recall, regulation where we need to step back and
13 (indiscernible). This wall actually should be a rigid wall and
14 we need to give it some distance. I think this was the main
15 reason. We are only providing windows on the top floor.

16 COMMISSIONER SHAPIRO: But I don't understand, how many
17 -- explain that again. I am not sure I understand. So you --
18 because those windows are at risk, but you could have taken it
19 one level down as well, or you could have not, you could have
20 only done -- (audio interference).

21 MR. LALLEMENT: Actually, we could have done
22 (indiscernible) all down (indiscernible). I don't really know
23 what the limit is. Eric, do you mind?

24 MR. COLBERT: Well, we have to be probably about 20
25 feet above the adjacent building. But also, I think it's a matter

1 of two things is -- one is that it was kind of a guess on our
2 part as to -- where -- which, you know, how high is there likely
3 to be a future development on the north side? So that was one
4 piece of input that we were thinking about. And then the second
5 thing is, does the overall composition of the rear, we thought
6 that the way it's currently shown worked well with the kind of
7 balance of the facade elements.

8 COMMISSIONER SHAPIRO: Okay. All right. So a little
9 design, a little business, and it's a kind of a guess on both
10 sides. I get that, that makes sense.

11 MR. COLBERT: Right. Yeah. There's a 40 percent limit
12 on the openings you can have in at-risk windows, but we're nowhere
13 near that limit.

14 COMMISSIONER SHAPIRO: All right. Thanks for that. I
15 have the same comment as (indiscernible) as Commissioner May,
16 (indiscernible) has articulated it better than I might, but the
17 balcony, the guardrails, they look like chain link to me. And I
18 was sure it wasn't your intention, but I look forward to seeing
19 some sort of creative, I don't know, aluminum, or wrought iron,
20 what it is, but something that really adds to the look of the
21 building, because I think, you know, this is -- I think this is
22 very well designed and I appreciate the response that you had to
23 the Commissioner and I think it's going to be a nice asset,
24 assuming we support, because it'll be a nice asset to the
25 neighborhood. So, well done. Well done in your response to us

1 and well done in the design. I appreciate it. A couple other
2 things I just wanted to comment on as well. I appreciate the
3 attention to respecting the history and culture of the community.
4 And I thought that the work with the (indiscernible)e Central
5 Civic Association -- even the barbershop piece. It's just, I
6 think it is respectful and it shows that you were listening,
7 reaching out and listening. So I really appreciate that.

8 The public art, same. Working with (indiscernible)
9 Main Street and identify the artist and think about the location
10 with them. Again, this speaks to the kind of outreach that you've
11 done, really in less-than-ideal conditions (indiscernible). So,
12 thank you for that.

13 On the environmental features to the building. The
14 kind of projects -- (audio interference). We have seen you have
15 really gone above and beyond. And even just to find ways to
16 integrate the solar panels into the green roof. I can't -- I
17 mean, you know, I think, Ms. Prince, you know, how many times we
18 hear people say, "Well, you can't do that. It is not possible."
19 So clearly, it is, and you have demonstrated that. And you even
20 -- DOES has an extensive report which lays out exactly the kinds
21 of resources that are available for folks as they approach
22 buildings like this. So thank you for going above and beyond.
23 And I really like the idea of having the solar panels being as a
24 way to help with the income qualified tenants for their common
25 area maintenance and (indiscernible) in another period of

1 (indiscernible). So, really nothing but positive. So nice work
2 on your response to this and the design, all of the above, and I
3 will leave it at that, Mr. Chair.

4 CHAIRMAN HOOD: Thank you. Commissioner Turnbull.

5 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

6 I would echo the comments of my fellow Commissioners.
7 I think you have really worked hard on the project. You listened
8 from the set down hearing, and I think it really shows that you
9 are paying attention to all the comments that were made. And I
10 think your interaction with the community, I think Marion Street
11 works very well, and I appreciate going back and making those
12 changes. I think it's a very good feature. So you get pats on
13 the back all the way around. So it's very good. Thank you.

14 But I do have a question. I wonder -- Paul, if you
15 could bring up drawing A22? Maybe it's -- right, that's it. One
16 of the -- in the OP report, you are asking for flexibility, and
17 one of the things is vary the amount of retail square footage by
18 25 percent. That's a significant chunk. How would you -- what
19 are you -- what would you be taking out of that retail space?

20 MR. COLBERT: Yeah, the intent behind that, especially
21 as we emerge from COVID and just really try to get our hands
22 around, what does retail look like in the future? On
23 (indiscernible) focused is near the lobby and we either plan to
24 have some type of fitness-minded retail there. If there's no
25 fitness-minded retailer out there or tenant out there, we would

1 likely build our own fitness there or expand int our own fitness
2 in that location, still activating the streetscape and making it
3 feel like it is retail. So the idea there is to activate the
4 streetscape as if it were retail, but we would rather have the
5 flexibility to do something that is not technically retail and
6 activate the streetscape versus having it just boarded up with
7 leasing signs that say "it's coming soon" knowing that retail may
8 not be around.

9 COMMISSIONER TURNBULL: Okay, so the barbershop, I take
10 it, is over right in the corner there, up on top.

11 MR. COLBERT: Yes, "retail 2" I think is the way it is
12 labeled right now.

13 COMMISSIONER TURNBULL: Okay, well, I think that is
14 also another excellent -- you deserve a lot of thanks and praise
15 on bringing back a former retail person who lived there and have
16 them have a shop in that area. So I think that you deserve a
17 lot of praise for that.

18 The other thing I'm trying to do to deal with here is
19 "vary floor heights as the design is refined." How -- what are
20 you varying? I mean, the retail heights, you're looking at a
21 certain floor height that you need, no matter what that's
22 governed. What are you looking at? Like, 12, 14 feet or --

23 MR. LALLEMENT: (Indiscernible).

24 MR. COLBERT: Could we go back to that plan for a
25 minute, please? One thing that's kind of unusual about this

1 design -- I don't think we've actually done it in another building
2 exactly like this -- is that if you take if you look at the lobby
3 of the residential units on the east side which is the right side
4 of the lobby, are actually up half a level. And the reason for
5 that is that, well, it makes it kind of more like a historic
6 townhouse situation where the first main floor is elevated above
7 the sidewalk level. But the other thing that it does is it gives
8 you more height for the retail space, which is at grade.

9 COMMISSIONER TURNBULL: But are you actually looking
10 for the flexibility to change heights on other floors? Or what
11 does that really mean?

12 MR. COLBERT: So I don't think we intended to do that.

13 MR. LALLEMENT: No, I think because we are creating
14 severe setback on the north side and along Marion. If we -- and
15 as we develop further the design, if we decide to provide some
16 type of outdoor terraces for some of the units, we might have to
17 tweak the floor elevation to be able to accommodate that. So
18 this is where we are asking flexibility. So it's a matter of
19 inches. It's not like we want to change --

20 MR. COLBERT: Yeah, I think what JB is alluding to is
21 the fact that, to gain handicap accessibility, the top -- the
22 deck for an outdoor terrace in the accessible unit has to be in
23 the same level as the interior. In order to do that, we have to
24 depress the slab about a foot. So that would be what we're
25 talking about, potentially.

1 COMMISSIONER TURNBULL: I'm assuming that the -- the
2 accessibility for all the units, the units on Marion Street are
3 from this hallway. Although there are stairs on Marion Street,
4 you need handicapped access. So I'm assuming there's a second
5 entrance from that hallway.

6 MR. COLBERT: That's right. And also, the elevators
7 in this level would be two-sided so that the wheelchair folks
8 could come in the lobby side and then exit on the apartment
9 corridor side.

10 COMMISSIONER TURNBULL: Okay, thank you.

11 The other thing in the OP reports is "vary the final
12 selection of the interior -- exterior materials within the color
13 ranges and general material types proposed, based on availability
14 at the time of construction." Usually what we are -- have no
15 problem with is varying the color selection, but not changing
16 materials. I think where -- if you've got the material, I think
17 -- and you're going to change that, you'd have to come back to
18 us for a modification.

19 MR. LALLEMENT: A very good point. We don't intend to
20 change the materials we just -- (indiscernible). If a specific
21 red brick we show you today, is not available anymore in two
22 years, we might have to substitute with similar, but from a
23 different manufacturer.

24 COMMISSIONER TURNBULL: But brick, just --

25 MR. COLBERT: Yeah, it would be brick.

1 MR. LALLEMENT: It would be brick as well. It would
2 be red as well, but it might not be exactly the one that we show
3 you today.

4 COMMISSIONER TURNBULL: Okay, thank you for clarifying
5 that. Look at my notes here.

6 Mr. Shapiro started talking about the credits for
7 energy with the solar units and the OP report says, "
8 Additionally, the applicant is considering -- is currently
9 considering a system where the energy generated by the building
10 solar panels will be used to offset utility expenses of the IZ
11 and affordable units. Have you -- do you have that system set
12 up or is this something you're researching?

13 MR. COLBERT: We do not have that set up and we actually
14 researched it and we spoke with a group known as New Partners
15 Community Solar, and they've done this for commercial buildings
16 or office buildings where they have directed large solar farms
17 and directed it towards affordable units. After discussions with
18 them, they came to the conclusion as a way that -- that the size
19 of this solar system just doesn't have the scale to justify the
20 administrative time and costs associated with the relatively, I
21 guess, immaterial benefit of the solar. And so we determined
22 that it didn't make sense to go through all that, to basically
23 divert that relatively little amount of solar energy into the
24 affordable units. Instead, it made more sense for all the
25 residents to just directly wire into the house meter, so to speak,

1 and the benefits go towards lowering the cost of the common area
2 maintenance.

3 COMMISSIONER TURNBULL: So I'm a little bit -- could
4 you explain that a little bit more? I mean, they're tying into
5 the main system but they're going to be able to deduct for each
6 individually?

7 MR. COLBERT: No, no, it's just that the amount that -
8 - so amenity fees are based on just -- partially on what it cost
9 us to operate the amenities and by taking the energy from the
10 solar panels and wiring directly into our house meter that feeds
11 those common areas and those amenities, we're able to lower the
12 cost of those fees that we have to charge for operating these
13 amenities.

14 COMMISSIONER TURNBULL: So basically, it's a wiring
15 issue that you can actually wire just those common areas to be
16 able to separate that, the common amenity areas?

17 MR. COLBERT: That's a technical issue. I don't know
18 if I can answer that, but I know it goes into our house meter.
19 The way it's been described to me is we just wire directly into
20 what we call our "house meter," which is a meter that is just
21 serving the common areas, whereas all the other units are metered
22 separately.

23 COMMISSIONER TURNBULL: Okay.

24 MR. COLBERT: But again, I might be (indiscernible).

25 COMMISSIONER TURNBULL: You have figured that out.

1 Maybe by the time we come back for our second "bite of the apple"
2 you will have some better answers. Commissioner Shapiro will be
3 interested (indiscernible).

4 The IZ plan, I appreciate the affordable housing and I
5 wished there had been some three-bedroom units, but I understand
6 that is hard to reach, and maybe some more two-bedroom would have
7 been better, but maybe Commissioner Miller should talk about
8 that. The only thing -- on the IZ plan, which AO8, you talk
9 about making some changes -- that you could possibly make changes
10 as development of this building goes along. A lot of these --
11 what is shown on this plan may not be the actual arrangement,
12 the final arrangements of the units. I understand that. I just
13 want to make sure that when we get to the end, that we all
14 understand that this is an integrated plan with market rate and
15 these affordable housing units and that these units do not suffer
16 by trying to make the other -- that the market rate units are
17 coming out on top, so. We would all like them all on the alley.
18 We don't like them all over loading docks. We don't like them
19 over in areas that it's like, well, they're second-rate spaces
20 and that's where we're going to put them. So I think we've got
21 an understanding that these are a mixed unit, that they can go
22 all over the building and that when you make changes, you're
23 going to keep that kind of pattern still in effect. Okay. I
24 just wanted to go on record --

25 MR. COLBERT: Absolutely.

1 COMMISSIONER TURNBULL: -- to make sure we've got
2 that.

3 I appreciate what you did on the signage, trying to get
4 rid of that, but what I'm still missing, and which we've usually
5 seen on our drawings, what we get, is actually a drawing of sizes.
6 We used to get a little blow-up building that shows the maximum
7 height of signs in the areas that you're doing. In other words,
8 I know where you're showing them on that one sheet where you've
9 got the elevations and you've marked it out, but usually we'd get
10 a follow up drawing that sort of shows the maximum heights and
11 spacing of where it's going to go, because just simply saying
12 we're going to follow the code is one thing, but the Zoning
13 Commission likes to see exactly what you're really doing. So I
14 think we'd like to actually see the worst -- if you're showing a
15 maximum condition, I think we'd like to see that on a better
16 drawing. And although -- and I think you may have -- there's no
17 animated signage, no kinetic moving electric signs that are on
18 this building?

19 MR. COLBERT: (Negative head shake.)

20 COMMISSIONER TURNBULL: Okay, good. I just wanted to
21 make sure. I see you nodding your (indiscernible).

22 Let's see what else I've got. Oh, on the roof, is
23 there any -- is there any a bar on the roof? There's no bar on
24 the roof, right?

25 MR. COLBERT: (Negative head shake.)

1 COMMISSIONER TURNBULL: So, no bar. Is there a firepit?
2 Big screen TVs up there?

3 MR. LALLEMENT: No, I don't think so. There is only
4 furniture and a grill on the north side toward the building.

5 COMMISSIONER TURNBULL: Okay, since you are going for
6 LEED Gold, I'm assuming that all of the lighting up there is down
7 lighting?

8 MR. LALLEMENT: Right. We're not allowed to do any up
9 lighting.

10 COMMISSIONER TURNBULL: Okay, good. I think, Mr.
11 Chair, that I'm done. Thank you. Thank you again. So, I'll
12 look forward to the project going forward. Thank you.

13 MR. COLBERT: Thank you.

14 COMMISSIONER TURNBULL: Sure.

15 CHAIRMAN HOOD: Vice Chair Miller.

16 VICE CHAIR MILLER: Thank you, Mr. Chairman. I'll try
17 to be brief because there's some technical issues in our
18 neighborhood that I've had for weeks ago, and if I lose you, I
19 lose you. I can't do anything about it.

20 VICE CHAIR MILLER: So thank you to the applicant for
21 your presentation tonight, this evening, this afternoon, and for
22 all the responsiveness that you've had to Zoning Commission
23 concerns, the Office of Planning, DDOT, community, all the
24 community engagement that you've done, which we -- as evidenced
25 by the exhibits in the record, the support, and we probably are

1 going to hear from some of the community tonight, and that's all
2 a good thing.

3 Could you just -- I may have missed it, but if you
4 could just reiterate, I think it's important for the public record
5 for you to reiterate the affordable housing commitment that is
6 being made here, which is commendable. It's a greater amount
7 than what's required under our current inclusionary zoning
8 regulations. It's even -- factoring out the affordable housing
9 covenants that you're required to satisfy. So it's a greater
10 amount, it's deeper affordability levels, it's bigger bedroom
11 sizes, we don't have that -- currently, we have any bedroom sizes
12 under our existing regulations, although I think in IZ Plus and
13 expanded IZ that is in the works that will be coming, but if you
14 could just reiterate, of the 223 units on this vacant, long
15 vacant, long vacant, long nuisance sight in this neighborhood,
16 the 223 units that are going to be there to revitalize this, to
17 help continue the revitalization that's occurred in this
18 neighborhood, how many are -- if you can just reiterate how many
19 are affordable, at what levels and what size, and how much that's
20 beyond IP and which of those are satisfying this prerecorded
21 affordable housing covenant, which I have a question about later.

22 MR. COLBERT: Absolutely.

23 MS. PRINCE: (Audio interference.)

24 CHAIRMAN HOOD: If you're not on -- if you're not
25 talking, if everybody can just mute, that way we won't get any

1 background.

2 VICE CHAIR MILLER: And I might take my video off
3 because it might cause problems, but I'm listening.

4 MS. PRINCE: I can walk through the affordable units.
5 So -- and thank you, Rob, for taking your video off. So 29
6 affordable units -- and this is how it breaks out, ten of those
7 units are affordability covenant required units. Those are the
8 units that are at 30 percent MI and 50 percent MI, so three at
9 30 percent, seven at 50 percent. Then with respect to the IZ
10 units, which are almost all 60 percent MI units, with the
11 exception of the one associated with the penthouse, which is a
12 50 percent MI unit, there are 18 at 60 percent and one at 50
13 percent. And in terms of the two-bedroom units, seven of the
14 covenant required units and the IZ required units are two- bedroom
15 units, which (audio interference) portion than would have been
16 required for the project that was -- part of our understanding
17 with the Office of Planning was to ensure that there would be a
18 greater percentage of affordable two-bedroom units than market
19 rate two-bedroom units. All of this works out to 12 percent of
20 the square footage of the project aside from that, that was
21 already covenanted for affordability and -- if it had been under
22 IZ only, it would have been eight percent. So there's a four
23 percent gain in affordability as a result of the PUD. And that
24 doesn't count the covenant required units.

25 VICE CHAIR MILLER: And the covenant -- and just -- if

1 you could detail what those covenant required units are in terms
2 of affordability and size and number and where that came from.
3 I assume that there was housing on this site maybe over 50 years
4 ago or something, that --

5 MS. PRINCE: No, it's a very complicated background.
6 So I'll answer your questions, one at a time.

7 At 30 percent AMMI covenant required units, there will
8 be 1,500 square feet of them, those are two units. The 50 percent
9 covenant required units 5,469 feet for a total of seven units.
10 The covenant required units come from the fact that the lots were
11 owned by the D.C. government. And when they were conveyed, the
12 D.C. government awarded them to the adjacent property owner with
13 the condition that they be burdened with an affordability
14 covenant. One got especially convoluted because there was a
15 title problem and the District didn't have clear title to the
16 property. So after the litigation on that piece of property and
17 with the title finally having been cleared up, it's still conveyed
18 with an affordability covenant. So those are our deeply
19 affordable units, particularly the 30 percent AMI.

20 VICE CHAIR MILLER: Yeah. And just say again, how many
21 of the 30 percent AMI units are there?

22 MS. PRINCE: Three, 30 percent AMI units.

23 VICE CHAIR MILLER: Yeah. We --

24 MS. PRINCE: (Audio interference.)

25 VICE CHAIR MILLER: Thank you for that information. I

1 think I'll stop there because I think I'm pressing the technical
2 capabilities of Xfinity Comcast, which I'm happy to call out in
3 a bad way right now.

4 CHAIRMAN HOOD: Well, Vice Chair, I wish you wouldn't
5 call them out because that's who I have. They may cut me off.

6 VICE CHAIR MILLER: A different one that works better,
7 I'd -- I'm ready to go with Verizon or anything else.

8 CHAIRMAN HOOD: Okay. Well, we'll have to talk about
9 that. Anyway, we'll talk about that.

10 Let me ask this question, Ms. Prince, and this is to
11 you. You may have already been -- you may have already mentioned
12 this. It's been a while since you all did your presentation and
13 I may have forgotten, but anyway. What is the maximum occupancy
14 of this project?

15 MS. PRINCE: 80 percent. And we -- because of the way
16 with the setbacks at the upper level and the way the design has
17 ultimately turned out, we generally comply except at the lower
18 levels where we go up to 89 percent and that -- some of that
19 percentage is relating to a green roof over the garage entrance.
20 So we're quite close to the 80 percent and we more than meet it
21 at the upper levels.

22 CHAIRMAN HOOD: Okay. I wanted to make sure because I
23 think there was a discrepancy when we've been flagged by counsel,
24 and I wanted to ask that for the record. I think -- your
25 presentation says 89.3 percent on the ground floor and OP says

1 something different, 85.8 percent. So if you could make sure we
2 have that corrected for the record. I think that -- MS.

3 PRINCE: It is the larger number that increased very slightly
4 when we decided to cover over the garage ramp with the grade roof
5 that caused that caused that small incremental change.

6 CHAIRMAN HOOD: Okay, thank you. We just wanted to
7 make sure it's correct for the record.

8 Now, Mr. McPhillips and others, with everything that
9 you -- and I don't really have a whole lot. I'm going to take
10 it a step further. And I really don't know necessarily -- I'm
11 going to stop (audio interference), and I just, in this case and
12 other cases, I really appreciate the 30 percent. When I saw
13 that, I was glad to see 30 percent of MFI. But one of the things
14 I found out since I've been on my campaign and the Zoning
15 Commission and has been mentioned about affordable housing, we
16 know what's going on here in the city, we had a council and so
17 we're going to try to do all of our part to make affordable
18 housing affordable. But one of the things that I've learned in
19 my own discovery is that even though we're at 30 percent of MFI,
20 one of the problems that people are not able to qualify is because
21 of their credit score. Now, I know this is not necessarily a
22 part of zoning, but I think as we start looking into this, we
23 need to start trying to work with people. And this is just an
24 ask for me, and if you watch the other hearings, I'm going to
25 start asking everybody. Let's start trying to find -- and I'm

1 also going to be working trying to work with Councilmember Bonds,
2 because all this sounds good and I appreciate -- I really -- I
3 really like what's been presented to the community, you got a lot
4 of buy in, I don't see any opposition, at least in the record.
5 So you have done your due diligence, as it's already been said.
6 I don't want to just keep re-saying what's already been said or
7 re-mentioning it. I think the record reflects the work that you
8 put into this. The changes you made with the Zoning Commission,
9 all that's there. But the next step for me, though, is about
10 making sure people qualify. It sounds good, 30 percent of MFI,
11 but if my credit score doesn't get me there, then we still have
12 the same problem. And I'm not putting this on you Mr. McPhillips,
13 you and the applicant, but I'm just saying that's something -- a
14 discussion I think needs to be had. Now, I may be totally off
15 school, but that's what I've learned probably in the past two
16 months because I've been doing my own discovery. So I would ask
17 that we kind of look at that because we got all these units, 223.
18 And what good is it if my credit score won't allow me to even go
19 in there? It sounds good, looks good, but my credit score won't
20 make it, so. And I'm saying that for residents who are really
21 pushing for affordable housing. I would ask you, Mr. McPhillips,
22 to look at that. And one of the reasons why I felt comfortable
23 to ask you this tonight is because I looked at your track record.
24 I looked at what you've done, and I would ask that you continue
25 to move in that fashion. I really appreciate -- you heard about

1 the barbershop. You heard about -- you know, I've heard about
2 the barbershop, and I've looked at the record. And I think you
3 all have done a superb job. And I look at some of the people
4 like Leroy Thorpe who I personally know, have not talked about
5 this case, but -- when you start getting advocates like that who
6 done a lot in this city, that means a lot to me on this Commission.
7 You know, I've watched them over the years. I've watched how
8 they maneuver and I've watched how they've made this city better.
9 And that goes a long way. And then I think you have Alex Padro
10 and chair of the ANC and all those, but, you know, and I'm looking
11 forward to hearing from them because I believe they're on to
12 testify, so I'm looking forward to hearing from them. I don't
13 really have any questions or comments. I just wanted to throw
14 that out there. And I want to commend this applicant for what I
15 see in front of me, especially the LEED Gold. I mean, you know,
16 we don't get a whole lot of that. I think you're trying to do,
17 and some of the questions my colleagues mentioned, I think this
18 is going to be a great project. I'm looking forward to it.
19 Unless I hear something that changes right now, as far as I'm
20 concerned, you have my support and that's where I am with this.
21 I don't have anything else. Again, I just. Let's look at it -
22 - let's look at the credit --- where people's credit scores are
23 and let's see what we can do with that. Maybe you all can put
24 something in there for not -- not this case but tell me how we
25 get there. How do we help them get to where we need to be so

1 they can get that 30 percent of MFI? All right. So that's all
2 I have.

3 Any follow ups? I think this has been well dissected,
4 but let me see. Any other follow up questions or comments? Okay.

5 (Negative head shake.)

6 CHAIRMAN HOOD: Let's go to the ANC. Commissioner May.

7 COMMISSIONER MAY: Sorry, I was slow on this. I am
8 going back to Mr. Turnbull's questioning about what's going to
9 happen with the power that's generated by the solar panels. As
10 I understand it, it is just going to go to the -- reducing the
11 common, you know, the common area costs that are borne by all of
12 the residents; is that right?

13 MR. COLBERT: That is correct.

14 COMMISSIONER MAY: So it's not going to go specifically
15 to the folks who are in the affordable units. It's going to be
16 a benefit for everybody.

17 MR. COLBERT: That is correct.

18 COMMISSIONER MAY: That's more the norm. So you got
19 us a little excited with the prospect that it could go to
20 subsidizing the people who are in the affordable units. But I
21 understand why it is what it is. Thank you.

22 CHAIRMAN HOOD: Okay. Any other follow up questions or
23 comments? Commissioner Shapiro.

24 COMMISSIONER SHAPIRO: Yeah, thank you.

25 So why can't this be an additional benefit for those

1 in the income qualifying? It's not -- I must worry about it as
2 a technical issue and not -- I'm building off the Chairman's
3 issues around -- it's a kind of -- it's just a way to help those
4 who need the help more.

5 MR. COLBERT: So the way it was explained to us by
6 again New Partners Community Solar, typically, there needs to be
7 a certain amount of energy generated to make the administrative
8 costs worthwhile to administer that, because if you have this
9 directed to just specific units, every time that unit changes
10 hands, you have to have -- in the administrative process of
11 changing the residents associated with that account and -- again,
12 I'm no expert in this, but, it was stated to me on a call with
13 this group that the size of this solar system is just not large
14 enough or does not have the scale to go through that
15 administrative process to do it.

16 COMMISSIONER SHAPIRO: I mean, if you could have -- get
17 some more clarity on that for us. And the other way to think of
18 this is this just a way to (audio interference) estimate what the
19 total value that the solar panels bring is to overall energy
20 savings, and is there a way to translate that into some kind of
21 a reduction for those who are income qualified without having to
22 get too fancy about it, you might end up accomplishing this goal?

23 MR. COLBERT: I think another issue is -- (audio
24 interference) sorry -- the equipment that is required to convert
25 the direct current from the solar panel to alternating current

1 that you use in the household, is expensive and takes up a lot
2 of space, so instead of having one unit that does that, you'd
3 have to have one for each affordable dwelling unit, which would
4 be very expensive.

5 COMMISSIONER SHAPIRO: Yeah, I hear you, and I think
6 I would focus less on a technical solution because I think you
7 had a -- you did get us excited, so maybe that was the problem
8 here. But why not just figure out how much you'd save in the
9 building, such as this, and translate that into some kind of
10 reduced cost for those who are income qualified without having
11 to have find (indiscernible) because I think, Mr. Colbert, you
12 know, I think you just don't need to find a technical solution
13 if you can just do the math.

14 MR. COLBERT: Got it. We will look into that, and we
15 will get back to you with a quick answer on that.

16 COMMISSIONER SHAPIRO: Thank you. That's all I have,
17 Mr. Chair.

18 CHAIRMAN HOOD: Okay. Thank you. Any other questions
19 or comments?

20 (Negative head shake.)

21 CHAIRMAN HOOD: Okay. So ANC Chair, Ms. Schellin,
22 cross examination? Ms. Nigro, I believe.

23 MS. NIGRO: Hi, how are you? Can you hear me? I have
24 to turn on my video.

25 CHAIRMAN HOOD: Yes. If you can introduce yourself.

1 And do you have any questions of the applicant?

2 MS. NIGRO: I'm sorry. Can you all hear me?

3 CHAIRMAN HOOD: Yes, we can hear you. Did you have any
4 questions of the applicant?

5 MS. NIGRO: No, no. I have a statement.

6 CHAIRMAN HOOD: Yeah, we're going to get your statement
7 shortly.

8 MS. NIGRO: No, I have no questions.

9 CHAIRMAN HOOD: Okay, great. Just hold tight. We'll
10 come right back to you shortly. Let's go to the Office of
11 Planning, Ms. Fothergill and -- we do we have from DDOT? Oh,
12 Ms. Vacca.

13 MS. FOTHERGILL: Good evening, Chairman Hood, and
14 members of the Commission. I'm Anne Fothergill from the Office
15 of Planning.

16 The Office of Planning is recommending approval of the
17 consolidated PUD and related map amendment proposed for 7th and
18 P Streets Northwest.

19 At the set down meetings, there was some discussion
20 about the comprehensive plan, and we wanted to revisit that here.
21 OP finds that on balance, the PUD would be not inconsistent with
22 the maps and written elements of the comprehensive plan. And
23 the future land use map shown here, most of the site is right
24 for mixed use with medium density commercial and medium density
25 residential uses. A small portion of the eastern end of the site

1 is designated for moderate density residential use at the corner
2 of P and Marion Streets. The MU-6 zone is not inconsistent with
3 these designations. The building responds to the east side
4 moderate residential designation with a height and design
5 transition to the -- sorry, the row buildings along Marion Street.
6 The building would step down to four stories and 43 feet, 8 inches
7 on the east side. The four-story section of the building would
8 reflect a low-rise apartment building, which is consistent with
9 the moderate residential designation.

10 Next slide, please, Paul.

11 In the generalized policy map shown here, 7th Street
12 is within the Main Street Mixed-Use Corridor, and the east side
13 of the site is within a neighborhood enhancement area. And the
14 proposal is not inconsistent with both of these policy map
15 designations.

16 The Main Street Mixed-Use Corridor envisions a
17 pedestrian-oriented street with ground floor retail and
18 residential above, like this proposed building. This block of
19 7th Street is currently underutilized and has capacity for
20 redevelopment with proximity to transit. The overall streetscape
21 and pedestrian experience will be improved consistent with this
22 designation. Neighborhood enhancement areas are often vacant,
23 under-utilized land. The eastern part of this site, which is
24 currently a surface parking lot, this is an opportunity for infill
25 development and a mixed-use building, which is consistent with

1 this designation. And providing housing here would be consistent
2 with the neighborhood enhancement area goal of supporting
3 citywide housing.

4 Next slide, please, Paul.

5 Thank you. I think maybe one slide. Thank you.

6 Overall, the project would further numerous
7 comprehensive plan policies, and that would outweigh any
8 potential inconsistency with the future land use map, including
9 the framework element, which calls for new affordable housing
10 units and PUDs. On this slide, we have listed many, but not
11 all of the other policies that this PUD would support.

12 Next slide, please.

13 The PUD also supports these additional citywide
14 elements, as well as the near northwest area element in the small
15 area plan.

16 And finally, I would like to address what was mentioned
17 earlier about the OP hearing report. As discussed, by the
18 applicant, the lot occupancy for the ground floor changed to 89.3
19 due to the inclusion of a covered parking ramp in the calculation
20 of lot occupancy. This was inadvertently not updated in the OP
21 report but does not change the analysis or recommendation for lot
22 occupancy relief. The lot occupancy of floors one through four
23 of this building should not have an adverse effect on the use of
24 neighboring properties and we find it meets the special exemption
25 criteria.

1 And this concludes my presentation, and I'm happy to
2 take any questions.

3 CHAIRMAN HOOD: Thank you, Ms. Fothergill, and thank
4 you for the clarification. Let's go to Ms. Vacca. We may have
5 questions, so Ms. Fothergill, if you can hold on.

6 Ms. Vacca.

7 MS. VACCA: Good evening, Chairman Hood, and
8 Commissioners. For the record, my name is Kimberly Vacca with
9 the District Department of Transportation.

10 DDOT is supportive of the proposed consolidated planned
11 unit development and based on the project's trip generation
12 rights and mode split options, the proposed development is
13 expected to generate approximately 25 vehicular trips during the
14 morning peak hour and 32 vehicular trips during the afternoon
15 peak hour. As such, a traffic impact analysis and CTR were not
16 required.

17 The applicant proposes to exceed zoning's minimum
18 parking requirement by 16 spaces; however, the parking ratio at
19 0.25 spaces per unit is low and consistent with DDOT's preferred
20 parking maximum parking rights. The project is also consistent
21 with DDOT'S requirements for vehicle access loading and bicycle
22 parking.

23 The applicant is proposing a transportation demand
24 management plan that exceeds DDOT's baseline requirements as
25 outlined in the report. DDOT finds the proposed TDM plan to be

1 sufficiently robust for the project. Overall, DDOT supports the
2 project and welcomes any questions.

3 CHAIRMAN HOOD: Okay, thank you both. Let's see if we
4 have any questions or comments. Commissioner May.

5 COMMISSIONER MAY: (Negative head shake.)

6 CHAIRMAN HOOD: Commissioner Shapiro.

7 COMMISSIONER SHAPIRO: No questions, Mr. Chair. Thanks
8 for the reports.

9 CHAIRMAN HOOD: Okay. Commissioner Turnbull.

10 COMMISSIONER TURNBULL: No questions here, Mr. Chair.

11 CHAIRMAN HOOD: And Vice Chair Miller.

12 VICE CHAIR MILLER: (Negative head shake.)

13 CHAIRMAN HOOD: Okay. And I don't have any questions
14 as well. Does the applicant -- Ms. Prince, do you have any
15 questions or cross?

16 MS. PRINCE: No questions.

17 CHAIRMAN HOOD: Chair Nigro, do you have any questions
18 or cross?

19 MS. NIGRO: No questions.

20 CHAIRMAN HOOD: Okay. Thank you all very much. We
21 appreciate your reports. Let's go straight to ANC 6E's report.

22 MS. NIGRO: Can I begin?

23 CHAIRMAN HOOD: Oh, sure. You can begin. Are you
24 going to turn your camera on, or are you going to leave it off?

25 MS. NIGRO: It won't allow me to.

1 CHAIRMAN HOOD: Oh, okay. Well, that's fine. We don't
2 want to mess up anything. You can go ahead and give us your
3 report.

4 MS. NIGRO: Okay. Great. So my name is Rachelle Negro.
5 I am chair of ANC 6E. But not only am I here today as chair of
6 ANC 6E, I am a resident of the area for a long time. As
7 you are aware, the Commission submitted a letter of support for
8 the project in December, as did the Single Member District
9 Commissioner, Alex López.

10 We are very much in favor of the project, especially
11 for the affordable housing component, which you are very aware
12 of -- it's much needed in this city.

13 As a Board, you constantly hear about design,
14 affordable housing and the PUD for all these developments. I
15 want to talk to you about the other aspect that this development
16 will bring to the community. For decades, the community has
17 talked about this lot, about the negativity that happens there.
18 This lot has brought to this corner crime, violence, trash, drug
19 use, defecation and urination. I want the conversations to now
20 be positive. I want to stop talking about this lot in terms of
21 crime and garbage. I want to talk about this lot in terms of
22 the very positive project that will help this corner move forward.
23 The community looks forward to a new building, new residents to
24 add the neighborhood and not detract. The project will bring
25 added safety and vibrancy, retail, and much needed housing. So

1 on behalf of all of the residents in the community, please support
2 the project.

3 And I want to speak to Mr. May. He had mentioned
4 earlier that he was surprised that you didn't receive any negative
5 comments. I was not surprised. That is just a demonstration of
6 how bad the situation is for this corner. This is a fantastic
7 project and it's just going to -- just move the corner to a whole
8 other level. The community is very excited, as is the Commission.

9 CHAIRMAN HOOD: Okay, Chairman Nigro, are you complete,
10 you finished?

11 MS. NIGRO: I am complete, yes.

12 CHAIRMAN HOOD: Okay. Thank you very much for your
13 testimony. And I appreciate your expounding on the negative
14 comments and how you phrased that. I really appreciate that.
15 It's always good not to have some; we get them a lot. And, you
16 know that's, understandable. But it's good to hear your
17 perspective as the Chair of the ANC and the community -- living
18 community of why we didn't hear it. So thank you so much for
19 that. Let's see if we have any questions. Commissioners. Mr.
20 May?

21 COMMISSIONER MAY: Yeah. I just want to thank
22 Commissioner Nigro on calling out the issue of no opposition or
23 no concerns about it, I mean, that's very encouraging to hear.
24 You know, I think, you know, I am familiar with that property,
25 and I know it's been like that for a very, very long time from

1 back when I studied the site in graduate school so -- and that's
2 many decades ago. So I know it's been it's been a problem, and
3 I'm glad to hear that everyone is so supportive, so. Mostly, I
4 was concerned that we make sure that we heard from everybody in
5 case people did have concerns. So I'm glad to know that there's
6 been good outreach, and everybody is so supportive. So thank
7 you.

8 CHAIRMAN HOOD: Okay. Commissioner Shapiro.

9 COMMISSIONER SHAPIRO: Just to say, Chairman Nigro,
10 thank you for your leadership on this issue. And that's all I
11 have, Mr. Chair.

12 CHAIRMAN HOOD: Commissioner Turnbull.

13 COMMISSIONER TURNBULL: Nothing other than to thank the
14 Commissioner for her involvement and support and looking forward
15 to this going ahead.

16 CHAIRMAN HOOD: And Vice Chair Miller.

17 VICE CHAIR MILLER: Ditto.

18 CHAIRMAN HOOD: Okay. Let's see, Ms. Prince, do you
19 have any cross of Chair Nigro?

20 MS. PRINCE: I do not.

21 CHAIRMAN HOOD: Okay. All right. So again, Chair
22 Nigro, we thank you for all the work today (indiscernible) and
23 all that you all do and thank you for taking time to come down
24 and present the ANC and your comments as well. So thank you.

25 MS. NIGRO: You're welcome. Thank you very much.

1 CHAIRMAN HOOD: I failed to mention other government
2 agencies, and I think the Office of Planning report and DDOT
3 report were captured. But anyway, we had DOEE, which I think
4 has been discussed, and we had DCA, HD, as well in Exhibits 31
5 on page 27, Exhibit 31, page 29, and OP report, their comments.
6 I think I have covered all the comments. Yes, Commissioner
7 Shapiro.

8 COMMISSIONER SHAPIRO: I mentioned it in my comments,
9 but I just want to mention it again, and maybe OP can hear it
10 and communicate it. It is so helpful to get that level of detail
11 in the reports from DOEE on these projects. I know they have a
12 lot on their plate, but if they could get management to do this
13 too, it helps us make our decisions, it helps make the progress
14 better. So I just wanted to note that, Mr. Chair.

15 CHAIRMAN HOOD: Thank you. Well, since we know that,
16 I'll just take a second. I didn't know -- I knew Commissioner
17 May did a lot of things, but he's really worked on a lot of
18 projects in the city. This is another one right here tonight.
19 I know he played with Georgetown and some other things, but a
20 number of projects that he has done. And I'm just -- it's good
21 to have that type of background, somebody who's knowledgeable.

22 COMMISSIONER MAY: I never did any projects here. I
23 just studied it in graduate school.

24 CHAIRMAN HOOD: Well, that's what I'm saying. We had
25 another project (indiscernible).

1 COMMISSIONER MAY: Well, you know, I got around town.
2 I still do, occasionally.

3 CHAIRMAN HOOD: All right.

4 COMMISSIONER MAY: Thank you.

5 CHAIRMAN HOOD: Okay. Sure. See, that's what I do, I
6 mess up when I start doing that. Okay. Testimony of
7 organizations and -- Ms. Schellin, can we bring up the -- whoever
8 is in support of this? I don't how many we have, but I'll leave
9 it up to you.

10 MS. SCHELLIN: We have no one in opposition, and we
11 have -- first, we have Leroy Thorpe, then we have -- let me go
12 to my second page. We have Greg and Shalini Sitzmann and
13 Alexander Padro, and they are the only ones who have signed up
14 this evening.

15 CHAIRMAN HOOD: Okay, thank you, Ms. Schellin. And
16 let's begin with Leroy Thorpe, the order in which Ms. Schellin
17 has called your name. Mr. Thorpe? Okay. We're going to come
18 back to Mr. Thorpe.

19 MR. THORPE: Can you hear me?

20 CHAIRMAN HOOD: Yeah, now I can hear you. There you
21 go.

22 MR. THORPE: Okay, thank you very much.

23 First of all, let me thank Sharon Schellin. She is
24 just an excellent asset to the Zoning Commission. She really
25 worked with me. I'm a 65-year-old guy now and I'm kind of a

1 dinosaur when it comes to technology, but she's fantastic.

2 I want to also thank my good friend, Rob Miller, whom
3 I never had the opportunity to play in tennis and still waiting
4 to do that, for being on the Commission.

5 And of course, you, Anthony. I knew you when we
6 fathered the Citizen Patrol Movement man, back in the 80s, man.
7 I really appreciate you and Rob being on that Commission because
8 you guys definitely advocate for the people.

9 But let me just give you a little bit of history that
10 folks didn't know. I'm president of the East Central Civic
11 Association. That's the historic black civic association that
12 was founded back in 1948. Due to "Jim Crow," we weren't able to
13 be a part of the association -- neighborhood associations in the
14 city. We were very instrumental, the members back at that time
15 basically calming down the rioting on 7th Street after the Martin
16 Luther King assassination.

17 Also, I pioneered, and you know, the Citizen Patrol
18 Movement and there are five books written on me -- on crime,
19 drugs, and racism in a city mentioning my name. And you were
20 one of the first people out there in Northeast fighting the crimes
21 and I got some of the video and photos of that. But
22 let me just say that the ANC did a very poor job of reaching out
23 to people of color and particularly organizations. Mr. Rich
24 McPhillips, we basically reached out to him, and I'm supporting
25 that project because he was very open-minded. He has a lot of

1 integrity. The ANC historically does not reach out to
2 organizations in that community of color unless they are
3 basically do -- step in line with what they want to do. And it's
4 really shameful since I left their Commission, how the new
5 Commissioners move into the community and don't care nothing
6 about those people that are left behind and only about supporting
7 projects to push black people out. It's shameful. And I got to
8 say that because that's a fact. Even when you look at the
9 amenities projects -- I'm not going to mention the former
10 Commissioner coming up -- but his organization, Friends of
11 Kennedy Playground and (indiscernible) Main Streets were always
12 a part of every economic development project that come before
13 this Commission while other people up there struggle to have
14 organizations that don't have the paperwork or the money to do
15 to get into the category 501(c) or a nonprofit organization and
16 the ANC doesn't do anything to support them. So the new
17 Commissioners coming on don't know the history of that community
18 and the chairman herself hasn't even lived in the community for
19 decades, so she wouldn't know. I served over a decade on the
20 Commission as an elected official and the executive assistant, I
21 mean, executive assistant to the Chair of ANC 2C. And if it
22 wasn't for me shutting down all the drug markets back in the
23 '80s, '90s, early two thousands, you wouldn't even have
24 gentrification in that community because they wouldn't come
25 anywhere east of 16th Street back to that time because of crime.

1 And I did a lot of work up there with the police and folks got
2 short memories when it comes to that. And so they get on -- they
3 the move into the community and don't know the history and pretend
4 like they have done something because they planted a garden or
5 something like that. So I'm happy that I met Rich
6 McPhillips. I find him to be a man of integrity. He went over
7 that project with me and two other organizations that I'm the
8 head of, the Citizens Organized Patrol, the Red Hats, and the
9 East Central Civic Association, and I found him to be a man of
10 integrity. And he wanted to make sure that people of color in
11 organizations that were typically left out by the ANC regarding
12 development projects would be a part of this project. And I just
13 got a lot of respect for him, not just as a developer, but as a
14 man. He has a lot of integrity and he has compassion and empathy
15 for people. And even the ANC didn't advocate for the barbershop,
16 I know these people personally, and they had to basically work
17 with the developer to make sure that they were included, and the
18 developer was open-handed about that. So that's one thing about
19 this project, that people got to have the haircut and that we do
20 need black businesses up there because most of the people up
21 there are doing security work or serving instead of owning
22 businesses up there. So I'd like to see -- I'm happy that you,
23 Mr. Hood, or Commissioner Hood, and Rob Miller, and the other
24 Commissioner -- I forgot his name right now -- that they are
25 advocating for affordable housing in these so-called rapidly

1 gentrified, historically black neighborhoods, that people that
2 have been here and labored through a lot of hardship, are able
3 to be a part in living to -- into this community.

4 So without further ado, we with the East Central Civic
5 Association, Citizen Organized Patrol effort, we support PUD 20-
6 27 and their project. And we really have a lot of respect for
7 Rich McPhillips for getting out there. He actually did the leg
8 work to get out and meet with us and to work with us. And I
9 think he deserves a lot of credit because you don't have a lot
10 of developers in the city that does what he does. There are some
11 favorite ones I got: Armond Spikell, Roadside Development; or
12 got Armond Spikell, Roadside Development; Douglas Jemal; Hines
13 development. Gould is my favorite developer, because they always
14 make sure people are taken care of in the community. And Mr.
15 Rich McPhillips is falling into that mode. Thank you.

16 CHAIRMAN HOOD: Thank you, Mr. Thorpe, and if you could
17 stay with us, we may have some follow up questions or comments.
18 I'm not sure who was next. I see a young lady --

19 MR. SITZMANN: I believe I was. This is Greg Sitzmann.

20 CHAIRMAN HOOD: Okay. Go right ahead.

21 MR. SITZMANN: Thank you. Good evening. I've lived
22 in the neighborhood for 15 years and I've lived with my wife and
23 daughter at 1509 Marion for nine of those years. The vacant
24 site, it's an eyesore. It's strewn with trash and graffiti, like
25 we've said, and a lot of criminal activity occurs over there.

1 I'm excited to see this lot developed, especially with such a
2 thoughtfully designed project, including the streetscape and
3 alley improvements as well as the retail. I think Rich has done
4 a great job and has made a huge effort to engage with us as
5 neighbors here, all of our thoughts on the project. I think the
6 scale of the building is appropriate for this site. I think it
7 fits well with the character of our houses on Marion. As someone
8 who is -- my house will directly face the development. So I'm
9 comfortable with the design and the height on the Marion Street
10 side of the project. My wife and I love our house. And I think
11 it could be our forever house, living here maybe another 30+
12 years. But it is hard to imagine that with this corner
13 undeveloped. So I strongly urge the Zoning Commission to approve
14 the application. Thank you.

15 CHAIRMAN HOOD: Thank you. Next -- the next person
16 that was called.

17 MRS. SITZMANN: That would be me. I am Shalini
18 Sitzmann. My husband just spoke and just reiterating how we have
19 lived in the neighborhood for a very long time and that lots look
20 like that. In fact, I just think it's getting worse. We can
21 just say all of the crime, but if I know there's drug deals going
22 on, I think it's pretty bad. It is just blatant. And I mean,
23 currently there is a homeless man that is living in the bus
24 shelter at 7th and P for months. You know, not just a little
25 while, months and months. In normal times, there are kids that

1 catch the Metro bus there at 7:30 in the morning. And that is
2 not a safe place for kids to be standing. And we have a ten-
3 year-old daughter, and in a year, we plan for her to take the
4 Metro bus to middle school. And I can't imagine having her stand
5 out that early in the morning by herself. And at 11 years old,
6 I would think I would be able to let my kid do that in my
7 neighborhood. So we think that the building looks wonderful. I
8 want to thank the Commission. I think there is a lot of feedback
9 that you gave to them about the height of the whole thing. Rich
10 has done a fantastic job. We have had multiple, multiple meetings
11 with him in the middle of COVID. We know most of our neighbors
12 and I don't know a single one that was -- if they weren't in the
13 Zoom meetings that we talked to, no one was opposed to the project
14 because, you know, it is a complete eyesore. And I think the
15 concerns that we had, we talked about in our meetings where Rich
16 and I'll just mention some of them. It was five stories, and it
17 was brought down to four stories. I think that was a big one
18 for us, just because as you're walking the street, just the scale
19 of the building and I know it comes at a real cost to them to
20 make that happen. And they were very creative in getting all of
21 the units they needed to be there and still kept all of the
22 affordable housing in place.

23 The other concern for us was the garage is on the very
24 far end of the alley. So we're not going to be hearing the garage
25 going up and down. The trash is indoors, and so we concerned

1 about like just an increase in the rat problem that generally
2 comes with that.

3 The retail spaces on the 7th Street side, not on the
4 Marion, you know, corner of Marion, and even the rooftop space
5 where like the pool and all the spaces on the 7th Street side.
6 There is green space on the Marion Street side, but it is much
7 smaller, and I think that's going to be closed, you know, it is
8 not going to be open at 3:00 a.m. in the morning.

9 And then I think parking was a concern for the
10 neighborhood. They have parking available under the building,
11 but the residents in the building aren't going to be able to get
12 parking passes. And so it's not going to increase the difficulty
13 to -- for street parking.

14 But we think it's a beautiful building. I think it's
15 been thoughtful, and we appreciate that they're going to invest
16 in the green space and landscaping around the building.

17 I think the other thing is the alley is going to be a
18 little bit bigger because we -- from our house, we can see that
19 alley and it's currently brick and they're going to replace it
20 with brick. So, yeah, I just think -- we're looking forward to
21 it. I've heard there's yet another, I guess, meeting that has
22 to happen before this gets approved. It's taken -- we've had
23 several meetings in the past ten years of you know, developers
24 wanting to come in and, you know, build on this lot and they've
25 always failed, so I'm really hoping that this goes through. I

1 don't see anything that I'd be opposed to.

2 CHAIRMAN HOOD: Okay, thank you very much. I think
3 last, first and last, but not least, Mr. Padro.

4 MR. PADRO: Chairman Hood, and members of the
5 Commission, (audio interference).

6 COMMISSIONER SHAPIRO: We're not hearing you, Mr.
7 Padro.

8 CHAIRMAN HOOD: Mr. Padro, we're not hearing you. If
9 everybody could mute, and I'm going to mute. And then, please
10 try it again.

11 MR. PADRO: Testing, testing. Testing, testing.

12 MS. SCHELLIN: I think he needs to get closer.

13 CHAIRMAN HOOD: Can you get closer, because you sound
14 real faint.

15 MR. PADRO: Okay. Can you hear me better now?

16 CHAIRMAN HOOD: We can hear you now.

17 MR. PADRO: All right. Thank you very much. Mr.
18 Chairman and members of the Commission, I'm Alexander M. Padro.
19 For the past 17 years, I have been the executive director of Shaw
20 Main Streets, commercial revitalization and historic preservation
21 organization serving central Shaw. And for the past 20 years,
22 until this January, I was also an elected advisory neighborhood
23 commissioner representing this neighborhood.

24 Shaw Main Streets board is in support of this project,
25 and I will be submitting a letter from our board chair documenting

1 that, so I won't go through that point by point. We will have
2 it for the record. But I did want to share some observations
3 that I think are responses to a few questions and some statements
4 that have been made this evening.

5 So 53 years ago, last month, the riots that devastated
6 7th Street and other corridors around the city caused what ended
7 up being more than a half century's worth of damage to the corner
8 of 7th and P Streets Northwest. As Commissioner Nigro noted, a
9 number of the negative outcomes from having had that site empty
10 for so long, but before then, there was actually a building that
11 had been there for almost 100 years, the Tyson House, which served
12 both as the African- American Salvation Army as well as previously
13 a hotel where farmers bringing their produce to the Center Market
14 on the site of the National Archives today would stop when they
15 were coming into town. After that, the redevelopment land agency
16 and the District of Columbia took possession of the land and used
17 it as a pocket park for a number of years, some waterfowl that
18 remains from that era. But during the drug wars, it was necessary
19 to fence off that pocket park, and the decades that followed as
20 adjacent buildings were demolished for eventual development, the
21 remaining walls have served as a site of significant amounts of
22 graffiti in addition to all of the other challenges that Ms.
23 Nigro mentioned. She didn't bring up rats, which I am surprised
24 because she is usually pretty good to bring up issues of rates.
25 So this has been a health hazard. It's been a blight, a visual

1 blight on the neighborhood. It's been a source of crime on the
2 neighborhood. And I can tell you that I and my neighbors have
3 spent -- I spent 20 years trying to deal with all the empty lots
4 that were left after the 1968 riots that were under District
5 control. And my neighbors have been here for both (audio
6 interference) years, and we have gone through a number of
7 different iterations of projects that went nowhere because of
8 title issues, and about the parcel that ultimately was
9 surrendered by the District government. So we're elated that
10 we're finally going to see this corner turned around. It is one
11 of the last two remaining city-owned or formerly city-owned lots
12 along 7th Street, the last of them being Parcel 42, which you
13 recently approved a map amendment for, so now that's in good
14 hands.

15 So we're hoping that as a result of this developer
16 coming forward with a mixed-use development, which is exactly the
17 model that the committee advocated for in creating the Convention
18 Center Area Strategic Development Plan and the DUKE plan in the
19 previous decade, and after having listened very carefully to the
20 community in terms of its priorities in terms of keeping
21 businesses like Ordinary People Barbershop, which very important
22 to us, and we -- Shaw Main Streets has actually worked with the
23 property owner to make sure that the opportunity for Ordinary
24 People to come back after the building is completed, you know,
25 came to pass, but we are committed to continuing to add to the

1 public (ph) garden neighborhood, which we're very grateful for
2 the developer's support for -- and, yes, you know, while there
3 have been projects over the years where there have been disputes
4 as to whether or not there is true community support, I can
5 honestly say this is one of several like, say, (indiscernible),
6 that everyone has given a thumbs up to. So this project checks
7 all the boxes from the community's perspective. And we're very
8 eager to see another successful development as we count down to
9 the last of the empty lots in the Central (indiscernible). If you
10 have any questions for me, I'd be happy to answer them.

11 CHAIRMAN HOOD: Okay, Ms. Schellin, do we have anybody
12 else? That's it.

13 So I want to start over. Mr. Padro, I want to thank
14 you for coming to give us your testimony. I will tell you, I've
15 worked (indiscernible) in the past and sometimes when you get
16 affirmative actions in the Zoning Commission, you look at people
17 and their records that they've done, you know, the work that
18 they've done in a neighborhood, whether you agree with it or not,
19 and you look at the work they have done. You and I have worked
20 on, I think it was the Heritage Trail some years back together,
21 and I learned a lot from you. I guess we piggybacked off each
22 other and that was a great experience. So I appreciate what I'm
23 hearing here tonight. Even though the neighborhood may disagree,
24 it seems like this case is one of the avenues. And if everybody
25 can go on mute because I'm getting a little feedback. If

1 everybody can go on mute. This is one of the avenues that brought
2 everybody together. That's what I took out of your testimony and
3 continuing to do the work -- the good work that you've done for
4 years in the city. And then when I heard from such Mr. and Mrs.
5 Sitzmann -- hopefully I pronounced your name correctly -- you all
6 have a very valid reason to be involved and engaged. You have a
7 young person who you're trying to make that neighborhood better,
8 which has already been on the mend to get better. So I'm sure
9 you want to stay engaged because you all have precious young one
10 that you want to come up with a nice neighborhood. So continue
11 to do good work that both of you all are doing. It is good to
12 see both of you engaged and involved tonight.

13 And then I want to go to last, but not least, to my
14 friend Leroy Thorpe. And I am going to say this publicly, but
15 I've never told him this, when we were doing walking in the
16 streets, I admired Leroy, and so did my group over here, Kenny
17 and some of us, Mr. Washington had just passed. The reason we
18 admired Leroy Thorpe is because he had integrity and he was not
19 nervous. A lot of times when we were walking the streets, I'll
20 be frankly honest now and I can admit it, my knees were
21 chattering. My knees were clicking together sometimes. But you
22 made a difference that made a difference in this city with COPE.
23 And I can -- I was trying to think earlier when I read your letter
24 and it mentioned COPE. What did COPE stand for? It's been a
25 while. What did Citizens -- what did COPE stand for? You might

1 have to tell me later if you -- well, anyway. I'll find out. I
2 don't know if you can unmute.

3 MR. THORPE: Citizen Organized Patrol Efforts.

4 CHAIRMAN HOOD: Oh, okay. Citizen Organized Patrol
5 Efforts. Well, they were very well known as under the leadership
6 of Mr. Thorpe --

7 MR. THORPE: The Red Hats.

8 CHAIRMAN HOOD: Red Hats. That was it. We were the
9 orange hats, you were the red hates, but we all followed lead
10 for the red hats. And I will tell you that the former mayor
11 tapped into Leroy, and he was our leader. He taught us all, and
12 I know that former councilwoman, Sharon Ambrose. I can tell you
13 that was a great experience, because I can tell you, had it not
14 been for those efforts, I don't know how quick Shaw would have
15 got to where it is now. Not just Shaw, but the city, and I think
16 they were on with former -- when father George Bush, came down
17 and also was with (indiscernible). So I want to commend you as
18 well, Mr. Thorpe. I know you were ANC Commissioner. You have
19 done a (indiscernible). Accolades cannot stop for what you have
20 helped do in this city in fighting crime and other efforts, so I
21 wanted to make sure I put that out there too. And appreciate
22 again -- this project is bringing you together, so.

23 MR. THORPE: Thank you, Anthony.

24 CHAIRMAN HOOD: Okay. Let me open it up for my
25 colleagues, questions or comments. Commissioner May.

1 COMMISSIONER MAY: (Negative head shake.)

2 CHAIRMAN HOOD: Commissioner Shapiro.

3 COMMISSIONER SHAPIRO; (Negative head shake.)

4 CHAIRMAN HOOD: Commissioner Turnbull.

5 COMMISSIONER TURNBULL: (Negative head shake.)

6 CHAIRMAN HOOD: And Vice Chair Miller. You're on mute.

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank
8 you to all the public witnesses who testified, Alex Padro, Mahdi
9 Leroy Thorpe, and the Sitzmann neighbors.

10 I associate myself with the Chairman's remarks about
11 all the community engagement that Mr. Padro and Mr. Thorpe have
12 done over many decades. It is really remarkable, and your
13 patience and persistence, I think is finally paying off. I hope
14 so. And hopefully in an equitable manner, at least in this
15 development project going forward. Since the Chairman mentioned
16 his knees were shaking. Mr. Thorpe, you and I have threatened
17 to play tennis for about three decades now or four. My knees
18 are still shaky. I don't know if yours are, but -- I don't know
19 if there is a tennis court left in Shaw --

20 MR. THORPE: There is a tennis court (audio
21 interference). And let me get you there.

22 VICE CHAIR MILLER: Okay. Well, let's --

23 MR. THORPE: I want Rob Miller.

24 VICE CHAIR MILLER: Okay. I hope I don't have to recuse
25 myself from this case.

1 (Laughter.)

2 VICE CHAIR MILLER: Anyway, thank you for all of your

3 --

4 MR. THORPE: Thank you, Rob. Thank you, man.

5 VICE CHAIR MILLER: Thank you for your testimony and
6 all your work.

7 CHAIRMAN HOOD: It is what it is. Again, Vice Chair,
8 we live here too, so we know people too, you know, but we do our
9 jobs correctly.

10 Anything else Commissioners? Any follow up questions
11 or comments?

12 I want to thank everybody who testified. We really
13 appreciate it.

14 Mr. Young, I guess you can take everybody down. Not
15 everybody, except for the applicant.

16 Ms. Prince, do you have any -- I don't think you have
17 any rebuttal, but I have to ask. Do you have any rebuttal or
18 any closing remarks?

19 MS. PRINCE: I have a brief closing.

20 CHAIRMAN HOOD: You have a brief closing? You can go
21 right ahead.

22 MS. PRINCE: I just wanted to say, since the time we
23 filed this application back in November, you know, we thought it
24 was a pretty great project back in November; it got better as a
25 result of the input from this Commission. The comment that we

1 received about Marion Street, I really -- I think that changed
2 the project and really ensured that we have the full support of
3 the Marion neighbors. And it was a very helpful, helpful comment.
4 So I don't need to reiterate everything this project brings. We
5 really tried to listen, and we've tried to listen to what the
6 neighbors think is important, but also what you think is
7 important, and with them both, I believe. So we'd appreciate
8 your taking action as soon as you can, and we will submit a draft
9 order. And we'll also submit the other items that were requested,
10 which I'm sure Sharon will go through with us. I noted a few
11 items that you need before you take final action on this project.
12 But thank you for your time today.

13 CHAIRMAN HOOD: Okay, thank you, Ms. Prince. Again,
14 we want to thank the team, the applicant, and all those who
15 participated, the residents, and all those who came and took time
16 to testify and all the work that's been done by the agencies and
17 everything. This seems like this is something that worked
18 together in many facets, in many ways, and many pluses to it, so
19 I really -- the Commission, we really appreciate it.

20 What I'm going to have to do now is, I think, before
21 we take the first vote, we're going to have to just recess for
22 about 20 -- no, not 20 -- what is it, 6:15? About 15 minutes.
23 And there's another link that we have to go over to, because
24 there was an advertising issue at 6:30, so we want to make sure
25 no one comes on at 6:30, but we'll give them a few minutes to

1 come on and they may want to testify.

2 MS. SCHELLIN: I think, Chairman Hood, since it's so
3 close to 6:30, we could just stay on this one and I'll --

4 CHAIRMAN HOOD: Okay.

5 MS. SCHELLIN: And I'll delete the other one.

6 CHAIRMAN HOOD: Okay. Why don't we do that?

7 MS. SCHELLIN: Since we're so close.

8 CHAIRMAN HOOD: Okay, so it worked out. Yeah, why
9 don't we do that?

10 MS. SCHELLIN: We'll just take a break maybe, as you
11 said.

12 CHAIRMAN HOOD: Yeah, we'll take a break. And I want
13 to make sure -- we'll give them about five minutes, 6:35, because
14 you know I like to be punctual.

15 MS. SCHELLIN: Okay.

16 CHAIRMAN HOOD: And then we'll come back at 6:35.

17 MS. SCHELLIN: I'll go ahead and cease the other one.

18 CHAIRMAN HOOD: Okay, so everybody, let's take a few
19 minutes break so we can make sure we meet our notice requirement
20 and then we'll come back at 6:35.

21 MS. PRINCE: Thank you.

22 CHAIRMAN HOOD: Okay. Thank you.

23 (Whereupon, there was a brief recess.)

24 CHAIRMAN HOOD: Is it 6:35? Yeah, it is 6:35.

25 MS. SCHELLIN: Right. And I just checked. There are

1 no new sign ups to testimony.

2 CHAIRMAN HOOD: Okay, let the record reflect that we've
3 covered both of advertisements from 4:00 and 6:30. And we now
4 are going to 6:36, and it is noted that Ms. Schellin has mentioned
5 that no one is on to testify. Okay. So, Ms. Prince has given
6 us her closing statement. I think this is ready for -- I know
7 that we've asked for somethings. I don't know if we need to go
8 through that. But I mean, if we need to go through it, if we
9 do, okay, I'm seeing heads nod. I don't want to do like Chairman
10 Hill and say raise your hand -- but I kind of like that. That's
11 why I stay on it.

12 Let me see if one of my colleagues want to make a
13 motion. I think this is ready for us to approve and then the
14 other things that we've asked for, we can get before final --
15 before our final vote.

16 Would somebody like to make a motion?

17 COMMISSIONER MAY: Mr. Chairman, I would make a motion
18 that the Zoning Commission take proposed action to approve Zoning
19 Commission Case No. 20-27. I'm hearing screeching noises, are we
20 all? Thank you. High Street Development, Inc., Consolidated PUD
21 and Related Map Amendment at Square 445.

22 VICE CHAIR MILLER: Second.

23 CHAIRMAN HOOD: It's been moved and properly second.
24 Any further discussion?

25 I will just add, I think the record reflects our

1 approval at this point. There are a lot of things that have been
2 rectified with inconsistencies, other policies (indiscernible),
3 inconsistencies in the FLUM and other affordable components to
4 this, and I think the record speaks for itself. It's been moved
5 and properly second.

6 Any further discussion?

7 COMMISSIONER MAY: I would just note that there are a
8 handful of things that we're expecting to see, and I'm sure that
9 Ms. Prince has a record of that and knows what we need to see
10 before we take final action.

11 CHAIRMAN HOOD: Any further discussion?

12 CHAIRMAN HOOD: Okay, with that, Ms. Schellin, would
13 you do a roll call vote, please?

14 MS. SCHELLIN: Yes. Commissioner May.

15 COMMISSIONER MAY: Yes.

16 MS. SCHELLIN: Commissioner Miller.

17 COMMISSIONER MILLER: Yes.

18 MS. SCHELLIN: Commissioner Hood.

19 CHAIRMAN HOOD: Yes.

20 MS. SCHELLIN: Commissioner Turnbull.

21 COMMISSIONER TURNBULL: Yes.

22 MS. SCHELLIN: Commissioner Shapiro.

23 COMMISSIONER SHAPIRO: Yes.

24 MS. SCHELLIN: The vote is five to zero to zero to
25 approve proposed action in Zoning Commission Case No. 20-27.

1 And I would ask Ms. Prince how much time they need to provide
2 the items that the Commission requested?

3 MS. PRINCE: A week. Is a week okay?

4 MS. SCHELLIN: One week?

5 MS. PRINCE: Uh-huh.

6 MS. SCHELLIN: Okay. So if we could have those items
7 by 3 o'clock p.m. on May 27th, and the ANC, the only party would
8 have until 3 o'clock p.m. on June 3rd to provide a response if
9 they choose to do so, and then we can put this -- and also a
10 draft order would be due by 3:00 p.m. on June 3rd, and we can
11 put this on the Commission's -- well, actually, no, we can't,
12 because we have to wait 30 days. So let me give you more time.
13 Since they took proposed action and we have to refer to NCPC,
14 final action cannot occur until the second meeting in June. So
15 let me give you guys until June 10th to provide your additional
16 items. I am sure Mr. Colbert will appreciate that. So June
17 10th, 3 o'clock p.m. The ANC would have until June 17th at 3
18 o'clock p.m. And a draft order would also be due by 3 o'clock
19 p.m. on June 17th, and then we can put it on for June 24th for
20 final action. Got it?

21 MS. PRINCE: Yes.

22 MS. SCHELLIN: Okay.

23 CHAIRMAN HOOD: Okay, it sounds like we have everything
24 in order.

25 Ms. Schellin, do we have anything else?

1 MS. SCHELLIN: No, sir.

2 CHAIRMAN HOOD: All right. I want to thank everyone
3 for their participation tonight in this hearing. A great job by
4 all.

5 The Zoning Commission will meet again, not until next
6 Thursday, May 27th. This will be a public meeting. We will
7 start at 4:00 p.m. on the same platforms.

8 Thank you again, everyone.

9 Commissioners, any final comments?

10 So with that, this hearing is adjourned, and goodnight
11 everyone.

12 (Whereupon, the above-entitled matter went off the
13 record at 6:40 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 05-20-21

Place: Teleconference

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