

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

+ + + + +

THURSDAY

OCTOBER 21, 2021

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IN THE MATTER OF:      :
                        :
Capitol Crossing III, LLC : Case No.
& Capitol Crossing IV, LLC : 08-34L
2nd Stage PUD, Center    :
Block, (Sq. 566, Lots    :
861 & 862), Ward 2      :
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The Public Hearing of Case No. 08-34L by the District of Columbia Zoning Commission convened via videoconference, pursuant to notice, at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY HOOD, Chairperson
ROBERT MILLER, Vice Chair
PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on October 21, 2021.

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

OPENING STATEMENT:
 Anthony Hood 4

PRESENTATION:
 Case No. 08-34L: Capitol Crossing III, LLC and Capitol
 Crossing IV, LLC, 2nd-Stage PUD, Center Block,
 (Sq. 566, Lots 861 & 862), Ward 2. 7

COMMENTS AND QUESTIONS:
 Commissioners 15

VOTE:
 Commissioners 37

ADJOURN:
 Anthony Hood 37

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

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen.
4 Today's date is October 21, 2021. We are convening and
5 broadcasting this public hearing via videoconferencing.

6 My name is Anthony Hood, and I'm joined by Vice Chair
7 Miller and Commissioner May. We are also joined by Ms. Sharon
8 Schellin, my Secretary in the Office of Zoning, and Mr. Paul
9 Young, who will be handling all of our virtual operations. Also,
10 we have Mr. Jacob Ritting, our counsel. I would ask all others to
11 introduce themselves at the appropriate time.

12 The subject of tonight's case is Zoning Commission Case
13 No. 08-34L. This is a second-stage planned unit development
14 application for the Capitol Crossing Center Block.

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

17 This proceeding is being recorded by a court reporter,
18 and the platforms used are webcast Live, Webex, and YouTube Live.
19 The video will be available on the Office of Zoning's website
20 after the hearing.

21 All persons planning to testify should have signed up in
22 advance and will be called by name at the appropriate time. At
23 the time of sign-up, all participants will complete the oath or
24 affirmation required by Subtitle Z, 408.7.

25 Accordingly, all those listening on Webex or by phone

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1 will be muted during the hearing, and only those who have signed
2 up to participate or testify will be unmuted at the appropriate
3 time. When called, please state your name and home address before
4 providing your testimony. When you are finished speaking, please
5 mute your audio.

6 If you experience difficulty accessing Webex or with
7 your telephone call-in, or have not signed up, then please call
8 our OZ hotline number at 202-727-5471.

9 If you wish to file written testimony or additional
10 supporting documents during the hearing, then please be prepared
11 to describe and discuss it at the time of your testimony.

12 The hearing will be conducted in accordance with
13 provisions of 11-Z DCMR, Chapter 4 as follows: preliminary
14 matters; the Applicant's case. In this case, the Applicant has up
15 to 60 minutes. I believe we have read the record sufficiently,
16 just hit the highlights. I would ask the Office of Planning and
17 the Applicant to just hit the highlights, and I think they can do
18 that within 10 minutes for the public.

19 Then we will have the report of the Office of Planning
20 and District Department of Transportation, and that goes also to
21 DDOT as well; report of other government agencies; the report of
22 the ANC. I think there are two in this case who have submitted
23 documents. Testimony of organizations, five minutes, and
24 individuals, three minutes. And we will hear in the following
25 order from those who are in support, opposition, and undeclared.

1 Then we will have rebuttal and closing by the Applicant. Again,
2 the Office of Zoning's hotline number is 202-727-5471 for any
3 concerns during these proceedings.

4 At this time, the Commission will consider any
5 preliminary matters. Does the staff have any preliminary matters?

6 MS. SCHELLIN: Just the usual. Proffered expert
7 witnesses, Thomas Wong in architecture, Exhibit 13C; Jami
8 Milanovich, previously accepted. I do not see Shane Dettman. I
9 don't think he's going to be participating this evening. I think
10 it's just those two. Thomas Wong has not been accepted before if
11 the Commission would consider him.

12 CHAIRPERSON HOOD: Okay. Colleagues, we have a request
13 for Mr. Wong to be considered as an expert in architecture.

14 COMMISSIONER MAY: Mr. Wong is a very accomplished
15 architect, and I would certainly consider him an expert.

16 CHAIRPERSON HOOD: We've got to give him Gold status.
17 All right. So no objections unless Vice Chair Miller has any
18 objections. Okay. No objections, we will give him expert status.
19 Very competent -- well, expert status, so I won't get in trouble.

20 MS. SCHELLIN: Ms. Shiker from Holland & Knight will be
21 the representative for the Applicant, as I said. Ms. Steingasser
22 from OP will be the representative for OP this evening. And we
23 will have Emma Blondin from DDOT for their representative. And
24 the one ANC, we have Mark Eckenwiler, and I'm not sure that we
25 have anybody from 2C, but I will check in the meantime once you

1 get to that point.

2 CHAIRPERSON HOOD: Okay, thank you. Let's bring Ms.
3 Shiker up and her team, and they can get started. And Ms. Shiker,
4 I think this can be done in about 10 minutes.

5 MS. SHIKER: Yes, good evening, Chairman Hood, and
6 members of the Commission. I'm Christine Shiker representing the
7 Applicant tonight, and we will go through our presentation in 10
8 minutes or less hitting the highlights. And I have a couple of
9 members that I'd like to bring up. Mr. Wong, has he been brought
10 up?

11 MR. YOUNG: I don't see him on here.

12 MS. SHIKER: And then I'm going to go ahead and bring up
13 Jami Milanovich. I'm not going to have her testify in order to
14 keep this in less than 10 minutes, but I'm wondering -- I
15 definitely need -- he says he's listed as Webex 1-Ennead, if that
16 helps you Mr. Young.

17 MR. YOUNG: And Ms. Milanovich, I can only unmute her
18 for some reason. I can't make her a panelist.

19 MS. SHIKER: Okay. That's fine because she'll only be
20 here for questions. Great, I see Mr. Wong has joined us.
21 Wonderful. So Chairman Hood, members of the Commission, whenever
22 you're ready I'm happy to go ahead and start. We do have a
23 PowerPoint that I think will be helpful, so Mr. Young, if you
24 could please bring that up. I sent you a compiled set yesterday.
25 Thank you.

1 So we are pleased to be here to be presenting the last
2 two buildings for a second-stage PUD approval in the Capitol
3 Crossing development. If you'll go to the first slide, please.

4 When we came before you in 2011, this is what we showed
5 you. This is what the freeway condition looked like. Next slide,
6 please. Continue to the next slide, please.

7 We envision three new city blocks. And I'm going to
8 point out all of the slides going from here on out will have north
9 on the left because of the length of the site. So you do have
10 Mass Avenue on the left; the north block, the extension of G
11 Street; the center block, the extension of F Street; and the south
12 block, and then E Street, going from north to south, left to
13 right. Next slide, please.

14 This is the site plan that was approved originally in
15 2011. All of these buildings have come forward for second-stage
16 PUDs except for the two buildings in the center block which are
17 the residential building and the commercial building. That
18 commercial building was just a couple of years ago changed from
19 office to either office/hotel or educational. We are proposing it
20 as a hotel building, and I have all the Zoning Commission orders.
21 I know there had been some questions about that, but we can go on
22 to the next slide, please.

23 This is my favorite slide because this is where we are
24 just a few months ago. You can see that the entirety of the
25 platform has been constructed. The north block of the office

1 tower with the pedestrian way bisecting it is there. You see G
2 Street. You see the Holy Rosary Church facilities, including
3 their courtyard.

4 In the south block, you see the relocated Synagogue
5 Building, and in fact, that is under construction as well. The
6 south building, the office building, is actually in for building
7 permit so it should be under construction in not too long, and so
8 we are here for these final two buildings. Next slide, please.

9 The arrows just remind you where the parking and loading
10 are accessed from. All of the parking and loading was approved as
11 the consolidated PUD. It's been constructed. It is there. The
12 loading is accessed from a single point on E Street with the blue
13 arrow. The green arrows show the location of the parking
14 entrances. Next slide, please.

15 So as I noted, we're asking for second-stage approval of
16 the residential building which fronts on G Street as well as the
17 hotel building which fronts on 2nd and F Street. This is the
18 second-stage PUD, the amenities, the benefits, the Comp Plan
19 compliance, and the Zoning Regulation compliance were all
20 determined as part of the first-stage PUD, and none of those are
21 changing.

22 Most of the amenities have already been delivered, and
23 I'll note that there are one big amenity that comes with this
24 space which is 50 affordable housing units in the residential
25 building. Next slide, please.

1 Again, second-stage approval, requesting a special
2 exception as part of that for a penthouse-habitable space
3 restaurant on top of the hotel building. We're pleased to have
4 OP's support. I only want to point out two things on our support.
5 DDOT included two conditions. The first condition we agreed to.
6 The second condition we've been working with DDOT, and we have
7 come up with agreed-upon language which is on the penultimate
8 slide in our PowerPoint, and we understand that DDOT will testify
9 tonight that they agree to that revised, just slightly revised
10 language.

11 Similarly, ANC 6C did have a condition that we would not
12 have amplification on the roof of the hotel restaurant, and we
13 have agreed to that condition as well. Next slide.

14 With that, I will pass it on to Mr. Wong to walk through
15 the design of the buildings. Thank you.

16 MR. WONG: Good afternoon, everyone. My name is Thomas
17 Wong, design partner with Ennead Architects based in New York
18 City, and we're happy and pleased to present to you the design of
19 the Center Block here at Capitol Crossing.

20 What you see on the screen now is the site plan showing
21 the residential building at 12 stories on the left; the hotel on
22 the right, also 12 stories, and both of those sit atop a common
23 two-story podium.

24 I should note that Holy Rosary Church which is in the
25 bottom right of this block has already constructed their annex,

1 including the rectory and a one-story terrace podium. And that's
2 what you see there listed as the Holy Rosary Church Terrace. Go
3 to the next, please.

4 This gives you a summary of the program here. The
5 orange is the two-story podium. You can see the components in the
6 areas there, retail, hotel, and residential space. Those are
7 mostly amenities. The yellow is the hotel at 221 keys. The blue
8 is the residential tower at 166 units in total, 50 of which are
9 affordable. Next, please.

10 This is the ground-floor plan that shows you the common
11 podium. So the yellow space is all the hotel lobby and amenities
12 with an entry on F Street as well as on G Street. Retail really
13 anchors the corner to activate the street corners and the entire
14 frontages off F and G, as well as wrapping around to 2nd Street.
15 Go to the next, please.

16 You will see the second floor which contains many of the
17 hotel amenities, including some meeting area that has access to an
18 outdoor terrace on the bottom of this plan, and a residential
19 amenity access via the private elevators for the residential
20 lobby.

21 If you go to the next, you'll see a typical floor plan
22 showing the residential unit array, a mix of studio one and two-
23 bedrooms on the left, and the hotel rooms including suites in the
24 corners of the hotel building on the right. Next, please.

25 At the roof we are planning compliant setbacks and some

1 occupiable roof areas. The residential building will have some
2 enclosed amenity space like you see in the light blue that is in
3 front of the mechanical penthouse. There's also an outdoor area
4 for those residents, including a small pool and a covered, shaded
5 terrace.

6 On the right you see a planned hotel restaurant that has
7 some outdoor seating accompanying it facing to the south of the
8 block, so capturing the views to the Washington Monument and the
9 Capitol. And its corresponding support space in the corner, top
10 left corner, and mechanical space in gray. Intentionally, we had
11 put the mechanical space back-to-back so that those two things
12 are really shielding the residents from the hotel use. Go to the
13 next, please.

14 On the roof of the hotel you'll see we have a planted
15 roof. We are still working through some of the exhaust facilities
16 and the smoke exhaust for the atrium there, so there might be some
17 mechanical penetrations there. You see on the left side also a
18 planted roof on the residential building that includes some solar
19 photovoltaic array. That sets off about one and one-half percent
20 of the energy use of the entire development or this Center Block
21 development. Next, please.

22 To describe a little bit of the character, you see some
23 renderings here. This is from the north block passageway looking
24 south. The major three-story space there is the G Street entry
25 into the hotel lobby. You see the residential lobby immediately

1 to the left of that and the residential building sitting above it.
2 Go to the next.

3 This shows you a little bit more of the entire building
4 of the residential building which has an inflected massing to sort
5 of acknowledge the access of the north block passageway. And that
6 residential building is sort of a floating mass and element over
7 that two-story podium. Go to the next.

8 Here's the hotel as seen from F Street. Its major entry
9 is there at that portal which is a double-height space. And the
10 hotel has this articulated bronze surround around each individual
11 hotel room. This really is trying to establish the module of the
12 hotel room. And that is again a floating kind of volume that sits
13 over the combined podium space.

14 In the next you will see a thing that we've been
15 developing with DDOT which is a modified lay-by condition on F
16 Street to accommodate guest arrival and drop-off on F Street, and
17 a canopy that extends out to the edge of the curb. Next, please.

18 Here, a view from the corner of 3rd Street and F with
19 the hotel building behind the Holy Rosary Church. Again, the
20 materiality of the hotel set to provide a little bit of contrast
21 as a background element to the church. Next, please.

22 And then a view of the corner of 2nd Street and F
23 showing you the hotel and its ground-floor restaurant.

24 Now if you go to the next, please, we have devised the
25 2nd Street elevation of both the hotel and residential to have

1 retail that wraps around the corner. The frontage of 2nd Street,
2 however, is partially on the exit ramp of 395. And what we have
3 included in the center area is a slightly more solid portion where
4 that exit ramp occurs. This will provide an emergency exit; for
5 someone who exits there, we will a door here. The upper part of
6 that is open so that the upper, the second floor of the hotel
7 amenity has a view out here and there's some activity.

8 You can see on the left some of the articulation that
9 we're including which is made out of polished concrete in this
10 solid area. If you go to the next, please.

11 Here, just two overall views. The residential building
12 on the left. Again, there's polished concrete as the solid
13 material as well as an acid-etched glass panel on the right that
14 provides some of the pattern and material. The bronze cladding of
15 the hotel on the right is complemented by the same polished
16 concrete at the podium. Next, please.

17 The residential building is going to be a LEED Gold
18 building, and the hotel will be LEED Platinum. But here you see
19 the overall complex of the Center Block with both buildings and
20 their combined podium.

21 MS. SHIKER: Thank you, Mr. Wong. If we go to the last
22 slide 28, Mr. Young, you'll see the revised condition that I
23 mentioned and that DDOT plans to testify to that we've agreed to
24 this on the performance monitoring plan.

25 And with that, we would be happy to answer any questions

1 that you may have. Thank you so much.

2 CHAIRPERSON HOOD: Thank you for your presentation, Mr.
3 Wong, and Ms. Shiker. We really appreciate your condition. I
4 think the record was pretty straightforward, but I think -- we
5 thought it better advised if we asked our questions. So what I'll
6 do is ask Commissioner May, do you have any questions or comments?
7 Commissioner May?

8 COMMISSIONER MAY: I do, yes. I'll try to be quick.
9 First of all, Mr. Wong, it's a pleasure to see you again. It's
10 been quite a few years since we worked together on a project that
11 unfortunately was never built. But that was a good experience and
12 certainly your understanding of Washington, even though you're a
13 New York architect, has shown through. So I think this an
14 extremely well-designed building. And I'm not just saying that
15 because I know you, because I've given hell to many architects in
16 this forum who I know very well.

17 This is really very well done. It fits into the
18 specific context. It's not just another glass box. They are
19 buildings with some heft to them, but they also fit well in that
20 context, which is an interesting mix of historic structures, like
21 the church. You know, mid-70s brick clad office buildings, the
22 neoclassical church and university campus. Neoclassical is not
23 the right word, but it's, you know, modernist. It's all Hartman-
24 Cox, right. It's all their work which is all very fine. In it, I
25 think it all fits in extremely well.

1 I would also comment on how adroitly the rooftop space
2 has been handled. The mechanical space is remarkably small so
3 that the amenity space, the bar and restaurant space, really take
4 advantage of that space. And that's exactly what we had hoped for
5 I think in changing the height restriction to allow occupiable
6 penthouse space, and then the Zoning Regulations that went along
7 with it, so I think you've done a great job managing that.

8 I also appreciate the treatment of the height. When the
9 penthouses didn't have to be 20 feet tall, you didn't make them 20
10 feet tall. Right? You just used what you need to do, and I think
11 that's sensitively done because we really don't want to see
12 penthouses, and 20-foot ones are more visible than 14-foot ones.

13 Now, Ms. Shiker, can you remind me where the project is
14 able to get the 130-foot height from? Is that because it's all
15 technically off of Mass Avenue? Is that what it is? It's a
16 single property off Mass Ave? It's 160-feet wide and that gives
17 you your minimum 110? Because the side street (audio
18 interference) are not that tall.

19 MS. SHIKER: Yes, actually, so each block is an
20 individual single-record lot and single building. So with the
21 Center Block, we're pulling our height from 3rd Street.

22 COMMISSIONER MAY: Oh, so it is --

23 MS. SHIKER: So we are a single building with the Holy
24 Rosary Church, and there is, you know, as approved as part of the
25 first-stage PUD was a (audio interference) connection that went

1 all the way through, and I think it's actually demonstrated on one
2 of the early stages of our plans. The measuring point is from F
3 Street, but the street that we're using for the right-of-way width
4 is 3rd Street.

5 COMMISSIONER MAY: And 3rd is 110 feet?

6 MS. SHIKER: That's correct, yes.

7 COMMISSIONER MAY: Okay. I knew there was something
8 like that, but I couldn't remember where we were pulling the
9 height from. So I do actually have an architectural question
10 which has to do with the precast that's used on the apartment
11 building.

12 It's very white. And that's a concern that comes up
13 frequently for us because very white buildings tend to get dirty
14 faster, and if they're not designed well, you get streaking and
15 staining and things like that. So I'm wondering if you could
16 speak to that a little bit, either what your experience has been
17 or how you are able to detail it so that we don't see that. It's
18 the combination of very white buildings and, you know, clean,
19 modern detailing that sometimes cause trouble as opposed to more
20 traditional designs where, you know, the detail treatment of the
21 surfaces, the accumulation of dirt can actually enhance the
22 reading of the façade. So how is this going to work?

23 MR. WONG: Sure, sure, I'm happy to talk about that
24 Commissioner May.

25 So we're planning on using a polished precast concrete

1 | so that the aggregate actually shows through. We also are hoping
2 | to do a rain screen so that we can avoid the use of sealants which
3 | are largely the proponents that gather the dirt and then streak
4 | off, as well as detail it in a way to create, you know, adequate
5 | runoff, drip edges, et cetera to avoid that kind of condition.

6 | There are plenty of examples of precast buildings
7 | throughout, you know, Washington and its environs, so I think we
8 | can adequately detail it and give it a longevity that is going to
9 | avoid that. We, you know, I think we have to get final samples
10 | with regards to the actual aggregate and the amount that it's
11 | visible. You know, the whiteness I think is something that needs
12 | to be refined as we move forward into the subsequent phases.

13 | COMMISSIONER MAY: All right. Well, I think you're
14 | probably right, that there are plenty of examples of light-colored
15 | buildings in Washington and some of them are good and some of them
16 | are not. So, it's the good ones I think that you want to be
17 | paying attention to.

18 | MR. WONG: Understood.

19 | COMMISSIONER MAY: Okay. All right. I'll pretend I'm
20 | Peter Shapiro for a minute. First of all, it's really great that
21 | we're starting this discussion with Gold and Platinum buildings
22 | because pretty often, you know, people start off with Silver and
23 | we're like urging them to go for Gold. And the mere fact that
24 | we're starting at Gold and Platinum is an accomplishment.

25 | I'm just a little bit confused about the solar

1 component. Is it solar-ready or is it actual solar panels that
2 you're applying?

3 MR. WONG: There are actual solar panels on the
4 residential building.

5 COMMISSIONER MAY: Okay.

6 MR. WONG: The hotel building, because of the exhaust
7 requirements that still have to be fully ironed out in terms of
8 the smoke exhaust for the atrium as well as the kitchen exhaust
9 from that rooftop restaurant, I think are things that we need to
10 understand better. The hotel will be solar-ready, so if and when
11 we come to that point, we can refine whether or not solar panels
12 can occur there.

13 COMMISSIONER MAY: Okay.

14 MS. SHIKER: And that was, our commitment was to 2,000
15 square feet on the residential building, which we would generate
16 to obviously (indiscernible), you know, assisting with the energy
17 costs and energy usage for both buildings. And then making that,
18 we committed to DOEE that we would make that hotel building solar-
19 ready if in the future it would be able to work out with the
20 mechanical shafts.

21 COMMISSIONER MAY: In my review of the materials, I
22 clearly got them muddled, so I appreciate your clarifying that for
23 us. Yes, I guess that wasn't very good at a Peter Shapiro
24 imitation. He would probably be pushing you to do something more
25 than you're doing. Maybe Mr. Miller or Chairman Hood will have

1 something more to say on that topic.

2 Anyway, thank you again. I think this is extremely well
3 done. I do appreciate also that the various conditions from DDOT
4 and the ANC, the Applicant has agreed to. So it's good so far.
5 Thank you.

6 CHAIRPERSON HOOD: Okay, thank you. Vice Chair Miller?

7 VICE CHAIR MILLER: Thank you Mr. Chairman. You can
8 hear me okay? Okay. I'm on a different device so I just wanted
9 to make sure.

10 So thank you Ms. Shiker and Mr. Wong, and the
11 Applicant's team for your presentation and all the work that
12 you've done on this project for a while now. There's a lot
13 involved in the project overall. But your work specifically in
14 this case with the Office of Planning, DDOT, and the ANCs, and
15 appreciate that you've agreed to the conditions of DDOT and worked
16 that out, and the condition of no amplification on the rooftop bar
17 restaurant that ANC 6C requested, so I appreciate all of that.

18 I concur with Mr. May's comments about the design, the
19 good design of both buildings, the residential and the hotel. And
20 I guess I just had a question of clarification on -- I don't know
21 if I can do a good Commissioner Shapiro impression either, Mr.
22 May.

23 But I saw how DOEE, Department of Energy Environment,
24 suggested how you could -- even though it's very laudable that
25 they are Gold and Platinum, they pointed out that that's Gold and

1 | Platinum under the time of the original order, which was several
2 | years ago, and those standards have been upgraded since then. And
3 | they suggested different ways you could even get higher points,
4 | but you gave a response, which I think I'm satisfied with as to
5 | why, as to what you're considering and that you hope to get even
6 | more LEED scorecard when it's finally built and goes forward. But
7 | I think your response was adequate in terms of -- was
8 | understandable, sufficient, as to why you couldn't do some of the
9 | specific suggestions, whether it wasn't feasible or there were
10 | other choices that were being made that made more sense in this
11 | particular case. So I'm very satisfied with the LEED
12 | certification in this case.

13 | On the design, half of the residential building has
14 | balconies, is that correct, and on the north side I think they are
15 | full balconies, and on the southside they are Juliet balconies.
16 | Is that correct, Mr. Wong?

17 | MR. WONG: That is correct. I believe there are five
18 | units on the north side that have real balconies, and then four
19 | units on the south side, southwest side that are Juliet balcony
20 | conditions.

21 | VICE CHAIR MILLER: So it's not half of the units have
22 | balconies, or is it?

23 | MR. WONG: It's nine per floor, and there are nine
24 | floors.

25 | VICE CHAIR MILLER: I thought you had it -- oh, no,

1 | okay.

2 | MR. WONG: There's nine per floor, total of nine floors,
3 | so there are 81 actually out of the 166.

4 | VICE CHAIR MILLER: Well, that's great. And why can
5 | they only be Juliet on the southern Washington Mall-facing
6 | southside?

7 | MR. WONG: That was a choice of the owner essentially.

8 | MS. SHIKER: I think there was a -- we worked really
9 | closely with the Office of Planning on this issue because we were
10 | trying to increase the number of balconies overall in the project.
11 | I mean coming with 50 percent balconies is not what you typically
12 | see in these residential buildings. And when it came to the
13 | design on the more glassy side, they were having a difficult time
14 | achieving what they wanted on the design on that side, whereas on
15 | the north side, you have the overlay of the precast concrete. And
16 | so therefore, it was easier to put those into the design.

17 | And so as we continued to work with the Office of
18 | Planning, we felt that being able to open up those units with the
19 | glassiness was the better option. So that was the reason why we
20 | came to that decision.

21 | VICE CHAIR MILLER: Okay. Well, I appreciate you trying
22 | to maximize the balconies and work with the Office of Planning on
23 | that issue. You know from all the other cases that I've commented
24 | on on residential projects that how much I, and I think the future
25 | occupants of these units appreciate having private, open outdoor

1 space, Particularly that's been emphasized during this pandemic
2 period.

3 So anyway, 50 of the 166 units are affordable, that's
4 per the original Order, and that's very laudable. They are at the
5 80 percent median family income level, or does it vary if it's
6 rental or ownership? Or just 80 percent pursuant to that previous
7 Order?

8 MS. SHIKER: It is just 80 percent. As you may or may
9 not remember, this project is not subject to the Inclusionary
10 Zoning because of its zone at the time. And so therefore, there
11 were agreements that were made. All of the units are at 80
12 percent. But unlike IZ, they are representative of the market
13 rate units across the board.

14 So for example, I think we have a little over 20 percent
15 two-bedrooms, so a little over 20 percent of our affordable units
16 will be two-bedrooms. You wouldn't necessarily have to do that
17 under IZ. So there were a variety of considerations and the
18 condition in the original Order, its condition 22 sets forth all
19 of those details, and we aren't proposing to change any of that.

20 VICE CHAIR MILLER: And certainly the 30 percent set
21 aside for this residential building is much higher than the
22 Inclusionary Zoning set aside that did not apply when this case
23 was originally filed. Anyway, thank you for that clarification.
24 I appreciate that and thank you for all your work on this.

25 That's it, Mr. Chairman.

1 CHAIRPERSON HOOD: I don't necessarily have a whole lot
2 of questions because I think this case has been moving along.
3 We're at the second stage. But there are a lot of things where I
4 see that this Commission and the Office of Planning, the City can
5 do better. But I know this has been in the pipeline so I'm not
6 going to talk about affordable housing, who we're building this
7 for. I'm not going to mention about the 80 percent. I'm not
8 going to mention anything about the roof, but I will opine on the
9 -- because we are at second stage so one thing that I want to make
10 sure to impress upon this Applicant is that the City tries to be
11 predictable. We don't change the rules up in the middle of the
12 game, even though some of the teams, I wish they would, but they
13 don't.

14 But I do want to associate myself, Mr. Wong, associate
15 myself with both of my colleague's comments, but in particular the
16 light materials. And I'm glad -- I heard what you said, and with
17 the outstanding accolades that you were given by Commissioner May,
18 I'm sure that you will take that into consideration, and the
19 Applicant will take that under consideration to make sure.
20 Because it's worse -- we've been around long enough to see some of
21 the things that we have approved. And we drive by there with our
22 heads down because they look so dirty. So, you know, it's a
23 mixture of both. And it's already been said, it's how it's done.
24 We want to make sure the residents who live there and who have to
25 look at it, can look at it with pride. So I appreciate your

1 | comments, and let's just make sure that we follow through with
2 | that Ms. Shiker and to the Applicant.

3 | I don't have a whole lot. This is a case that I looked
4 | at and I could bring up a lot of things, but again, we're already
5 | out the gate here and in this city, we try to be predictable.

6 | I don't have anything else. Any second go-rounds? I do
7 | too, like the design, so I'll leave it at that.

8 | Let's see, do we have any cross from either 2C or 6C?
9 | Ms. Schellin? I don't know if 2C is here, but I know Commissioner
10 | Eckenwiler is here.

11 | MS. SCHELLIN: I only see Mr. Eckenwiler.

12 | CHAIRPERSON HOOD: Okay, so 2C, I'll read the report.
13 | If they come in, if they don't come in, I'll read the report.

14 | Mr. Eckenwiler, do you have any cross-examination?

15 | COMMISSIONER ECKENWILER: Thank you, Mr. Chair. I'm
16 | Mark Eckenwiler for ANC 6C, no cross.

17 | CHAIRPERSON HOOD: Okay, thank you. All right, let's go
18 | to other government reports. It was good to see in the Office of
19 | Planning report noting that -- we talked about the DOEE and their
20 | response in Exhibit 22 from the Applicant, which I'm very
21 | satisfied with, which has already previously been mentioned. But
22 | when they had the forum, we had DDOT, DOEE, DCOR, DACD and OP's
23 | design revision, were in attendance, so I'm sure a lot of those
24 | comments were filtrated and a lot of those issues that may have
25 | come up for the second stage have been dealt with. I was glad to

1 see that that was the case, and I'm sure all of them have had some
2 input.

3 All right. Let's go to the Office of Planning. And
4 again, Office of Planning we don't even need 10 minutes, I don't
5 think with you all, unless you have so much to tell us that we
6 have not already said. We will turn it over to Ms. Steingasser.

7 MS. STEINGASSER: Yes, Chairman Hood, Commissioners,
8 there's not a lot more for the Office of Planning to add.

9 CHAIRPERSON HOOD: Okay. Well, is that your report?

10 MS. STEINGASSER: I'm happy to keep it short. We stand
11 on our record in support of this application and the completion of
12 this project. Many of the benefits that this project provides
13 overall, the connectivity, the re-creation of the urban
14 environment, the connection of the east and the west, the
15 (indiscernible) that serves as the ground, all of which lead us to
16 be very pleased and happy to recommend approval of this PUD.

17 CHAIRPERSON HOOD: Okay, thank you Ms. Steingasser. I
18 will say in your report, I appreciate the equity lens, but again,
19 as I've stated, there's a lot of stuff we could have had a
20 discussion on, and I appreciate the discussion there. We have
21 changed things that's already been mentioned in some other issues
22 with this project, but we don't want to change, I don't believe,
23 in the middle of the game on this project. So I appreciate your
24 analysis of tying in some of the racial equity lens, and how we're
25 trying to get to where we need to be. Even with this project, it

1 was out there long before the City put that in Comp Plan, so
2 thank you all for your indulgence in putting that into the report.

3 Mr. May, do you have any questions for OP?

4 COMMISSIONER MAY: You know, Mr. Chairman, you mentioned
5 the one area that I did have a question about. Not that I really
6 have a question so much, but I think it actually would be good for
7 our record to have Ms. Steingasser talk a little bit more about
8 the racial equity analysis since that's something new in the
9 Comprehensive Plan, and it's not something that was part of the
10 original conception or the planning for his project.

11 But I think evaluating this second-stage against that
12 test I think is very important. Again, I did read the analysis in
13 the OP report, but I think for any member of the public who's
14 watching, or for our record generally, I think it's worth it for
15 Ms. Steingasser to just hit the high points of that analysis.

16 MS. STEINGASSER: I'm happy to. You know, I want to
17 start by pointing out that this side has no displacement. That's
18 one of the first questions to consider when we're looking at a PUD
19 or the development of a parcel. We did recognize the original
20 consistency with the Comp Plan in place at the time of (audio
21 interference) Stage 1 and found it consistent with that.

22 We then looked at this centerpiece as part toward the
23 equity lens of the new Comprehensive Plan, and also found that
24 overall, when evaluated through the equity lens, the proposed
25 second-stage PUD provides housing which has an overall effect on

1 maintaining, keeping the escalation of pricing slower.

2 There's affordable housing. There's economic
3 opportunities through both the construction of what was happening
4 on the site and through the businesses that are going to be
5 occupying the buildings. Hotels have a lot of easy entry jobs for
6 people. There's the urban connectivity that the project provides
7 overall. The (audio interference) connections. The larger
8 (indiscernible) that covers the highway itself, and the
9 environmental benefits that are beneficial for all the residents,
10 both future and current.

11 Of course, the 50 affordable units that are provided
12 through the general LBA on the site. So overall we found that
13 when looking through the racial equity lens of the Comp Plan, the
14 project remained not inconsistent with the Comprehensive plan.

15 COMMISSIONER MAY: Thank you. I appreciate you running
16 through that.

17 CHAIRPERSON HOOD: Thank you. Vice Chair Miller?

18 VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank you,
19 Ms. Steingasser, for the Office of Planning report, and --

20 CHAIRPERSON HOOD: Let me do this -- excuse me Vice
21 Chair. Let me ask everybody who's not speaking if you can mute so
22 we don't get the background. I'm going on mute.

23 VICE CHAIR MILLER: Okay. All I was going to say is
24 thank you, Ms. Steingasser, for your written report and the
25 dialogue which you had with my fellow Commissioners today. I

1 think it's all very helpful. Thank you.

2 CHAIRPERSON HOOD: Thank you again, Ms. Steingasser. I
3 don't have any further questions. Let's see if -- does the
4 Applicant, Ms. Shiker, does the Applicant have any questions for
5 the Office of Planning?

6 MS. SHIKER: We do not. Thank you, Chairman.

7 CHAIRPERSON HOOD: Mr. Eckenwiler, do you have any
8 questions for the Office of Planning?

9 COMMISSIONER ECKENWILER: No, Mr. Chairman.

10 CHAIRPERSON HOOD: Thank you. And again, Ms. Schellin,
11 we don't have anyone here yet from ANC 2C? All right. So thank
12 you, Ms. Steingasser.

13 Let's go to the reports of the ANC. Mr. Eckenwiler will
14 do 6C, and I guess I will have to do 2C if they're not available,
15 if they're not here. Mr. Eckenwiler.

16 COMMISSIONER ECKENWILER: Thank you, Mr. Chairman. You
17 have our report at Exhibit 30 in the record. ANC 6C supports this
18 application subject to one condition described in the letter. Ms.
19 Shiker has already ably described that in her presentation and
20 indicated the Applicant has consented to that condition. So we'll
21 stand on that.

22 CHAIRPERSON HOOD: Okay. Again, Commissioner
23 Eckenwiler, thank you for taking time out of your schedule to come
24 down and let us know where ANC 6C is. We really appreciate that.
25 It does not go unnoticed that you take time to come down, whether

1 | pro or con, and give us the reviews of the ANC and all the work
2 | that you all do.

3 | Any questions of Mr. Eckenwiler? Commissioner May?
4 | Okay.

5 | Vice Chair Miller?

6 | VICE CHAIR MILLER: No questions. Thank you, Mr.
7 | Eckenwiler.

8 | CHAIRPERSON HOOD: Okay. Ms. Shiker -- I almost said
9 | Commissioner Shiker -- Ms. Shiker, do you have any questions?

10 | MS. SHIKER: I do not, thank you.

11 | CHAIRPERSON HOOD: Okay. Thank you again, Commissioner
12 | Eckenwiler. I'll do my best with ANC 2C's letter. Basically,
13 | they said -- I'm just going to read that last part, and this is
14 | from Chairman Michael B. Shankle.

15 | He says, "Based on the foregoing, ANC 2C strongly
16 | supports the application for a second-stage PUD for the Center
17 | Block and encourages the Commission to approve the project." And
18 | that's our Exhibit 24. And again, that's ANC 2C. We've already
19 | heard from ANC 6C from Commissioner Eckenwiler.

20 | MS. SCHELLIN: Did we do the DDOT report?

21 | CHAIRPERSON HOOD: Let me go back to Exhibit 26. Ms.
22 | Blondin? Who's from DDOT?

23 | MS. SCHELLIN: Emma Blondin.

24 | MS. BLONDIN: Good afternoon.

25 | CHAIRPERSON HOOD: I'm sorry, Ms. Blondin. I saw your

1 name and I put you (audio interference), and I should not do that.
2 But anyway, you may go right ahead, Ms. Blondin. I'm sorry.

3 MS. BLONDIN: No worries. Good evening and thank you
4 for having me. My name's Emma Blondin. I'm with District
5 Department of Transportation. DDOT is supportive of the
6 Applicant's proposal; vehicular access, long-term bicycle parking,
7 loading were all consistent with the first-stage approval.

8 The Applicant has been coordinating with us on public
9 space elements including, as they showed, a hotel passenger
10 loading zone, and they will continue to do so through public space
11 permitting.

12 The Applicant has coordinated with us on the
13 transportation impacts and will participate in the transportation
14 management program for the entire first stage PUD area for Zoning
15 Order 08-34, Condition 20, as outlined in their transportation
16 statement, Exhibit 21A. And the transportation management plan
17 includes both the Transportation Demand Management Plan and a
18 Performance Monitoring Plan.

19 As you heard in the Applicant's presentation, DDOT has
20 come to agreement on the TDM and Performance Monitoring Plan
21 condition from our report. And with that condition included in
22 the final zoning Order and continued coordination with DDOT
23 through public space permitting, we have no objection to the
24 approval of this application. Thank you.

25 CHAIRPERSON HOOD: Thank you Ms. Blondin. How do you

1 pronounce your last name again?

2 MS. BLONDIN: Blondin.

3 CHAIRPERSON HOOD: Blondin. Have you been here before?

4 MS. BLONDIN: I have not. This is my first time with
5 you all.

6 CHAIRPERSON HOOD: Okay. Well let me welcome you. It
7 sounds like this is going to be an easy one for you, but I always
8 tell the new presenters, don't get used to it. But thank you. We
9 appreciate you.

10 MS. BLONDIN: They always give us the easy ones to
11 start, right?

12 CHAIRPERSON HOOD: Okay. Because DDOT, transportation
13 can be rough at times, but you got a good one to get started with.
14 So welcome to the Zoning Commission.

15 MS. BLONDIN: Thanks. I appreciate it.

16 CHAIRPERSON HOOD: Commissioner May, do you have any
17 questions of Ms. Blondin? Okay.

18 Vice Chair Miller?

19 VICE CHAIR MILLER: No questions. Welcome Ms. Blondin.

20 CHAIRPERSON HOOD: Ms. Shiker, do you have any
21 questions?

22 MS. SHIKER: I do not. Thank you.

23 CHAIRPERSON HOOD: And Commissioner Eckenwiler?

24 COMMISSIONER ECKENWILER: No questions, Mr. Chairman.

25 CHAIRPERSON HOOD: Okay. Thank you, Ms. Blondin. I

1 greatly appreciate your report.

2 MS. BLONDIN: Thank you.

3 CHAIRPERSON HOOD: Okay. Now, where were we at? I
4 think we went through -- Ms. Schellin, I think we are at persons
5 who are in here in support or opposition or undeclared.

6 MS. SCHELLIN: There are no witnesses signed up.

7 CHAIRPERSON HOOD: No witnesses. Okay.

8 Ms. Shiker, do you have a -- I don't think you have any
9 rebuttal. Do you have any closing?

10 MS. SHIKER: Yes, Chairman, members of the Commission,
11 thank you. This project has been a long time in the making back
12 from 2011 to 2021, and we're as I said, thrilled to be here with
13 the last two buildings, and we would appreciate the Commission's
14 deliberation and support for this project at their earliest
15 convenience. Thank you.

16 CHAIRPERSON HOOD: Thank you. With that, I'm going to
17 close the record. I believe this is a one-vote case. I think,
18 unless somebody asked me something that I don't recall, I think
19 we're ready to move forward with this tonight. I see my
20 colleagues here shaking "yes." All right. So with that, I will
21 ask one of my colleagues to make a motion, however you wish. Let
22 me go to Commissioner May first.

23 COMMISSIONER MAY: Yes, I did have a couple of comments
24 before we get to the motion. One is that I should've also tried
25 to do my Michael Turnbull imitation and repeat his comments from

1 set down which was in appreciation for the signage plan. The way
2 it was laid out is, you know, appropriate and modest and looks
3 good. So I neglected to mention that before when I was doing my
4 Commissioner impressions. That's one comment.

5 The other one is that I think there is a slight issue
6 with the condition regarding the requested phasing, and we have a
7 suggestion for that. Mr. Chairman, you're aware that is from the
8 Office of Zoning's Legal Division.

9 They are suggesting we add a sentence that says,
10 "approval shall expire if the Applicant does not apply for a C of
11 O for the hotel building within six years of the effective date of
12 this Order."

13 So that allows two years to get to the permit
14 application; three years to start construction; and then three
15 more years to get to the C of O, which theoretically should be
16 plenty of time. The reason this is important is that if we never
17 get to the C of O, the next phase could string on forever. So Mr.
18 Ritting popped in. Do you want to add anything to that?

19 MR. RITTING: No, you've summarized it perfectly. And
20 Ms. Shiker, I think this is an issue that you and I could iron out
21 post-decision if you have some questions or comments or issues
22 with that. The purpose of it being, as Mr. May said, that we
23 don't create a situation where you get a building permit for the
24 first phase, but then for whatever reason you don't get to a
25 Certificate of Occupancy, and then you have an indefinite approval

1 | which is something that has happened before, and we want to avoid.

2 | I know that that's certainly not your intention, and
3 | it's very unlikely that would happen. But crazy things happen
4 | sometimes, and so that's why you need to think about that stuff
5 | now. So that's the reason I made that suggestion. If, for some
6 | reason you think six years is too soon, possibly we could talk
7 | about a longer period, so long as there is a definite period at
8 | which point the PUD would expire if you don't get a Certificate of
9 | Occupancy.

10 | COMMISSIONER MAY: Yes, I think that's fine. I think
11 | six years is a reasonable period of time. But I don't think it's
12 | a problem if it's more than that, as long as it's not like 16
13 | years, right. It's got to be something that's realistic in
14 | perspective.

15 | So, yes, I think that was the only outstanding issue
16 | that I was aware of. So otherwise, Mr. Chairman if you want, I
17 | would make a motion for --

18 | CHAIRPERSON HOOD: Before you make a motion, I do have
19 | an issue with much longer than six years, but I will leave that to
20 | Mr. Ritting and Ms. Shiker because we don't want it for 15 years
21 | later. I just want to make sure the Commission doesn't want that.

22 | COMMISSIONER MAY: You know, six months maybe; I mean
23 | six years and six months, something like that.

24 | CHAIRPERSON HOOD: That's no problem.

25 | COMMISSIONER MAY: A little bit more time if you need

1 | it.

2 | CHAIRPERSON HOOD: Okay. All right. Well, I think we
3 | got everything -- I think you're ready to make the motion, so
4 | good, I'll let you do that.

5 | COMMISSIONER MAY: All right. I'll make the motion that
6 | the Zoning Commission take final action to approve Capitol
7 | Crossing III, LLC and Capitol Crossing IV, LLC, second-stage PUD
8 | at Square 566, Lots 861 and 862, Center Block, and would ask for a
9 | second.

10 | VICE CHAIR MILLER: I second that, and I know that the
11 | motion includes the DDOT conditions that we've discussed tonight
12 | and the ANC 6C condition on amplification that we discussed
13 | tonight, and the phasing condition that you brought up with our
14 | counsel that will be worked out with the Applicant as we
15 | discussed.

16 | COMMISSIONER MAY: You're absolutely correct. That was
17 | all folded in there.

18 | VICE CHAIR MILLER: I knew it was. Thank you. I second
19 | it.

20 | CHAIRPERSON HOOD: Okay, great. It's been moved and
21 | probably seconded with all the things that have been discussed.
22 | Any further discussion? Not hearing any, Ms. Schellin, would you
23 | do a roll call vote please?

24 | MS. SCHELLIN: Commissioner May?

25 | COMMISSIONER MAY: Yes.

1 MS. SCHELLIN: Commissioner Miller?

2 VICE CHAIR MILLER: Yes.

3 MS. SCHELLIN: Commissioner Hood?

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: The vote is 3 to 0 to approve final
6 action on Zoning Commission Case 08-34L. Commissioner Shapiro not
7 present and not voting, and the AOC representative not present and
8 not voting. Thank you.

9 If we could get a draft order within two weeks, that
10 would be great.

11 MS. SHIKER: Yes, thank you. We will do that. Thank
12 you everyone.

13 CHAIRPERSON HOOD: We've got about six more hours, the
14 middle of the night.

15 I want to thank everyone for their participation tonight
16 and all the work that has been done in this case.

17 The Zoning Commission will be meeting again on October
18 25th, and that case is 16-20A, 3443 Eads, LLC, and we'll be
19 meeting at 4:00 p.m. on the same platforms. Anybody have anything
20 else? Ms. Schellin, anything else? Okay.

21 MS. SCHELLIN: That's it.

22 CHAIRPERSON HOOD: I want to thank everyone for their
23 participation tonight, and you all have a great weekend.
24 Goodnight.

25 (Whereupon the above-entitled matter went off the record)

1 | at 4:57 p.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Public Hearing

Before: DCZC

Date: 10-21-21

Place: Teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



GARY EUELL