

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: :
: :
Square 695, LLC : Case No.
Design Review : 21-12
M & South Capitol Streets :
Sub-Area, 850 South :
Capitol St., SE, (Square :
695, Lots 31 & 34), Ward 6 :
-----:

THURSDAY

DECEMBER 9, 2021

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The Public Hearing of Case No. 21-12 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 J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
JOSEPH IMAMURA, Commissioner
PETER MAY, Commissioner
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN COCHRAN
JENNIFER STEINGASSER

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQUIRE

The transcript constitutes the minutes from the
Public Hearing held on December 9, 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 Number: 21-12 - Square 695, LLC, Design Review
 M & South Capitol Streets Sub-Area, 850 South Capitol
 Street, SE (Square 695, Lots 31 & 34) - Ward 6 8

COMMENTS AND QUESTIONS:
 Commissioners 31

VOTE:
 Commissioners 90

CLOSING REMARKS:
 Anthony Hood 90

ADJOURN:
 Anthony Hood91

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

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. Today's date is December the 9th, 2021. We are
5 convening and broadcasting this public hearing by video
6 conferencing. My name is Anthony Hood, and I'm joined by Vice
7 Chair Miller, Commissioner May, Commissioner Shapiro, and
8 Commissioner Imamura. We're also joined by the Office of Zoning
9 staff, Ms. Sharon Schellin and Mr. Paul Young, who will be
10 handling all of our virtual operations. Also, our Office of
11 Zoning Legal Division, Ms. Hillary Lovick. I will ask all others
12 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,
16 Webex or 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, 408.7. 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 home address before providing your

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1 testimony. When you are finished speaking, please mute your
2 audio.

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

9 The subject of this evening's hearing is Zoning
10 Commission Case No. 21-12. This is Square 695, LLC, design
11 review, M & South Capitol Streets, Sub-Area, at Square 695, Lots
12 31 and 3 through 850, South Capitol Street, Southeast. Again,
13 today's date is December 9th, 2021.

14 This hearing will be conducted in accordance with the
15 provisions of 11 DCMR, Chapter 4 as follows: preliminary matters,
16 the applicant's case. The applicant has up to 60 minutes; I
17 think we can cut that shorter and get to the relevant issues and
18 ask that we hit the highlights. We have the report of the Office
19 of Planning and District Department Transportation, the report
20 of other government agencies, and report of the ANC. I know one
21 of the ANCs is 6D, and we have another ANC, I believe, which is
22 right across the street. And we will -- somebody can get that
23 for me, or I'll get it shortly.

24 Testimony of organizations and individuals;
25 organizations will have five minutes. Individuals will have

1 three minutes. And we will hear in the following order from
2 those who are in support, opposition, and undeclared, and then
3 we'll have rebuttal and closing by the applicant.

4 Again, the Office of Zoning hotline number is
5 202-727-5471 for any concerns during these proceedings.

6 At this time, the Commission will consider any
7 preliminary matters. Does the staff have any preliminary
8 matters?

9 MS. SCHELLIN: Proffered experts. There are four
10 experts being proffered; the three that have previously been
11 approved by the Commission; Trini Rodriguez in landscape design,
12 Erwin Andres in transportation, Shane Dettman in planning, and
13 then the one that I did not find as being previously accepted is
14 Brian Pilot in architecture. His resume is at Exhibit 3G. So
15 if the Commission would just agree to accept the other three in
16 this case as experts and consider Brian Pilot.

17 CHAIRPERSON HOOD: Well, Ms. Schellin, the other three
18 have already been previously accepted, correct?

19 MS. SCHELLIN: Correct.

20 CHAIRPERSON HOOD: Okay. So unless I hear otherwise,
21 we will continue that status. And Mr. Pilot has not been
22 accepted. As Ms. Schellin has already mentioned, his resume is
23 in 3G. Let me see if the colleagues -- my colleagues, what is
24 your pleasure on Mr. Pilot being proffered as an expert in
25 architecture?

1 COMMISSIONER MAY: Okay. Mr. Chairman, I'm pulling it
2 up. Hold on a second.

3 (Pause.)

4 COMMISSIONER MAY: Yeah, I don't have any problem. I
5 don't remember who Brian Pilot was, you know, all these resumes
6 blur together.

7 CHAIRPERSON HOOD: Okay. Anybody else have any
8 objections?

9 COMMISSIONER IMAMURA: No objections.

10 CHAIRPERSON HOOD: It's kind of an unsaid rule that if
11 the architect usually goes along (indiscernible), unless
12 something really just flares out at us.

13 COMMISSIONER MAY: Yeah.

14 CHAIRPERSON HOOD: Yeah. All right.

15 COMMISSIONER MAY: Well, I just -- I had to double-
16 check on the registration thing, but, yeah.

17 CHAIRPERSON HOOD: It's just funny how everybody kind
18 of waits to hear from the architect. Okay then, you know, but
19 anyway.

20 All right, Ms. Schellin, anything else?

21 MS. SCHELLIN: So Leila Batties will be the applicant's
22 representative this evening. The two ANCs, ANC 6D is represented
23 -- the chairperson is Edward Daniels. I do not see him on yet.
24 The other ANC across the street is 6B, as in boy. I don't see
25 anyone on yet for that one. They don't have the ANC chairperson

1 | noted on the notes here. Kimberly Vaca from DDOT is here this
2 | evening, and Steve Cochran from OP is on. Other than that, staff
3 | has nothing further.

4 | CHAIRPERSON HOOD: Thank you, Ms. Schellin. And thank
5 | you for helping me find -- remembering the other ANC. I was
6 | about to say 2F, but that's blurring with yesterday. So thank
7 | you very much, Ms. Schellin.

8 | Let's bring up the applicant's team, Ms. Batties and
9 | her team.

10 | And once you all get settled and straight, we will turn
11 | it over to you. We don't need 60 minutes.

12 | (Crosstalk.)

13 | CHAIRPERSON HOOD: I think your microphone is on. Don't
14 | say anything bad about us, because we can hear you. But --

15 | MS. BATTIES: I would never say anything bad about you,
16 | Mr. Chairman.

17 | CHAIRPERSON HOOD: Yeah, right. Okay. So let's go
18 | ahead and get started. Ms. Batties, we don't need 60 minutes.

19 | MS. BATTIES: Yes, I got that.

20 | CHAIRPERSON HOOD: Okay.

21 | MS. BATTIES: We have reduced our direct testimony.

22 | CHAIRPERSON HOOD: Okay. I'll turn it over to you.

23 | MS. BATTIES: All right. Great. Thank you. Good
24 | afternoon, Mr. Chair, members of the Commission, Leila Batties
25 | with the law firm of Holland and Knight, joined by my colleagues,

1 Chip Glasgow and Chris Cohen, representing the applicant in
2 Zoning Commission Case No. 21-12. The applicant is Square 695,
3 LLC, a special purpose entity affiliate of William -- W.C. Smith.
4 The applicant seeks design review approval for a residential
5 building consisting of 520 units in the M and South Capitol Street
6 sub-area, located on the east side of South Capitol Street between
7 I -- I'm sorry -- on the east side of South Capitol Street between
8 Eye Street and I-69 -- I-695 overpass. Additionally, the
9 applicant requests a variance from Subtitle I, §616.7(f), which
10 requires that a minimum of 75 percent of the street wall on the
11 east side of South Capitol Street be constructed on a setback
12 line that is set at 15 feet from the property line adjacent to
13 South Capitol Street.

14 As it relates to the project's or the applicant --
15 application's procedural history, the application was filed on
16 July 30th, and since that time, the applicant's team has continued
17 to work with the Office of Planning and DDOT on various elements
18 of the project design. The applicant is agreeable to the
19 conditions that have been presented in the Office of Planning and
20 DDOT reports. I just want to note that -- I think it was yesterday
21 -- we reached an agreement with DDOT to revise the second
22 condition on page 3 of its report, so that it clarifies the intent
23 of DDOT and the applicant with regard to the curb cut along Eye
24 Street.

25 I'm going to read the agreed -- the language that was

1 | agreed upon into the record, but we also have a slide in the
2 | appendix. But I'll just read it into the record, and if you need
3 | to see it, we can pull it up later. The revised condition reads:

4 | "In the event Lot 809 is redeveloped with residential,
5 | office, hotel, or similar use permitted in the D-5 zone, the
6 | applicant agrees that the owner of Lot 809, which is directly
7 | east of our site -- that the owner of Lot 809, at no cost to the
8 | applicant, may widen the Eye Street curb cut to facilitate its
9 | shared use.

10 | Additionally, the plans for the redevelopment of Lot
11 | 809 may include the shared use of the north-south driveway on the
12 | applicant's property for vehicular outbound access to Eye Street
13 | at no cost to the owner of Lot 809 or the District government.
14 | The shared access of the driveway shall include use -- the use,
15 | but no modifications to the pedestrian or bicycle improvements
16 | constructed by the applicant. Prior to the issuance of a
17 | certificate of occupancy, the applicant shall record a covenant
18 | consistent with the foregoing: The covenant shall be subject to
19 | DDOT's approval. A copy of the recorded covenant will be provided
20 | to the DDOT Planning Sustainability Division."

21 | So that's the revised condition with DDOT.

22 | COMMISSIONER MAY: Ms. Batties, did you say that that's
23 | in the recorded somewhere?

24 | MS. BATTIES: It is not yet in the record. It -- we
25 | did not have time to submit it.

1 COMMISSIONER MAY: Okay. I misunderstood then if it's
2 --

3 MS. BATTIES: Okay. It's -- we have it on a -- on our
4 slide in the appendix of our PowerPoint, if we need to pull it
5 up --

6 COMMISSIONER MAY: Okay.

7 MS. BATTIES: -- it can be put into the record that
8 way.

9 The second thing I'll note, with regard to the --
10 working with the agencies, the Office of Planning has requested
11 illustrations of the western face of the building, particularly
12 at the ground level, before the reconfiguration of the South
13 Capitol -- of South Capitol Street and the elimination of the on
14 ramp. And we have included those images in our PowerPoint
15 presentation to the Zoning Commission. Again, they have not been
16 formally submitted into the record, but they will be covered in
17 the applicant's presentation.

18 On October 28th, the applicant presented to the DDOT
19 Public Space Committee, which granted concept approval for the
20 two curb cuts serving the project, one at South Capitol Street
21 and one on Eye Street.

22 And then, lastly, I wanted to highlight our outreach
23 to the ANCs. We presented to ANC 6B in July, and we presented
24 to ANC 6D five times since filing the application; once in July,
25 twice in September, and twice in October. And we appreciate the

1 ANC's willingness to meet with us and work with us on the project
2 design.

3 I know they did not submit a letter into the record,
4 but ANC 6D, in particular, had five comments related to the
5 project design. The first was the -- they were -- noted the lack
6 of retail in the project. The second comment was that they
7 suggested that the balconies along the freeway, or facing the
8 freeway, be removed. Third, they commented on the overall size
9 of the project. Fourth, they suggested that the applicant reduce
10 the amount of on street parking for the project, and last, they
11 requested that the applicant make additional improvements and
12 provide more programming in the area below the freeway.

13 As the applicant team discusses the building design
14 this afternoon, they will discuss how each of these comments have
15 been addressed. Well, actually, Mr. Pilot will discuss how each
16 of these comments have been addressed.

17 As it relates to the standard of review, for approval
18 of this application, the Commission must conclude that the
19 application has satisfied the applicable design review standards
20 for the M and South Capitol Streets sub-area of Subtitle I, §616,
21 which requires that the application also meet the general design
22 review criteria of Subtitle I, Chapter 7 and the Special Exception
23 Standards of Subtitle X, §901.2.

24 As it relates to the relief for the setback of the
25 street wall, the applicant must demonstrate that we have

1 satisfied the three-pronged test for the area variance. And
2 Shane Dettman, in his testimony, will demonstrate how the
3 application meets the criteria for both the design review and the
4 variance. And finally, I'll note that Subtitle X,
5 §601.1 exempts the project from demonstrating compliance with the
6 standards for design review cases generally, which are set forth
7 in Subtitle X, Chapter 6.

8 So we have two experts to testify on direct, that's
9 Brian Pilot of Studios Architecture, and Shane Dettman of Holland
10 and Knight. And in addition to our -- these expert witnesses,
11 our landscape architect and civil engineer are available to
12 answer questions along with Matt Tsau, who is the vice president
13 and lead on this project for W.C. Smith. And with that, I'll
14 conclude my opening remarks and turn it over to Brian. Oh, I'm
15 sorry. Erwin Andres is sitting right here next to me as well
16 and is prepared to answer any questions that the Commission may
17 have. I'm sorry. So with that, I'll turn it over to Brian Pilot.

18 (Pause.)

19 MR. PILOT: Good afternoon, Mr. Chairman. For the
20 record, Brian Pilot with the architecture firm, Studios
21 Architecture.

22 If you could advance to the next slide, please. An
23 image of the site here. It's an incredibly import site, about
24 equidistant between the U.S. Capitol and the new Frederick
25 Douglass Memorial Bridge; highly visible, along the elevated

1 Southwest Freeway. The building is adjacent to the Randall
2 Recreation Center to the left of the image, Southwest Freeway to
3 the north, the Coal yard to the east, and it abuts the Novel
4 Apartments to the South.

5 Next, please. Several -- next, please. Several
6 context images here. Note the existing curb cut on Eye Street
7 in Image 1; it is visible towards the right part of the image.
8 Also, the curb cut on South Capitol, which is Image 4, which is
9 visible at the second opening from the left underneath the ramp.
10 Also, note the height of the freeway grade as well as the Coal
11 yard adjacency. DDOT plans to remove the ramp, and most of the
12 images that you see in this presentation will reflect that
13 configuration. And per recommendations from the Office of
14 Planning, we've also included a few images of the building, if
15 there is an interim condition, where the building is complete,
16 and the ramp construction is not started.

17 Next, please. A series of site photos indicating the
18 current condition at the freeway underpass. This is currently
19 not a very hospitable pedestrian environment, but we see this as
20 an incredible opportunity for transformation and reconnecting a
21 portion of the City's urban fabric along South Capitol. In
22 response to a specific request from the ANC, this will also be
23 the location of the publicly accessible dog park, which will
24 further activate the space.

25 Next, please. These photos illustrate the existing

1 connection at Eye Street in the curb cut, which is nearly 300
2 feet from the curb edge to the southern -- the majority of the
3 southern edge of our site. The design emphasis here is on
4 creating a safe environment for pedestrians and cyclists in our
5 design, which you see in the upper right. Limiting to a single
6 one-way lane for vehicles to exit only at Eye Street, provides a
7 simpler and safer condition at the existing curb cut. We'll have
8 more details on this later in the presentation.

9 Next, please. In this image, I want to bring your
10 attention again, to the two existing curb cut locations; one on
11 South Capitol towards the north and one at the end of the long
12 sliver that connects to Eye Street. I'll also note the unusual
13 geometry along South Capitol. The face of our building will
14 align with the face of the Novel Apartments to the south along a
15 consistent datum at the streetscape. And there's a general
16 summary of our zoning data at the upper left. And note that we
17 are only at a 6.13 FAR.

18 Next, please. A specific request from the ANC was to
19 illustrate the various pedestrian and bike connections for
20 residents. Given this pivotal site, residents will be
21 circulating to all directions in the City; two lobbies along
22 South Capitol will provide options for residents to enter and
23 exit the building safely and conveniently, based on their
24 destination. The north lobby will activate the area close to and
25 under the freeway and strengthen connections to neighborhoods to

1 the north. The south elevator lobby, the interior connecting
2 corridor that runs east to west, which you see in that pink arrow,
3 and a large bike room allow residents safely circulate to Eye
4 Street via bike or on foot.

5 Next, please. The architectural design is based on
6 four big ideas. Starting with the upper left, we have a unified
7 sculptural gesture and textured vertical facade expression at the
8 base, which adds a lot of interest at the pedestrian level.
9 Moving to the right, volumes step back along South Capitol to
10 open up the view corridor towards the Capitol. At the bottom
11 left, those volumes then lift up to create a bold corner
12 expression at the corner of South Capitol and the freeway. And
13 in that last image on the bottom right, the architecture above
14 the podium then has a strong, vertical tower articulation,
15 emphasizing the step volumes and creates a saw toothlike pattern
16 at the north. The tower verticality is designed to be cohesive
17 with the podium architecture but at a larger scale.

18 Next, please. Each of those four principles are
19 available in this view. You can see the transformed pedestrian
20 streetscape, the textural expression at the podium with the large
21 sculptural openings into the ground floor lobbies and residential
22 amenities and the stepped volumes along South Capitol. Special
23 acoustic attention will be given to the exterior wall of units
24 that face the freeway. As mentioned before, we've had several
25 discussions with the ANC on the merit of these balconies and have

1 retained them at this area, as we continue to see that residents
2 find value in this exterior space, even -- especially during the
3 pandemic. Although there will be noise from the highway, these
4 north-facing balconies will have extraordinary views of the
5 Capitol and they only represent a small percentage of the overall
6 balconies in the project.

7 Next, please. In this image, you see how the volumes
8 along South Capitol begin to step up to the north, emphasizing
9 the importance of the civic gateway. The primary building lobby
10 is located at this corner, adding vitality to the area underneath
11 the freeway. And then midblock, which is -- if you look at the
12 bottom right, a part of the image, the base is carved away again
13 with expansive glazing into the residential amenity, as a way to
14 further activate the pedestrian experience.

15 Next, please. A view of the transformed streetscape
16 as one would experience when walking northbound. With the removal
17 of the ramp, the streetscape includes a wide -- 12-foot-wide
18 sidewalk and generous planting areas, transparency into the
19 lobbies and residential amenities add drama to the walkable
20 experience and the building above begins to taper back gently to
21 open up views to the Capitol building. Pursuant to the Office
22 of Planning comments, we will be including additional visual
23 interest within these lobbies and amenity spaces, including
24 artwork inside that will be easily visible to passersby.

25 Next, please. This eastern view is primarily seen from

1 an elevated highway position, which you see here. The sawtooth
2 pattern of the north gradually returns to the same vertical tower
3 articulation of the South Capitol side to create a unified
4 cohesive architecture. Windows at this east elevation are
5 considered at risk due to the buildable property line at the Coal
6 yard site. Interior apartment units only face the courtyard on
7 this side. Windows are only being provided for the interior
8 corridor experience and exterior interest, not for units at this
9 facade, including those four vertical bands, which would be most
10 visible as one is traveling along the freeway. Those are the
11 four bands right as the building turns the corner to the east.
12 And then we've added a varied pattern of vertical windows to add
13 interest and give a sense of movement in the facade, as well as
14 depth and texture in the opaque materials.

15 Next, please. A view of the access to Eye Street and
16 the emphasis on the pedestrian and bike safety with an elevated
17 sidewalk and a single lane of one-way vehicular traffic that
18 exits towards Eye Street. We continue the same architecture of
19 the east facade at this location with a large vertical window
20 band at the corner, which would be at the end of the corridor
21 within.

22 Next, please. A view of the building at dusk. The
23 transparency of the north lobby is evident in this view, which
24 will increase security and activity at the underpass. The ANC
25 and the Office of Planning were both passionate about no exterior

1 decorative lighting, like what is on the building to the south.
2 In this design, there will be no lighting mounted to the exterior
3 face of the building, other than typical building signage at the
4 entry to identify the building name and address. There will be
5 lighting at the terrace level, but only for the residential uses
6 of these amenity spaces and not as a decorative statement on the
7 building.

8 Next, please. This is our level one, and Erwin Andres
9 from Gorove Slade is going to address this in a bit more detail
10 later in the presentation, but briefly, we have the lobbies and
11 residential amenities face the publicly visible areas along South
12 Capitol. The primary arrival happens at the north lobby and
13 accounts for all drop offs and loading. The loading area is
14 hidden from public view by the elevated freeway and topography
15 to the north. The location of the existing curb cut has been
16 shifted slightly to the north for a simple right in, right out
17 access point at South Capitol, and residents can also access Eye
18 Street from the southeast corner of the site by way of a
19 connecting corridor to the south lobby.

20 Next, please. The levels of above-grade parking in
21 levels two and three are not visible to public view and
22 encapsulated with residential program. In an effort to future-
23 proof the design, the residential plan at levels 4 through 11,
24 which is the plan to the right, look into the corridor on the
25 south and east facades with residential units facing into the

1 courtyards.

2 Next, please. Plans of levels 12, 13 and the penthouse.
3 Slight adjustments to levels 12 and 13, as the building begins
4 to step back to meet the one-to-one setback along South Capitol,
5 so a slight modification to the bottom left parts of each plan.
6 And then our penthouse, which is amenity only, with no habitable
7 units at that level.

8 Next please. In this image, and this is an east-west
9 section, the small diagram to the upper right, gives you a sense
10 of where that section cut has taken place through the northern
11 courtyard. And then the graphics that you see to the left,
12 there's a gray band, which is the Lot 805. That is the part that
13 creates the irregular jog along the South Capitol edge. The red
14 dotted line is our established building line for a one-to-one
15 setback. The dashed black line, which is our building face,
16 which aligns with the building face to the south for that even
17 datum along the streetscape. And this shows how we can meet that
18 one-to-one setback at this location, as well as the one-to-one
19 setback on the east side at the Coal yard.

20 Next, please. As shown in our submission as well, this
21 is the art at that important civic gateway, where we have the
22 architectural embellishment. We're within the limits from a plan
23 percentage, and this is an enlarged section over at the right
24 part of the image that shows that same building line and the one-
25 to-one setback. So this is a section further up in that east-

1 west dimension. It shows how the architectural embellishment
2 also is within the one-to-one setback along South Capitol.

3 Next, please. The design incorporates timeless
4 materials, primarily brick masonry with metal accents, that are
5 appropriate with the Southeast and Southwest neighborhoods and
6 South Capitol as a monumental civic boulevard.

7 Next, please. I'll note some key parts to the
8 elevations. In this South Capitol elevation, you really get a
9 sense of the sculptural base here and how it's carved away at
10 the north and south ends to open up to the street and also how
11 it begins to be carved away in the plan, so it's recessed, to
12 create as much transparency and visual access into the lobby and
13 amenity areas.

14 Next, please. That same articulation of the podium and
15 tower expression continues at the north, with the tower portion
16 in a more articulated sawtooth pattern. Please note that the
17 parking and loading entry areas that you see to the bottom left
18 of this image, they sit directly in front of the area underneath
19 the ramp, which is not visually accessible to the public.

20 Next, please. As mentioned before, the east elevation
21 is on the property line, so all of the windows in this elevation
22 are at risk, including those four vertical rows at the right.
23 The constructability is also a challenge in this area, as all
24 erection will need to occur from the interior of Lot 695, and
25 precast panels were a logical selection, given this constraint.

1 The precast will have a coloration, depth, and texture added to
2 create a cohesive appearance with the brick on the west and north
3 elevations.

4 Next, please. That same architectural language is
5 carried on the south elevation with a larger bay of windows at
6 the corner facing the small, narrow access to Eye Street.

7 Next, please. We've indicated locations at each entry
8 point for modest building signage, which is indicated here.

9 Next, please. We have this really incredible
10 opportunity with the landscape and streetscape along South
11 Capitol, which you can see here; a number of bioretention areas,
12 our streetscape tree strip planting, a very generous 12-foot-
13 wide sidewalk, a very generous building frontage, landscape area
14 in front of the building as well as bike rack locations. You
15 also see our turnaround, which happens at the north and the dog
16 park area underneath the freeway.

17 Next, please. At the roof, we've designed a variety
18 of terraced areas for both active and contemplative outdoor
19 experiences, and we've incorporated green roofs, wherever
20 feasible.

21 Next, please. The landscape materials include special
22 attention to the terrace surfaces, especially at the turnaround,
23 lush plantings and warm tones to the finishes.

24 Next, please. And as noted before, the dog park was
25 added during our reviews with the ANC. And we see this as not

1 just an excellent amenity to the public, but also as a way to
2 create a safer environment under the freeway, as these parks are
3 heavily utilized.

4 Next, please. This is our LEED -- our preliminary LEED
5 scorecard. We're committed to meeting LEED Gold Version 4. And
6 our current scorecard is exceeding that target slightly.

7 Next, please. The last two images here. The Office
8 of Planning, as mentioned before, requested a view of the South
9 Capitol condition, if it was an interim condition where the ramp
10 was still in place, and we have provided that in this view here.

11 Next, please. And at the streetscape, although narrow,
12 the connection still works and is a vast improvement, and will
13 be a safer condition than the existing condition. And we'd note
14 that the building is exactly the same design with or without the
15 ramp. With that, I'm going to hand it over to Shane. Thank you.

16 MR. DETTMAN: Good evening, Mr. Chair, and members of
17 the Commission.

18 If I could ask Mr. Young to skip to slide 43? There
19 we go. Thank you.

20 Good evening again, Mr. Chairman, and members of the
21 Commission. My testimony this evening will be brief, and I'll
22 take the Commission through the relevant standard of review under
23 the Zoning Regulations. Leila already mentioned the standard of
24 review that's applicable in this case, which is -- which derives
25 from Subtitle I, Chapter 7 of the Zoning Regulations, given the

1 project site location within the end of South Capitol Street sub-
2 area. The criteria that are applicable to this project are the
3 general special exception under Subtitle X, Chapter 9, as well
4 as the specific design review criteria under Subtitle I, § 701.2.

5 Next slide, please. So to begin with the criteria
6 under Subtitle I, §616.7, the first criteria I'll address is the
7 requirement that any portion of the building that exceeds 110
8 feet in height shall provide a one-to-one setback from the
9 building line, the 15-foot setback line along South Capitol
10 Street. And as you can see in this section, the building does
11 provide the one-to-one setback from -- above 110 feet from the
12 15-foot setback line along the South Capitol Street right of way.

13 Next slide. The next couple criteria require that
14 there be no openings in building frontages adjacent to South
15 Capitol Street that provide entrances or exits to vehicular
16 parking or loading. And as you can see in this rendering here,
17 as described by Mr. Pilot, we don't propose any vehicular or
18 loading openings along South Capitol Street. The entrances to
19 the vehicular parking garage as well as the loading facilities
20 are located on the north side of the building.

21 With respect to the criteria under §616.7(f), as Leila
22 mentioned, we are requesting a variance, an area variance from
23 that particular criteria, given the unique constraints of the
24 site in the form of perpetual highway easements as well as the
25 presence of a District-owned property right along South Capitol

1 Street at Lot 805.

2 Next slide. Continuing on with the criteria, the
3 applicant needs to demonstrate how the project will help achieve
4 the objectives of the M and South Capitol Street sub-area, as set
5 forth in Subtitle I, Chapter 6. The stated objective of the
6 subarea is to ensure the preservation of a historically important
7 axial view of the Capitol dome and to further the development of
8 a high-density, mixed uses corridor north of the Capitol Gateway
9 neighborhood. We provided a visual study in our proposed plan
10 showing the study of the viewshed towards the Capitol, clearly
11 demonstrating that we are preserving and strengthening the
12 historically important axial view towards the Capitol. And then
13 looking south along the corridor in this rendering here, you can
14 see how the project is actually going to advance the idea, the
15 vision for South Capitol Street as a high-density mixed-use
16 corridor.

17 Next slide. Looking quickly at whether or not the
18 project is within the context of the surrounding neighborhood and
19 street patterns, the project is within the context of the
20 surrounding street pattern. We have -- we are strengthening the
21 streetscape along South Capitol Street, and we're making smart
22 usage of the very narrow 20-foot frontage that we have down along
23 Eye Street for a one-way vehicular circulation and dedicated
24 travel ways for pedestrians and bikes, given the proximity of the
25 project to Metro to the Southeast of the site, as well as some

1 of the other neighborhood amenities that are located in that
2 direction.

3 And then, in terms of being in the context with the
4 surrounding neighborhood, these images show that the proposed
5 design of the project fit within the context of many of the
6 recently constructed and approved buildings that are within the
7 neighborhood and specifically along the South Capitol Street
8 corridor.

9 Next slide. The next criteria is that we have showed
10 the minimized conflicts between vehicles and pedestrians. And
11 what makes this site particularly unique, compared to many of the
12 other design review projects that you've reviewed along the
13 corridor, is that this project has very constrained access. It
14 has no public alley access whatsoever. And so in order to kind
15 of create a circulation pattern that is reflective of the typical
16 public alley access pattern that you see all along the corridor,
17 where you have redundant access points through public alleys,
18 we're making use of our curb cut along South Capitol Street
19 slightly realigned, and then as well as the curb cut that we have
20 along Eye Street to create that safe and efficient vehicular
21 pattern, making use of the South Capitol Street curb cut by doing
22 a right in and right out for vehicles and trucks. And then the
23 one-way out heading south, given that the narrowness of the
24 I-Street frontage that we have and some of the other challenges
25 that Eye Street already has, we didn't want to exacerbate that

1 condition by having all of our access through that narrow Eye
2 Street frontage.

3 Next slide. Mr. Pilot just walked the Commission
4 through how the building is kind of put together from a massing
5 perspective and a material perspective. And so what this slide
6 shows is how the project does minimize unarticulated blank walls
7 along -- adjacent to public spaces. Not only is the building
8 highly articulated, in terms of its massing setbacks long South
9 Capitol Street and the sawtooth design along the freeway, but
10 when you start to apply the high-quality materials that are
11 proposed along these facades, it really does elevate the design
12 quality of the South Capitol Street Corridor.

13 Next slide. We've already mentioned our commitment to
14 LEED Gold. And as the regulations require, we've provided a LEED
15 scorecard showing that we also just slightly exceed the minimum
16 number of points required for LEED Gold certification.

17 Next slide. I've touched upon massing and area. I've
18 touched upon materials. Again, this is showing an elevation that
19 -- along South Capitol Street and along the freeway, elevations
20 of the project. High-quality, multiple color brick is proposed.
21 That articulation that you see along South Capitol and the north
22 side of the project, as Brian mentioned, is wrapped around to the
23 east side of the project, using different materials, but in a
24 similar articulation that carries that sort of thoughtful massing
25 and fenestration of the building around all four sides.

1 Next slide. The last couple criteria had to do with
2 the building or structure incorporating massing materials. And
3 this slide looks at the streetscape that's proposed. You can see
4 in the image on the left the condition that we're proposing when
5 the ramp is gone. And you can see the height -- the improvements
6 to the landscape and pedestrian circulation that would occur
7 along the streetscape along South Capitol Street.

8 Next slide. Quickly looking at access. Again, I
9 mentioned the unique access constraints that the project has and
10 what we've done in order to ensure -- to minimize conflicts
11 between pedestrians and vehicular access. And here, this image
12 is showing kind of the, you know, sort of the constraints that
13 Eye Street has already with the two bike lanes. Those red arrows
14 are showing existing access to existing buildings, parking, and
15 loading. We have the curb cuts for the Capitol Power Plant, and
16 so we think that the one-way access southbound out to Eye Street,
17 as well as the pedestrian and bike way, is the right thing to do
18 in order to meet this criteria.

19 Next slide. This is just looking at access again
20 describing what we're proposing on Eye Street.

21 Next slide. The special exception criteria, I believe
22 it is met in this situation. The project will be in harmony with
23 the general purpose and intent of the regulations. It's
24 consistent with the stated purposes of the D-5 zone to promote
25 high-density, commercial, and mixed-use development; it advances

1 the District and federal government's urban design goals for
2 South Capitol Street; advances the redevelopment in an
3 underutilized site on a major gateway corridor into the City and
4 towards the Capitol. In terms of its not tending to affect
5 adversely the use of neighboring properties, I don't perceive
6 there's any adverse impacts on the ability to use neighboring
7 property in accordance with the Zoning Regulations. The height,
8 the density, and the use are consistent with developments in the
9 immediate area, so is the massing and character of the project,
10 and access and circulation minimizes potential conflicts.

11 Next slide. And just finally looking at the variance
12 request from the provision under §616.7(f); that's the 75 percent
13 street wall requirement along the west side of the building. And
14 as this diagram shows, and this is in the record, that
15 particularly along the South Capitol Street frontage that we have
16 -- there are 24-foot-wide perpetual highway easements as well as
17 the District-owned Lot 805 that simply does not allow us to get
18 to the 15-foot setback line at all. So that certainly is a unique
19 constraint to the -- that's specific to the property.

20 Next slide. So in terms of the three-pronged variance
21 test. Again, the unique and exceptional situation affecting the
22 property is the perpetual easements as well as the District-owned
23 lot. And those unique aspects of the property give rise to a
24 practical difficulty in that we are simply unable to construct
25 any portion of the building up to the 15-foot building setback

1 line along South Capitol Street. Whether or not the variance can
2 be granted without causing substantial detriment to the public
3 good or harm the intent, purposes, and integrity of the zone
4 plan, I think it can be granted. The proposed building alignment
5 is in alignment with the adjacent building, and so it's consistent
6 with the intent of the ZR16 Regulations with respect to the build
7 to line and the consistency of the streetscape along the block
8 and along the streetscape. We will also provide additional
9 sidewalk width and streetscape improvement opportunities before
10 and after the freeway ramp is removed.

11 The last slide, please. In conclusion, I believe the
12 application meets the special exception criteria of Subtitle X,
13 Chapter 9. The design review criteria under Subtitle I, Chapter
14 7, it satisfies all of the applicable design requirements under
15 the M and South Capitol Street sub-area with the exception of the
16 one 75 percent street wall requirement, which we're requesting a
17 variance for. I think the project meets the three-pronged
18 variance test that I just laid out before you just a moment ago.
19 And so based on the case record and the applicant's testimony, I
20 believe the application should be approved. That concludes my
21 testimony, Mr. Chairman, and I think I'll hand it over to Leila.

22 MS. BATTIES: Mr. Chairman, that concludes our direct
23 testimony. I just -- we did email Mr. Young and asked him to
24 pull up the language for the revised DDOT condition, so that you
25 guys can read that, and it can be placed into the record.

1 CHAIRPERSON HOOD: Okay. Thank you all very much, Ms.
2 Batties and team. I'm sure if one of my colleagues wants to see
3 it on the screen, we'll ask Mr. Young at that time to pull it
4 up.

5 So let's see if we have any questions or comments.

6 Commissioner May?

7 COMMISSIONER MAY: Thank you. Let's see. It's a very
8 interesting building, and I understand it's a challenging site.
9 What you've done with it, I think, is very creative. It's
10 notable, and it's consistent, I think, formerly with other things
11 that are happening along South Capitol Street. And certainly
12 with the images that you've shown of what South Capitol Street
13 may look like with the freeway ramp removed, are very compelling.
14 I long for the day when the ramps could go away, and that it
15 would -- South Capitol Street would look that good. Right now,
16 it's nowhere close.

17 Can somebody tell me what the expectations actually are
18 with regard to the freeway ramp? I mean do we really understand
19 that there's a plan to remove them sometime soon? Motioning for
20 Mr. Andres to come join us.

21 MR. ANDRES: Sure. Good evening, Commissioner May.
22 For the record, Erwin Andres with Gorove-Slade Associates. It's
23 my understanding that -- and we do have a representative from
24 DDOT -- it's my understanding that there are some preliminary
25 designs related to the removal of this ramp. It's my

1 understanding that the potential construction associated with
2 that may be in the 2025/2026 range. But, obviously, those are
3 preliminary schedules related to that, and DDOT may be able to
4 provide more insight into that.

5 COMMISSIONER MAY: Okay. Do you understand how
6 vehicles will get onto the freeway from there?

7 MR. ANDRES: Yes. So essentially, that ramp
8 essentially flies over and connects to 695 heading south. That
9 ramp is essentially replaced underneath the freeway at a signal,
10 which will allow double left turns onto a new ramp that'll take
11 people -- that'll take motorists to 695 South.

12 COMMISSIONER MAY: Yeah. I saw that -- I saw a drawing
13 of those lanes somewhere, but I wasn't sure if that's exactly
14 what got us to the freeway, or whether it just got us to that
15 large parking lot underneath there. The -- I assume that the
16 applicant intends to go ahead, regardless of how long it will
17 take to build this ramp?

18 MR. ANDRES: Yes.

19 COMMISSIONER MAY: Don't go too far, Mr. Andres.

20 MR. ANDRES: Yes. Okay.

21 MS. BATTIES: Oh, there's another question for you.

22 COMMISSIONER MAY: Yeah.

23 MR. ANDRES: Excuse me. I thought --

24 COMMISSIONER MAY: Well, while you're here. And we'll
25 come back to this, but I'm curious about, you know, to know that,

1 | in fact, the development of this property is not contingent on
2 | getting that ramp moved, because who knows how quickly that will
3 | happen. But they're -- I do have a question about vehicular
4 | access. This is a real constraint on the site. And I know, from
5 | my own personal travels in the area, that if you're coming down
6 | South Capitol, or if you're coming off the freeway on South
7 | Capitol, you can't make a left turn onto Eye Street, so you have
8 | to, you know, go further ahead and, you know, make a few right
9 | turns and circle back on Eye Street in order to get to Eye Street.
10 | And then if you're going to go up South Capitol, what you'd have
11 | to do effectively is, you know, make a left off of Eye Street
12 | onto South Capitol, which is not really a great place to make a
13 | left turn. Again, I have some familiarity from my travels in
14 | that area, both in a car --

15 | Believe it or not, I do have a car, Mr. Chairman.

16 | -- but also on bicycle. Right? So it's a messy
17 | intersection with South Capitol and I. And you know, what do
18 | you think is really going to happen there in terms of vehicular
19 | access and how people are going to access the building when
20 | they're coming down South Capitol Street or coming off the
21 | freeway?

22 | MR. ANDRES: Uh-huh. So, you know, relative to the way
23 | people will get there, essentially, if they're coming off the
24 | freeway, the most efficient way to do it is the way that you
25 | said, Commissioner May; where essentially, you would head south

1 | along Capitol Street, take the service -- one of the service
2 | lanes and do what is consistent with what's called a Jersey jug
3 | handle, where you make rights to essentially get on Eye Street
4 | heading eastbound.

5 | COMMISSIONER MAY: Yeah.

6 | MR. ANDRES: Another alternative is if you're heading
7 | from you know, Capitol Hill points north, you could eventually -
8 | -- essentially make your way towards New Jersey Avenue, head
9 | south, and then turn right on Eye Street and access the site that
10 | way. So those are your -- essentially your two options.

11 | COMMISSIONER MAY: Yeah. Yeah, and the freeway
12 | adversely the -- when you're coming off, the way you would come
13 | off after South Capitol is at 6th Street and then, you know,
14 | making a right from there and doubling back onto Eye Street, I
15 | guess, is an option as well. It's -- and that may be preferable.
16 | It's certainly better than doing the Jersey jug handle. By the
17 | way, I love that expression. I have never heard that expression
18 | in all these years.

19 | MR. ANDRES: Well, I'm from New Jersey, Commissioner
20 | May, so, you know, I do have some --

21 | COMMISSIONER MAY: Me too.

22 | MR. ANDRES: We're simpatico. I knew that from the
23 | -- in the dark recesses of my mind.

24 | COMMISSIONER MAY: Yes. Here I thought the only thing
25 | that came from Jersey was the Jersey barrier, but -- traffic

1 wise. All right. Well, I really do appreciate that.

2 I also, you know, thinking about how vehicles will
3 exit, so coming out -- I mean coming out Eye Street. I guess
4 for cars, it's not that big of deal. You have options, you can
5 go left and right and go in pretty much any direction. But if
6 you're coming out, and you're in a truck, and you have to go
7 north, but you really want to go south, because you're going --
8 you want to go off of South Capitol Street bridge, that becomes
9 complicated too, does it not? Because you can't U-turn anywhere
10 along there. You wind up -- and there's no opportunity for a
11 Jersey jug handle until you get close to the Capitol.

12 MR. ANDRES: Yes, so, you know, relative to some of
13 those smaller -- and now, you know, just to be clear, the types
14 of vehicles associated with a residential building are relatively
15 small compared to, you know, some of the other mixed-use
16 developments along South Capitol Street.

17 COMMISSIONER MAY: Right.

18 MR. ANDRES: So we anticipate U-Haul vehicles and, you
19 know, occasionally furniture vehicles and trash trucks.

20 COMMISSIONER MAY: Right.

21 MR. ANDRES: So in that respect, you know, they can use
22 some of the roads in and around the neighborhood, once you get
23 north of the freeway.

24 COMMISSIONER MAY: Yeah. I mean that's not great
25 sending them all up to D Street or whatever, not great, but not

1 | the end of the world either. It just -- it's -- it almost calls
2 | out for its own intersection with South Capitol Street there.
3 | But I don't want to suggest that that's a necessity here. I'm
4 | not sure if that's necessarily a good idea from DDOT's perspective
5 | either, given all of the traffic laws that they have to handle.
6 | But it's unfortunate that the access off of Eye Street is not
7 | just a little bit wider. Maybe at some point in the future, if
8 | the Architect of the Capitol decides to surrender the Coal yard
9 | to other uses, there might be an opportunity to make a wider
10 | alley there, but I guess you can't bank on that, so.

11 | MR. ANDRES: So the way that our agreement with DDOT,
12 | relative to the revised condition is geared, is to allow for a
13 | potential two-way access for the Architect of the Capitol
14 | property. Unfortunately, given that it doesn't connect to our
15 | building, the intent isn't to make that two-way for our building
16 | just two-way for the Architect of the Capitol property.

17 | COMMISSIONER MAY: Right.

18 | MR. ANDRES: So it would still main -- even though that
19 | I-Street driveway could potentially be widened to accommodate
20 | two-way traffic, it would only serve one-way outbound for our
21 | property.

22 | COMMISSIONER MAY: Even if there were more room in the
23 | future.

24 | MR. ANDRES: Ys, that's correct.

25 | COMMISSIONER MAY: That's unfortunate. Why is that?

1 I mean is it possible to design the layout of the garage such
2 that at least passenger vehicles can come and -- can go and come
3 that way?

4 MR. ANDRES: Well, in addition to the one-way
5 southbound vehicular driveway that we have, we've also made
6 significant accommodation to provide an elevated and separated
7 bicycle and pedestrian walkway, which would --

8 COMMISSIONER MAY: I understand that. I'm not trying
9 to impinge on that. I'm just thinking that if there is a
10 development in the future next door, and it becomes -- and there's
11 a shared space -- you're going to widen the curb cut, right, to
12 allow for that development there -- if there could be a two-way
13 access point that could serve your building.

14 MR. ANDRES: Yes, well, unfortunately, we've
15 essentially run out of room. You know, there's -- right now,
16 there's not an opportunity to provide the potential for a future
17 two-way operation. That and given the way that the access is
18 set up, the reason why we have inbound from South Capitol Street
19 is we don't want to have an opportunity where somebody comes in
20 off of Eye Street, and it has -- you're in a dead end condition.
21 And so, you know, that's the way that we have developed this with
22 DDOT.

23 COMMISSIONER MAY: Okay. We'll have to look at that a
24 little bit more carefully.

25 All right. So I guess, Ms. Batties, you want to maybe

1 | you want to answer my question about the intention of the
2 | applicant in making sure that this development is not dependent
3 | on the removal of the South Capitol Street ramp?

4 | MS. BATTIES: So the project is not dependent on the
5 | removal of the South Capitol Street ramp.

6 | COMMISSIONER MAY: Thank you. And then last thing. I,
7 | you know, architecturally, I just have one major question which
8 | has to do with the materials. So Mr. Pilot?

9 | MR. PILOT: Commissioner May?

10 | COMMISSIONER MAY: You're probably aware that many of
11 | us on the Zoning Commission are not terrifically fond of very
12 | light colors on buildings, because of the problems that we've
13 | seen in the past with such buildings collecting soot and grime
14 | and streaking and things like that. It's a little hard from the
15 | rendered views to fully understand the color of the building.
16 | When I -- I mean I've looked through those images several times,
17 | and I think I understand what materials are used where. And on
18 | the freeway side, and on South Capitol, it's all brick, right?
19 | That's now where the precast is; is that right?

20 | MR. PILOT: That's right. On the South Capitol and the
21 | freeway side, that is all masonry.

22 | COMMISSIONER MAY: Yeah. And it's -- it is a relatively
23 | light-colored brick, but it's still brick.

24 | MR. PILOT: Yes, that's correct.

25 | COMMISSIONER MAY: Yeah, okay. I mean I'm not going

1 to -- I might push for a darker shade of brick, but I'm not going
2 to push very hard on that, because, again, clearly being brick
3 rather than being precast, I think, is an improvement. But the
4 precast that you have is all along the, I guess, the out -- the
5 at-risk wall. Is that where it exists?

6 MR. PILOT: It is.

7 COMMISSIONER MAY: This is really talking about the
8 very white precast.

9 MR. PILOT: Yeah, it is on the proportion at the east
10 and south elevations. And one of our strategies with, you know,
11 having the one -- the expressive podium, I think, creates an
12 interesting streetscape, especially on South Capitol. But I
13 think one of our strategies -- I think we share the desire to
14 create timeless buildings that look as good day one as they do
15 in 50 and a 100 years -- and I think one of our strategies was
16 using that darker iron spot brick, which I think can, you know,
17 handle some of the grime that might happen at a lower elevation
18 and then, you know, finding the right balance of contrast at the
19 upper level, but being mindful of, you know, it being in that
20 warmer light gray. So not a white, white, that it can handle
21 that -- the age that comes with a building in a city.

22 COMMISSIONER MAY: Yeah. I mean I was not worried
23 about the darker iron spot at all. It's the light brick that's
24 generally used along the north and east and west sides is a little
25 bit of a concern. Again, I mean there -- it's not that it's

1 going to get darkened by the soot and the grime; it's where is
2 the water going to go. And so when you have that many openings
3 in the brick, making sure that you don't have excessive, you
4 know, that you don't have the soot building up on balconies and
5 then spilling off on the outside and staining, those sorts of
6 things. Those -- that's the sort of thing that I'm concerned
7 about. But I assume that -- I mean I think it's pretty safe to
8 assume that you will detail it well enough so that the water
9 doesn't move that way. The east side is a highly visible side
10 and will be -- I don't know. Maybe, Mr. Imamura, in your brief
11 tenure as the Architect of the Capitol, you understand exactly
12 what the future holds for the Coal yard, but my expectation is
13 that it's going to be there for another 10 or 20 years, because
14 these things don't change that quickly, if they change at all.
15 We'll see what Mr. Imamura has to say. But I expect that it's
16 possible that that very white frame is going to be there a long
17 time, and I think that remains a concern, particularly, since you
18 will not have a very easy way to maintain it, since it's right
19 on the lot line. So I would encourage exploring some darker
20 colors on that area, in particular. I would also, I mean, I just
21 want to say, again, the renderings were very confusing, in terms
22 of the color, just because of the lighting conditions. So, you
23 know, driving along the freeway there, that view, it looks like
24 it's a really bright white building, and I think that's just
25 because of the light. And you know, the other views that we have

1 of the building at dusk doesn't necessarily help that much either.
2 Yes, that -- it's that view on page 12 of your presentation,
3 where it looks like a totally white building, and then you have
4 that very white frame of the at-risk portion. I guess it's all
5 -- is it all at-risk on that side?

6 MR. PILOT: On the east side, yes, that's correct.

7 COMMISSIONER MAY: Including the four --

8 MR. PILOT: The four wider --

9 COMMISSIONER MAY: Yeah.

10 MR. PILOT: -- wide base of windows. But those would
11 not -- if those were covered up, it does not -- that unit is
12 still very viable --

13 COMMISSIONER MAY: Yeah.

14 MR. PILOT: -- at the north.

15 COMMISSIONER MAY: Yeah, I'm not as worried about the
16 viability of the units. I figured that you've covered that,
17 because -- by other windows. It's mostly about the, you know,
18 what is that side going to look like in the future? It looks -
19 - is it brick that wraps around the corner where you have those
20 larger windows?

21 MR. PILOT: That's right. And then it turns to the
22 precast in that same --

23 COMMISSIONER MAY: Yeah.

24 MR. PILOT: -- forward expression.

25 COMMISSIONER MAY: Yeah, so that -- where you have the

1 precast and the infill panels, that's what I would be mostly
2 concerned about. So --

3 MR. PILOT: Yeah.

4 COMMISSIONER MAY: -- I would encourage you to take a
5 look at that.

6 All right. I've gone on too long. I'm sorry about
7 that, but I am -- I'm done with my comments.

8 MR. PILOT: All right. And Commissioner May, I just
9 would note that we are agreeable to looking at that -- darkening
10 up that precast.

11 COMMISSIONER MAY: Yeah. Thank you.

12 CHAIRPERSON HOOD: Okay. Thank you, Mr. Pilot, for
13 agreeing to that, because that's one question I don't have to ask
14 you when I -- when I get to my turn, so. Thank you.

15 Commissioner Shapiro?

16 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Yes, I
17 just want to join with Commissioner May, and apparently Chairman
18 Hood as well, that I have the same concerns as well about the
19 lightness of the precast. So thank you for addressing that.

20 A couple other comments about the design, while I have
21 you. But this may be a question for Commissioner May, in addition
22 to you, which is I have a kind of a negative reaction to the
23 architectural embellishment, and I'm -- I don't know if there's
24 a different --

25 Commissioner May, any thoughts about that?

1 COMMISSIONER MAY: Yeah, I --

2 COMMISSIONER SHAPIRO: Commissioner May, any thoughts
3 about that? I -- you know, my reaction to it is it looked
4 insubstantial.

5 COMMISSIONER MAY: Yeah, I mean I -- it's -- well,
6 first of all, I hate the term architectural embellishment. I
7 mean from my perspective, it's, you know, a tower feature or
8 tower, domes, and spires, right, no matter how high you are. And
9 if I -- I am -- I was okay with it, because it really is at the
10 corner. It's a big corner, but it's only at the corner. If it
11 were -- if it extended, if it wrapped along, you know, a full
12 length of the facade or a third of the facade or, you know, then
13 I would be -- I would have more anxiety about it. But I think
14 the idea of -- it's actually -- this is a treatment that has
15 happened in many places and what you can typically get past the
16 zoning administrator is more than what we would let go. And in
17 some cases, I've seen some pretty bad examples of this. So I
18 just -- I think this is fine. It's not my favorite feature of
19 the building, but I think it's -- my reaction is I think it's
20 fine.

21 COMMISSIONER SHAPIRO: Okay.

22 COMMISSIONER MAY: I don't -- as I recall it's -- I
23 mean the top of that is pretty much as high as it can be, right,
24 with the setback requirement, so.

25 COMMISSIONER SHAPIRO: There's something about the

1 material, but also the windows, that didn't have -- that were
2 sort of a larger and -- what's the word -- no stuff in the middle
3 of the windows. When I was looking at it, it looked like it was
4 going -- I was afraid it was going to look like it was sort of
5 permanently under construction, like it was permanently
6 unfinished. So anyhow, that's the reaction I had.

7 COMMISSIONER MAY: Yeah.

8 COMMISSIONER SHAPIRO: Thanks for your response,
9 Commissioner May.

10 Commissioner Imamura, when you get to your comments,
11 if you have any thoughts, I'm curious about that.

12 And Mr. Pilot, nothing else on that, just that. Trying
13 to think of if there's anything else that's design related. I
14 don't think so.

15 I do have a question for Mr. Andres around the access
16 to the -- the South Capitol access. So it -- this is related to
17 the interim use. Assuming that the ramp is still there, I had
18 some concerns around what the -- under the current conditions,
19 what the access was going to be like and what the interaction
20 was going to be like with vehicular traffic. There'll be
21 substantially more vehicular traffic going under that ramp, and
22 my concern was this might be kind of a blind spot for pedestrians
23 and bicyclists, and how do you manage that?

24 MR. ANDRES: So relative to sort of that condition, it
25 is an existing access point, which we've identified. In addition

1 | to that, Kyle Oliver from VIKA, who helped design this -- also,
2 | we provided some site distance evaluations that allow for that,
3 | and that -- I think Kyle will probably be the right person to
4 | talk about that.

5 | COMMISSIONER SHAPIRO: I'm not talking about once the
6 | ramp is gone. I'm talking about existing conditions.

7 | MR. ANDRES: Yes, that's correct. And Kyle?

8 | MR. OLIVER: Good evening. Good evening, everyone. My
9 | name is Kyle Oliver. I'm with VIKA Capitol. We're the civil
10 | engineer for the project. So when -- in working with DDOT, we
11 | did analyze a site distance condition if the ramp remained. We
12 | looked at the height of the existing ramp to make sure we had
13 | plenty of vertical clearance, which we do, and as a vehicle pulls
14 | up, we have plenty of site distance looking down -- remember this
15 | is a right out -- but we also have site distance for pedestrians
16 | and bicyclists as well. So we feel that the intersection will
17 | be safe and maintain a safe ingress for getting into the site
18 | but also egress out of the site.

19 | COMMISSIONER SHAPIRO: Doesn't this -- thank you for
20 | that. Doesn't the site distance, the assumption there is that
21 | you have the visibility, because the truck is going to have to
22 | pull out in front of the sidewalk?

23 | MR. OLIVER: Well, actually, we looked at it in that
24 | condition to make sure that they can get pedestrians past the
25 | vehicle, the front of the vehicle. But, yes, you do have to pull

1 out a little bit, but there's still a path for the pedestrians
2 to cross in front of the vehicle, as they're sitting, waiting for
3 the proper time to pull out.

4 COMMISSIONER SHAPIRO: Okay. And then this may be a
5 question for you or Mr. Andres, but are you doing -- under
6 existing conditions, are you doing any special -- I did -- I just
7 didn't see it, but maybe I missed it -- any special markings or
8 any special design features that will warn bicycles and
9 pedestrians that this is going to be a much more heavily utilized
10 vehicular route? That may be a Mr. Andres question.

11 MR. OLIVER: Yeah.

12 MR. ANDRES: So Commissioner Shapiro, as part of our
13 public space application, we made sure and coordinated with DDOT
14 to reinforce that crossing so that pedestrians and cyclists know
15 that as you're coming across our driveway, that they do have the
16 priority; however, it is a change in grade, where they're --
17 where they are coming across, so that they know that they are
18 coming across a driveway.

19 COMMISSIONER SHAPIRO: Okay. Thank you for that. And
20 stay, because I think a few more of my questions are for you.
21 First of all, that whole Eye Street one-way out, that feels like
22 a pretty elegant solution from my perspective. So -- and I get,
23 in part, that's because of the complexity of the complete street
24 usage along Eye Street. It just -- it would be too messy to do
25 anything about that. So it feels like a nice way to design the

1 vehicular flow and the bike path flow, so I like that. Is one
2 of the -- this may be a question for you, but is one of the
3 reasons why you aren't having retail onsite is because it would
4 be hard -- is one of the reasons -- it would be hard to accommodate
5 the larger trucks?

6 MR. ANDRES: I don't believe it's a truck issue --

7 COMMISSIONER SHAPIRO: Is it more retail?

8 MR. ANDRES: -- but I think somebody can talk to the
9 viability of retail, given its location on South Capitol Street.

10 COMMISSIONER SHAPIRO: And I mean I'm less focused on
11 the -- I mean that might be helpful to hear, but I'm less focused
12 on the economic viability and more on is it -- I mean let's say
13 we said, no, you've got to do retail or, you know, you sort of
14 sucked it up around the economic viability; could it even handle
15 the truck traffic that you would need the support retail?

16 MR. ANDRES: You know, depending on what type of
17 retailer you have, you know, the zoning related to the loading
18 for that facility would be 30-foot trucks. And so you know,
19 30-foot trucks we can accommodate, because it's -- a 30-foot
20 truck is similar to the size of a trash truck. So in that
21 respect, you know, we -- physically, we can provide for that.

22 COMMISSIONER SHAPIRO: That's what I was looking for.
23 Thanks for that. I think that that is -- oh, I did -- I may have
24 missed this too. I'm asking a Commissioner May a question. But
25 you're planning on having EV charging stations in the garage and

1 charging for electric e-bikes, and all those things are built
2 into the plans, yes?

3 MR. ANDRES: Yes, that's right.

4 COMMISSIONER SHAPIRO: Okay. I just didn't see them
5 anywhere. I didn't see them in the TDMS, but I may have missed
6 it though. I think that's it. That's all I have, Mr. Chair.

7 CHAIRPERSON HOOD: Okay. Thank you.

8 Commissioner Imamura?

9 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I have
10 a few questions. As you all might know, sort of the -- my focus
11 is always on is the project responsive to the neighborhood, and
12 then what you've presented today, I think, is a compelling
13 solution, both architecturally and at the pedestrian scale. My
14 interests are also, is it aspirational. So are we achieving
15 design excellence in a way that matches the context of the
16 neighborhood, and you've certainly demonstrated that. How are
17 we activating public realm? And I think your images of what the
18 streetscape can be with bioretention, offers a nice illustration
19 of what could be. But I think, as Commissioner May had pointed
20 out, it might be some time before we see that materialize. And
21 of course, you know, are we looking on an integrated design
22 solution here, because we know that it leads to a better design
23 outcome.

24 So I share -- I won't belabor the point that
25 Commissioner May had made about the east facade and the color

1 that -- against the Coal yard there. We know that the Coal yard
2 will be there for quite some time. I also had the same set of
3 questions that Commissioner Shapiro had about the ingress and
4 egress along South Capital.

5 And Mr. Young, if you can pull up slide 31. I think
6 that's probably the best illustration of the freeway ramp that's
7 there now.

8 And so this question might be for Mr. Andres to talk a
9 little bit about, or at least clarify, because I think overall,
10 conceptually, I think, given all the constraints architecturally,
11 I think you've developed a really creative solution. The thing
12 that causes me the most heartburn is just the comingling at that
13 entry point; your residential, your service, and drop off.
14 There's not a lot of --

15 Slide 31, Mr. Young, if you can, please.

16 Not a lot of stacking distance there.

17 Yes. Thank you, sir.

18 So as cars are coming down along South Capitol Street,
19 we have trucks maybe that are pulling in; U-Haul trucks, whatever,
20 delivery trucks, service trucks of some kind. I was curious,
21 too, with Commissioner Shapiro, if there's any kind of signage
22 or any indication to let motorists know that there is a curb cut
23 there. Certainly, you've demonstrated the height is sufficient
24 -- I believe that the site lines are sufficient for egress. I'm
25 just curious about other motorists coming down that street on

1 South Capitol if they will know that there's activity there; that
2 this will be an active entrance point for this building.

3 MR. ANDRES: Yeah. Well, you know, just a
4 clarification. So it is right turn in and right turn out, so
5 the only way you can access this driveway is heading northbound
6 on South Capitol Street. You know, given that it is a residential
7 building, and, you know, obviously, all the residents will know
8 where the entrance is, given that that's -- that'll be a regular
9 feature for them. And the move-ins and move-outs, given the type
10 of product it is, most of the move-ins and move-outs would occur
11 by the residents themselves, so we aren't going to have any issues
12 with that.

13 Relative to similar to the other deliveries and
14 couriers, for example, and Ubers, you know, the -- relative to
15 Ubers, you know, there's the apps that allow them the opportunity
16 to understand -- well, you know the GPS will provide them the
17 opportunity to get in there. And, as you approach the building
18 and the entrance heading north, there is a portion that is
19 actually unobstructed by the ramp, as it starts climbing. So the
20 understanding is that as a motorist, you would be able to see
21 part of where you would turn before you get to the situation
22 where the ramp starts to climb.

23 COMMISSIONER IMAMURA: All right. And as people slow
24 down to make that right hand turn into that, other motorists will
25 probably know too. I just, you know, I'm sure this is explained

1 | in the traffic study, about what that solution or situation will
2 | look like.

3 | MR. ANDRES: Excuse me? I'm sorry, Dr. Imamura?

4 | COMMISSIONER IMAMURA: So as, you know, motorists turn
5 | in, I understand -- I'm sure this was already covered. But
6 | there's at least some level of analysis that's been done; cars
7 | slow down, cars behind those cars are actually entering into the
8 | building there, that's, I guess, my concern there, and that you
9 | all have thought that through, and that's why I was asking if
10 | there was signage there, just for indication, so other motorists
11 | can anticipate cars ahead of them that would be slowing down and
12 | entering this space.

13 | MR. ANDRES: Well, the -- you know the situation would
14 | be similar, if it were a public alley, that as you head north
15 | and south along South Capitol Street, there are some public alleys
16 | that have actually much tighter conditions, so we are providing
17 | a wider two-way driveway here to allow for that activity to take
18 | place. That, and as Mr. Oliver had mentioned, there is more than
19 | enough site distance, that and, you know, as you look south,
20 | there is adequate site distance beyond the signal.

21 | COMMISSIONER IMAMURA: So -- and that's a reasonable
22 | response. So my next question would be (indiscernible), because
23 | we think long term here, because I'm really excited about what
24 | your illustration show for what South Capitol Street could be.
25 | And when they do remove that freeway ramp, what does that look

1 | like? What are the mechanics of it, because we know on Eye
2 | Street, you had mentioned that that's sort of a dead-end
3 | condition. So that's why that's only outbound only. So when
4 | they do remove this freeway ramp, what will that look like, in
5 | terms of vehicles being able to enter into this space?

6 | MR. ANDRES: Well, if anything, obviously, the width
7 | of the sidewalk is wider. You know there is significantly more
8 | landscaping that is in that public realm and provides a much more
9 | comfortable entrance. And so in that respect, it becomes more
10 | welcoming.

11 | COMMISSIONER IMAMURA: Sure. But as they demolish
12 | this, right, it's going to take time. I mean it's not going to
13 | probably happen over 24 hours, right, to clear that site and
14 | allow cars to move in and out freely. So I was just sort of
15 | curious what that might look like.

16 | MR. ANDRES: Well, you know, depending on the phasing,
17 | you know, obviously, there would be significant coordination with
18 | DDOT to ensure that we do have access during construction.

19 | COMMISSIONER IMAMURA: I think, in terms of that
20 | entrance and egress, those are all the questions I have for you,
21 | Mr. Andres.

22 | MR. ANDRES: Okay.

23 | COMMISSIONER IMAMURA: I think I can, you know, again,
24 | you all have done a remarkable job, given the constraints that
25 | you have. I think that's created an elegant solution, and as

1 Commissioner Shapiro had mentioned. And I'd be remiss if I didn't
2 talk about the architectural embellishment, so --

3 And Mr. Pilot, there's no questions that I have for you
4 really. Suffice it to say that I think you've developed a unique
5 design here.

6 Commissioner Shapiro, to your question about that
7 architectural embellishment, I think their solution to step back
8 and step up is what leads to that architectural embellishment
9 there. And I guess, if I do have a question for Mr. Pilot. So
10 it makes sense that the way they've designed it that it's there
11 at that corner, just because of their -- I guess their solution
12 to step back and step up, which I think is pretty creative. But
13 it does appear that there's glass at the top; is that right?

14 MR. PILOT: Yes, that is correct, there is glass in
15 those apertures between the brick volumes.

16 COMMISSIONER IMAMURA: And I couldn't tell, in terms
17 of sort of the -- I guess it's really the proportion of it, but
18 the height of that really matches with -- is proportional to the
19 expression of the facade below. But I guess the question I have
20 is from the illustration there, or the rendering, it shows that
21 there's -- in that amenity space there's trees or I assume there's
22 some sort of rooftop planting. Curious why that was closed off
23 completely with all glass.

24 MR. PILOT: I think it, you know, we have areas along
25 that northern edge, as well as the South Capitol edge that are

1 open, and it's been our experience on, you know, those roof
2 volumes to have some areas which are buffered. It just creates
3 a more hospitable environment at certain times of the year. So
4 it's about trying to create the best variety at that rooftop and
5 create some, whether it's noise abatement or wind resistance, but
6 just to try to create a great environment at that one particular
7 corner.

8 COMMISSIONER IMAMURA: I think those were really all
9 the questions that I have, Mr. Pilot, for you. I think that will
10 be a phenomenal space and location. I certainly think the
11 architectural embellishment is within the architectural character
12 and expression of the building, so. And your use of materials
13 and massing, I think, are good.

14 So, with that -- Mr. Chairman, I want to thank the
15 project team. I know we ask a lot of question of you and much
16 of it is based on our experience, because we don't want you to
17 miss an opportunity that could make your project stronger and
18 make the City better. And so -- and I know you want the best
19 outcome for your project, and we want the best outcome for you
20 and for the City too. So thank you for your patience with my
21 questions.

22 MR. PILOT: Thank you.

23 So Mr. Chairman, I'm going to return it back to you.

24 CHAIRPERSON HOOD: Okay. Thank you.

25 Vice Chair Miller, questions or comments?

1 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank
2 you to Leila Batties and the applicant's team for your
3 presentation and all your work on this project, to create a 520-
4 unit housing development along South Capitol. That's a lot of
5 housing. This is a design review case in a zone, a downtown zone
6 that is exempt from the comprehensive -- from the inclusionary
7 zoning requirements in our Zoning Regulations. And it's a design
8 review case that our Zoning Regulations have a provision that,
9 and states or directly implies that the Comprehensive Plan
10 consistency analysis that we normally do doesn't apply. So each
11 of those exemptions are exemptions that I understand why they
12 were adopted originally, but the Commission or individual
13 Commissioners, including myself and the Chairman and others, have
14 expressed increasing frustration about those exemptions, because
15 the 520 units, well, it probably could include some more
16 affordable units.

17 Let me just clarify. All these 520 units, which is a
18 very important goal to increasing housing in the City, which
19 helps reduce the overall upward pressure, the -- increasing the
20 supply, which we need to do at all levels of affordability. So
21 if this is all market rate, it will tend to -- according to some
22 analyses, although some may disagree, reduce the pressure on
23 upward prices elsewhere, but if the applicant can just clarify
24 that every single 520 of those units will be market rate.

25 MS. BATTIES: Yes, they all will be market rate.

1 VICE CHAIR MILLER: You did not consider doing a
2 voluntary kind of inclusionary zoning or affordable proffer in
3 this case, or you don't think that that's appropriate or
4 necessary?

5 MS. BATTIES: Commissioner Miller, we had this
6 discussion with the ANC, and if you look at Exhibit 12, of the
7 record, we included an extensive discussion as to the -- the
8 affordable housing discussion is pretty well thought through and
9 discussed in our letter to the ANC. And so, as you stated
10 already, the project is exempt from affordable housing. The
11 applicant acquired the property with the expectation that they
12 would program it in compliance with the Zoning Regulations. As
13 you know, the IZ regulations were recently amended. And for very
14 good policy reasons, the Office of Planning and the Commission
15 did not do away with the exemption in the D-5 zone. And so the
16 applicant has -- is proceeding with programming and compliance
17 with the regulations.

18 VICE CHAIR MILLER: And I appreciate all of your
19 engagement with ANC 6D on this; the five meetings that you had.
20 And I generally agree that -- with your response to the five --
21 not the housing affordability, because that wasn't one of the
22 five issues raised in their most recent issues of concern, which,
23 where they, I think, opposed the project. But in terms of the
24 lack of retail and the -- now the parking and the other issues,
25 I think you're -- I generally concur with your responses. I

1 think they make -- they're reasonable responses to the ANC's
2 concerns. And I (indiscernible) your engagement with the ANC on
3 those issues.

4 And on the design, I generally am very -- I'm very
5 pleased with the design. I love all the balconies. That was
6 one of the issues that the ANC raised about the balconies facing
7 the freeway, but I think your response is reasonable. How --
8 what percentage of the units actually have balconies? It seems
9 like an overwhelming majority. And I think that helps break up
10 what is a very large residential project, in addition to the bays
11 and the setbacks and other design in the materials that you've
12 used. But what percentage of balconies are there?

13 MR. PILOT: I'm just double-checking my notes right
14 now. We -- I mean there is a really large number of balconies.
15 I think we're approaching about 80 percent. And you know, when
16 you look at the north-facing balconies -- let me just double-
17 check that.

18 MR. ANDRES: Sixty-five percent.

19 MR. PILOT: Sixty-five percent. Apologize for that.
20 And those balconies at the north only account for about 17 percent
21 of those. So it's a -- there's a lot of variety in the balconies,
22 whether you would want something on the interior courtyard or
23 something facing South Capitol. So there's a lot of optionality
24 for residents.

25 VICE CHAIR MILLER: And I applaud you for all of that,

1 | because as you indicated in your presentation, the outdoor
2 | private space is important always for residential units, but
3 | especially we've become aware of that during this pandemic
4 | period. So I'd say it's something I've always championed, even
5 | before we had a global pandemic and needed our outdoor space
6 | privately.

7 | But the -- so on the design, the LEED goal that you've
8 | gotten to or exceeded the minimum number of points to get to LEED
9 | Gold, that is certainly to be commended as well.

10 | On -- back to the housing units, I'm not sure I saw
11 | -- it probably is in there, and I probably missed it -- what the
12 | size configuration is for those 520 market rate units for -- in
13 | terms of studio, one bedroom, two bedrooms. Do you have a
14 | breakdown that you could just state here for the record? It's
15 | probably in the record.

16 | MR. PILOT: Yeah, that -- I believe that is in the
17 | record, and we do have a, you know, a mix of unit types. Let me
18 | just double-check my notes really quick.

19 | VICE CHAIR MILLER: As let me say, I generally concur
20 | with the comments of all my colleagues thus far, and I'm sure
21 | I'll concur with the comments to come of Chairman Anthony Hood,
22 | but I'll let you know if I don't.

23 | MR. PILOT: So one thing that I just want to note, and
24 | this was in our conversations with the ANC, that we did commit
25 | to no studios.

1 VICE CHAIR MILLER: So no studios. And did you -- and
2 is there a general breakdown of one and two bedrooms or?

3 MR. PILOT: We're still studying the exact detail of
4 that, but, you know, it is a combination of ones and twos. But
5 we did in our conversations -- and threes. Apologize. But, you
6 know, as I mentioned before, you know, one of the requests from
7 the ANC was to, you know, for those larger units and not studios,
8 and we did commit to that.

9 VICE CHAIR MILLER: So I appreciate that response to
10 the ANC, and I commend you for doing as many two- and three-
11 bedroom units. I really didn't even realize that there were even
12 three-bedroom units that may be a part of this. So maybe if I
13 -- I needed to go look in the record and see if that is actually
14 a commitment that you're making as part of the design.

15 MS. BATTIES: Right. Commissioner Miller, yes. In our
16 letter to the ANC, at Exhibit 12 of the record, the letter is
17 dated September 30th. The first section there is -- it talks
18 about unit sizes, and we committed to have a mix of one-, two-
19 and three-bedroom units, and we commit that the project will not
20 have any studio units. And again, this was in response to the
21 ANC's desire for larger residential units.

22 VICE CHAIR MILLER: But currently, there's no specific
23 breakdown of numbers?

24 MS. BATTIES: No, we have not submitted that.

25 VICE CHAIR MILLER: And you're not prepared to do that

1 | before we take action and make that a condition of the order or
2 | anything?

3 | MS. BATTIES: We're not prepared to do that right now,
4 | tonight. The intent was to do it at the time of permitting of
5 | the project, you know, we continue with the design of the project.

6 | VICE CHAIR MILLER: Okay. All right. It would be nice
7 | to see a commitment of some minimum amount of two- or three-
8 | bedrooms, but I'll just leave it at that. So thank you for your
9 | presentation. Thank you for your engagement and continuing to
10 | work on this project and bringing it forward to us today. Despite
11 | my own personal frustration with the exemptions that currently
12 | exist for design review cases; consistency with the Comp Plan,
13 | policies, and IZ policies on affordable housing.

14 | CHAIRPERSON HOOD: Okay. Thank you, Vice Chair.

15 | Ms. Batties, I do have one quick question, not
16 | necessarily germane to the case. But I notice you all are
17 | switching around. Did you all have audio problems, and everybody
18 | had their computer. I notice you all seem to have that problem
19 | a lot, but I'm just curious.

20 | MS. BATTIES: We had no audio problems this evening.
21 | Did you notice that?

22 | CHAIRPERSON HOOD: Yeah, because everybody's using your
23 | computer.

24 | MS. BATTIES: That's right.

25 | CHAIRPERSON HOOD: But normally -- but the other ones

1 are up, so obviously you all found out you were getting some
2 feedback. But I want you to know I appreciate -- we appreciate
3 that, that you all started early, you got the feedback, and you're
4 reducing the feedback. So I wanted to let you know that we don't
5 miss a lot.

6 I will ask this question. My question's a little bit
7 -- and I appreciate the submission about the ANC responses. I
8 do want to get something from -- whether they're in opposition.
9 I didn't see anything from ANC 6D. I guess 6B chose not to opine
10 or send -- submit something, because I'm sure if they had some
11 heartburn issues, I'm sure they would have. But I would like to
12 still have something for the record. But I think that you all
13 had -- from what you all have explained in the submission,
14 satisfies -- even though I don't -- I'm not saying I agree with
15 all the submission, especially -- I understand about the retail.
16 And I think about the retail, and after reading what you all
17 wrote here in the ANC wanted retail, I started thinking about
18 safety issues. So, you know, other things start coming to mind
19 for me. So I appreciate the outline of all the ANC issues, and
20 the, as the Vice Chair had mentioned, I know it -- but there's a
21 reason that we are where we are with IZ in these areas. There's
22 a reason we're there. We had an analysis done. We took it at
23 that time. Maybe times have changed, but this is not the case
24 where that needs to be -- I'm going to discuss that, but that is
25 something that we're incrementally looking at, and we're not

1 going to put anything in place until we make sure we do our full
2 discovery. Now, I don't know if the Vice Chair agrees with me,
3 he said he was or was not, but either way, that's Anthony Hood's
4 opinion.

5 The only other thing is the -- I think you all have a
6 typo on -- I do want to talk about the dog park. And when I said
7 it, it says Anthony Howell, I believe, is the artist. And you're
8 sure that wasn't Anthony Hood, right? All right.

9 But let me ask this about the dog park. I noticed --
10 what was the reason for submitting the checkoff sheet? I mean
11 what were you trying to show us. I didn't get that, other than,
12 hopefully, I'm sure that the (indiscernible) is -- even the dogs
13 are going to have a nice, clean, vibrant place to go and do what
14 they do in dog parks. But I was just wondering why the -- why
15 did we get the checkoff sheet; to show how it's going to be kept
16 up or what was the significance of that?

17 MS. BATTIES: Oh, yeah. It was in response to the
18 ANC's request about not just activating that space. They
19 specifically proposed a dog park for that space under the freeway.

20 CHAIRPERSON HOOD: I mean why did we get the sheet of
21 the cleaning up and what's going to be done. It's like a sheet
22 when somebody goes by and does --

23 MS. BATTIES: You're right. The maintenance plan.

24 CHAIRPERSON HOOD: Right.

25 MS. BATTIES: I'm sorry. Because they were -- they

1 | were -- they actually asked for it; that's why we provided it.

2 | CHAIRPERSON HOOD: Okay. And I actually think that was
3 | very genius of them, because I'm dealing with some dog park issues
4 | here in my neighborhood, and we want to make sure they're kept
5 | up. I think that's very important. But let me ask this about
6 | the dog park. Is the -- the dog park is for the wide community,
7 | not just for residents of this particular facility. The whole
8 | community is using the dog park; correct, or where it is?

9 | MS. BATTIES: Correct.

10 | CHAIRPERSON HOOD: Okay. All right. I think my
11 | colleagues have answered a number of those questions. I do want
12 | to leave -- I do want to, hopefully reach out to the ANC and see
13 | if they can give us a submission for the record, even though we
14 | know they're in opposition, as stated. But I think that, as
15 | mentioned, the applicant's exhibit of responses to the ANC, I
16 | think, and I appreciate the detail of those responses, even though
17 | I don't necessarily always agree with all of it, but I appreciate
18 | the detail of it. I don't necessarily have a lot of questions.
19 | I think a lot of the questions about the traffic patterns and
20 | how it's going to operate with the ramp and without the ramp, I
21 | think that's fine. I just hope that it works, because I use the
22 | ramp a lot when I'm in that area.

23 | And Commissioner May, I do know that you have a car,
24 | because you have given me a ride in it. So other than that, I
25 | don't have any additional questions or comments. I think my

1 | colleagues have really vetted this case fully. So I don't know
2 | if anyone has any second rounds. I don't know if there's another
3 | question that you could ask, because I think you've asked them
4 | all. But let me see -- any additional questions or comments?

5 | (No audible response.)

6 | Okay. Thank you. And again, thank the team for the
7 | presentation. Also architecture. I do like the architecture,
8 | but I'm glad that Commissioner May and others have already talked
9 | about the precast, and I'm not going to be redundant. Let's --

10 | MS. BATTIES: Mr. Chairman, if I could --

11 | CHAIRPERSON HOOD: Yes?

12 | MS. BATTIES: -- interrupt for one second? As it
13 | relates to ANC 6B; they had submitted us -- submitted to us an
14 | email on September 1st, saying that they would not be
15 | participating in the design review, and essentially deferred to
16 | ANC 6D. But we have continued to serve them on all of our
17 | filings.

18 | CHAIRPERSON HOOD: Okay. Is that in the record too,
19 | as well? I think the record is -- we need to have it complete,
20 | if -- the email would be great to put in the record as well.

21 | MS. BATTIES: We will file it.

22 | CHAIRPERSON HOOD: Okay.

23 | All right. Ms. Schellin, just making sure; do we have
24 | anyone from ANC 6D or 6B?

25 | MS. SCHELLIN: I have checked, and there are -- there's

1 no one waiting from either ANC.

2 CHAIRPERSON HOOD: Okay.

3 Mr. Andres don't get comfortable. I didn't ask any
4 traffic questions tonight, but don't get used to it.

5 All right. Let's go to the Office of Planning. Mr.
6 Cochran, you can give us your shorter version?

7 MR. COCHRAN: Thanks, Mr. Chair. Sorry. Got a new
8 computer, and I have to do more bells and whistles than the last
9 computer. Okay. There we go.

10 Thank you, Mr. Chair. I'm Steve Cochran. I'm
11 representing OP in this case, 21-12. As you know from our report,
12 OP's recommending that you approve the application and that would
13 be inclusive of the variance relief from Subtitle I, §616.7.
14 That's the requirement for the location of that building wall
15 along South Capitol Street.

16 Our recommendation is subject to the condition that's
17 in our report addressing the location and lighting of signage and
18 especially the lighting of the ornament, the architectural
19 embellishment. And as the applicant said, they accepted that
20 condition.

21 A couple of other things. Since OP filed its report,
22 the applicant just recently provided the illustrations of the
23 proposed buildings and the sidewalk's appearance on South Capitol
24 Street, prior to the removal of the access ramp. That
25 illustration has prompted us to suggest to the applicant that

1 they work with DDOT on temporary enhancements, such as a mural,
2 to the wall between the South Capitol Street sidewalk and the
3 roadway. You can see from the rendering, it's pretty plain. But
4 OP is not recommending that this kind of artwork be made into a
5 condition. The applicant has stated it will work with DDOT on
6 this and other improvements to enhance the experience in that
7 sidewalk area both before and after the removal of the ramp.

8 The applicant -- the project would meet the
9 requirements of the Zoning Regulations, including the two
10 objectives in Subtitle I, §616 for the particular sub-area, and
11 would conform to all of the related criteria for those two
12 objectives other than I, §616.7(f) for this one exceptional
13 condition that -- the exceptional condition, that's the irregular
14 western property lines, that created practical difficulty in
15 meeting that South Capitol Street build-to requirement. The
16 variance would actually enable -- granting the variance would
17 actually enable the building to better meet the intent of the
18 sub-area's Capitol dome view objectives and will continue the
19 building, the line that's established by that south adjacent
20 apartment building.

21 And then, finally, as OP's report notes, the project
22 conforms with the other requirements of I, Chapter 7, the review
23 standards of X, Chapter 9, and so we -- OP recommends approval
24 of the application with the noted condition. And that's our
25 report. I'm obviously open to questions.

1 CHAIRPERSON HOOD: Thank you very much, Mr. Cochran.
2 If you could hold tight.

3 Let's hear from Ms. Vaca from DDOT.

4 MS. VACA: Thank you, Mr. Chair. For the record, my
5 name is Kimberly Vaca with the District Department of
6 Transportation.

7 DDOT is supportive of the requested design review
8 application. The proposed development is expected to generate
9 55 a.m. peak hour trips and 64 p.m. peak hour trips. As such,
10 the applicant was required to submit a comprehensive
11 transportation review study with a traffic impact analysis. The
12 applicant is proposing two curb cuts to provide vehicle access
13 to the site, and the Public Space Committee conceptually approved
14 both curb cuts at the October 28, 2021, hearing, on the condition
15 that the applicant negotiate a public access easement or other
16 agreement to allow for shared use of the Eye Street driveway.
17 This will help consolidate access points along Eye Street as
18 future adjacent properties are developed. Staff has included
19 this condition in our recommendation and supports the language
20 the applicant read into the record this evening as part of this
21 application.

22 DDOT has also requested flexibility for the streetscape
23 design along South Capitol Street and space underneath the I-695
24 freeway. This will allow DDOT and the applicant to further
25 discuss these designs to be determined during the public space

1 | permitting process.

2 | The proposed development also meets DDOT's requirements
3 | for loading by providing head in and head out movements with a
4 | curb cut on South Capitol Street, and a bicycle parking
5 | requirement by providing 112 long term and 28 short term spaces.
6 | Overall, DDOT supports the project and welcomes any questions.
7 | Thank you.

8 | CHAIRPERSON HOOD: Okay. I want to thank you both, Ms.
9 | Cochran, and Ms. Vaca. The -- I think the reports were very well
10 | done, both of them, so thank you very much. Let's see if we have
11 | questions or comments.

12 | Commissioner May?

13 | COMMISSIONER MAY: Mr. Cochran, can you explain further
14 | where you think there should be murals on the ramp?

15 | MR. COCHRAN: Sure.

16 | If Paul could pull up the illustration that is showing
17 | northbound on South Capitol Street under the existing conditions.

18 | COMMISSIONER MAY: Slide 32?

19 | MR. COCHRAN: I'm sorry. I don't know.

20 | COMMISSIONER MAY: No, I'm guessing.

21 | MR. COCHRAN: That's the one.

22 | COMMISSIONER MAY: Yes.

23 | MR. COCHRAN: You see where the fellow is in the blue
24 | shirt?

25 | COMMISSIONER MAY: Yeah.

1 MR. COCHRAN: The part of the wall that's just to his
2 left.

3 COMMISSIONER MAY: Okay. And that goes up to a full
4 height of like, I don't know, 14 feet or something when you get
5 to the northern end. Are we sure that it's all just concrete
6 and not stone, like it is on the other side?

7 MR. COCHRAN: I'm not sure, sir.

8 COMMISSIONER MAY: Because I mean if you look at --

9 MR. COCHRAN: Just looking for something to enhance the
10 pedestrian experience until that wall comes down.

11 COMMISSIONER MAY: Yeah, I totally understand that.
12 The -- yeah, I mean the -- if you look at the next slide -- well,
13 30 -- I'm sorry, the previous one, 31.

14 Would you mind switching, Paul? Slide 31.

15 A little hard to tell, but the side walls of that ramp
16 on the South Capitol Street side is stone. And it's actually
17 stone. It's not formline or synthetic stone that dates back to
18 when the City always used stone on ramps like this. I would just
19 say that if it's actually stone, it may not be quite as bad. But
20 I actually got excited at the prospect of maybe there being other
21 opportunities for murals, but it's a little hard to tell, you
22 know, with the bridge support that we see in the foreground just
23 under the -- or right by the streetlight. You can see that --
24 it looks like a red light there, but that's actually a
25 streetlight. I don't know if there's stone there too, or whether

1 that's -- whether there's just some bare concrete there. I don't
2 know. I mean some enhancement of that end, I think, actually
3 whatever form that might take, I think would be a -- I think
4 might be a good idea too. But, again, that's something that has
5 to be part of this case or this order.

6 Ms. Vaca, I have a question for you as well.

7 Thank you, Mr. Cochran.

8 Ms. Vaca, the -- I guess I'm looking for your prediction
9 on when that ramp might go away. I think we heard '25 -- 2025
10 or 2026; something like that. Does that coincide with what you
11 know from the DDOT planning processes?

12 MS. VACA: The entered in plans are interviewed for the
13 30 percent designs, and so they're moving forward. They have not
14 been finalized in any capacity. So there still is a good deal
15 of time. I would expect that's probably the earliest that we
16 could expect to see that project move forward.

17 COMMISSIONER MAY: Okay. Well, the mere fact that
18 it's gotten the 30 percent or getting the 30 percent, I think is
19 significant. It shows some level of commitment and some
20 intention. I was completely unaware that that was something that
21 was in the works. Is that going to deal with some of the merging
22 challenges on the freeway as well, or is it just going to be a
23 different way to get into that merging mess that occurs in that
24 stretch of 695?

25 MS. VACA: Actually, I don't have a lot of the details

1 of that project. I was familiar with the on-ramp removal as it
2 relates to this development.

3 COMMISSIONER MAY: Okay.

4 MS. VACA: And we worked extensively with the applicant
5 to make sure that their curb cut does not impact the existing
6 design or the future design as it's currently being drawn.

7 COMMISSIONER MAY: Okay. All right. Thanks. I was
8 just curious about that --

9 MS. VACA: Uh-huh.

10 COMMISSIONER MAY: -- because anybody who travels on
11 695 is familiar with what a mess it is with South Capitol and
12 the other ramps; the ramps off of 3rd Street and all the exits
13 that occur up to 12th Street, it just -- it's a mess.

14 MS. VACA: Absolutely.

15 COMMISSIONER MAY: Okay. Thank you.

16 MS. VACA: Uh-huh.

17 CHAIRPERSON HOOD: All right. Thank you.

18 Commissioner Shapiro, any questions or comments for
19 either one?

20 COMMISSIONER SHAPIRO: Just one question, Mr. Chair.
21 Thank you. A question for Ms. Vaca.

22 And this builds on the -- a lot of questions I had, and
23 Commissioner Imamura had as well. I'm just -- I stay concerned
24 around this issue around -- in the interim use -- the confluence
25 of bike path, automobile under that ramp; not just visibility,

1 | but, you know, just with the volume as well. And then you throw
2 | in the dog park there, that's for community use, now I'm worried
3 | that the dogs are going to get run over. So, you know, how much
4 | -- I mean -- I don't know how much you all have looked at this,
5 | and whether it merits further conversations with the applicant
6 | to really investigate all the interactions there.

7 | MS. VACA: Yes, so we had --

8 | COMMISSIONER SHAPIRO: This is interim use, Ms. Vaca,
9 | is what I'm talking about, which could be, you know, two to five
10 | years.

11 | MS. VACA: Right, and the interim being before the on-
12 | ramp gets removed.

13 | COMMISSIONER SHAPIRO: Right. So while there's an on-
14 | ramp, you have that relatively tight space that --

15 | MS. VACA: Right.

16 | COMMISSIONER SHAPIRO: -- that is the only -- if I'm
17 | understanding correctly, and I may not be, that's the -- that
18 | space is going to be the access point for the automobiles, for
19 | pedestrians, for bikes, for access to the dog park; all that
20 | access is through that?

21 | MS. VACA: Pedestrians should be able to access the
22 | site from Eye Street without having to go through that curb cut,
23 | but --

24 | COMMISSIONER SHAPIRO: But that's -- I'm with you, but
25 | that's separate, because pedestrians will access this through

1 South Capitol if it's physically possible.

2 MS. VACA: Right. Right. So yes. I mean we expressed
3 concern from the very beginning within DDOT about the location
4 of the curb cut, and so we required -- we had several meetings
5 with the applicant about this. We requested plans showing
6 detailed location drawings and design drawings of the curb cut
7 linking to the bridge and the overpass and the pillars and the
8 infrastructure -- the (indiscernible) infrastructure of the
9 transportation network. And you know, we wanted to ensure that
10 the placement didn't impact the intersection negatively. And so
11 we worked with the applicant to come to the current design that
12 it's at, knowing that this interim use will eventually be fixed.
13 We feel very confident, given this design is moving forward and
14 going through review and design. So yes.

15 And it didn't really get touched upon tonight, but the
16 elements underneath the overpass, those are meant to be temporary
17 and modular. So we worked with the applicant to meet the 15-
18 foot setback from the bridge, and then also to be able to provide
19 maintenance, access, and -- or infrastructure needs to the
20 overpass so that the fencing can be moved and relocated, and that
21 all of that -- that our concerns could be addressed. So it's
22 not meant to be permanent infrastructure underneath.

23 COMMISSIONER SHAPIRO: Okay. Yeah, I'm just thinking.
24 I'm having a bit of a Vision Zero reaction. It just feels --
25 because cars move fast along there. They just do. So okay.

1 All right. That's all I have, Mr. Chair.

2 COMMISSIONER MAY: You know, if it's any comfort, there
3 aren't that many pedestrians walking under the freeway there.
4 They really only show up on game days for the Nationals.

5 COMMISSIONER SHAPIRO: I mean, I think -- I appreciate
6 that. I think it's part of it. And part of what I'm concerned
7 about is when you're adding 520 residents there.

8 COMMISSIONER MAY: Yeah, they'll be coming and going,
9 yeah.

10 COMMISSIONER SHAPIRO: They're going to be coming and
11 going. And if they want to head north on South Capitol --

12 COMMISSIONER MAY: Yeah.

13 COMMISSIONER SHAPIRO: -- to all the retail that's over
14 there, you know that's the way they're going to go.

15 COMMISSIONER MAY: Right. Well --

16 COMMISSIONER SHAPIRO: And then you're adding the dog
17 park.

18 COMMISSIONER MAY: Well, they're not going to go there.
19 They're not going to go north on South Capitol from the building
20 to retail, but they're going to there to jobs and to, you know,
21 Metro and things like that, yeah. So there is definitely traffic.
22 There's going to be new pedestrian traffic generated by this
23 building.

24 COMMISSIONER SHAPIRO: Okay. Thank you. Thanks for
25 that.

1 And thanks, Ms. Vaca.

2 CHAIRPERSON HOOD: So one thing I've learned about this
3 city and going through projects is a lot of times I'm concerned,
4 and I wonder if this is going to work. But one thing about --
5 I've noticed in the District of Columbia, they always work it
6 out. It doesn't always have to be scripted or told, but it always
7 seems to work out. And I hope this will happen in this case.
8 And I understand Commissioner Shapiro's concern, because I know
9 when we started doing stuff down in that area, I was concerned
10 too about the bicycles and the pedestrians and the vehicles, but
11 it always seems to work out. And I'll leave it at that.

12 All right. Commissioner Imamura.

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I have
14 no questions. I just want to thank Ms. Vaca and Mr. Cochran.

15 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

16 VICE CHAIR MILLER: Thank you, Mr. Chairman.

17 And thank you, Mr. Cochran, for your thorough report.

18 I hesitate to bring this up, Mr. Chairman, but -- maybe
19 I shouldn't. But I know that this Commission has asked, in the
20 past, for the Office of Planning to look at the design review
21 cases and the Downtown zone cases regarding exemption from, in
22 the downtown cases, from IZ, inclusionary zoning, and the design
23 review cases, from a relationship with the Comprehensive Plan
24 consistency. And I know that the Office of Planning is -- because
25 of our dialogues in the past, you are looking at those issues.

1 So I just wanted to make that comment, and not necessarily ask
2 for a response at this point, except maybe to confirm that you
3 are looking -- you have been looking at those issues, in response
4 to past dialogue that we've had together. And -- well, that.
5 Just that.

6 MR. COCHRAN: Yes, but if you'd like elaboration on
7 that, Ms. Steingasser is available.

8 VICE CHAIR MILLER: Just a brief response, I think. I
9 think we'll be having a lot of further dialogue on this in future
10 discussions. But, yes, if -- I welcome Jennifer Steingasser's
11 comments.

12 MS. STEINGASSER: As you may remember, back in July,
13 we gave a presentation on the D zones and their history and the
14 economic foundation of the structure of the housing market and
15 how it was tied to receiving zones. That was our last
16 presentation on the D zones, and the amount of affordable housing
17 that exists downtown, the relationship to the tax -- to taxes.
18 And we're happy to give you a briefing on that presentation again
19 if you'd like.

20 VICE CHAIR MILLER: I think we'll be having a discussion
21 about that in context of other discussions.

22 And then in terms of the design review cases that don't
23 necessarily involve -- there's a specific Zoning Regulation
24 exemption from a Comprehensive Plan consistency analysis. So
25 that -- does that mean in your view, that the new racial equity

1 | lens requirement in the Comprehensive Plan, on Comprehensive Plan
2 | consistency cases wouldn't apply to this type of case? Although
3 | you did provide on page 10 of your report how the production of
4 | this amount of housing, even low market rate housing, would help
5 | the overall supplied housing and the overall pressure on prices
6 | going upward on housing. Do you have any comment on that? And
7 | I think -- I mean the Chairman and others have asked about the
8 | design review Zoning Regulation exemption from Comp Plan
9 | consistency. Do you have any comment on that?

10 | MS. STEINGASSER: No, sir. Not this evening. No, sir.

11 | VICE CHAIR MILLER: Okay. Well, just to give you a
12 | heads up, that we probably should -- we'll be discussing that in
13 | the future as well. But I appreciate all of the work that your
14 | office has done on this case and the applicant and the engagement
15 | with the community and responsiveness to concerns that have been
16 | raised by agencies and DDOT and others. So thank you.

17 | CHAIRPERSON HOOD: Thank you. And I also want to thank
18 | the Office of Planning and the District Department of
19 | Transportation. But I do want to ask the Office of Planning a
20 | question. I noticed that you all's cameras are very well -- they
21 | look very good, like super HD, and I was just wondering does
22 | everybody have new computers? The rest of us need to up our
23 | game. Anyway, you don't have to answer that now. I was just
24 | curious. I noticed the difference, so I guess we need to up the
25 | game.

1 MS. STEINGASSER: We did just get new laptops.

2 CHAIRPERSON HOOD: I tell you, we notice everything,
3 because you all -- I can tell you all look real superb.

4 MR. COCHRAN: And offline, I can give you the reference
5 for the eight-dollar halo light I just bought.

6 CHAIRPERSON HOOD: I have a light. It probably doesn't
7 work, but I have one, thanks to the Office of Zoning telling me
8 what I needed to do. So anyway. I will say though there are a
9 lot of things on the laundry list. And I know this may not be
10 the appropriate time, we can talk about this at our meetings, but
11 there's a laundry list, as everyone knows. I've been waiting on
12 RAs, and I understand. But here's the thing, I don't want
13 anything rushed. Whatever laundry list we have -- and this is
14 not germane to this case, so forgive me, Ms. Batties and her team
15 -- we want to make sure the actions we move are correct,
16 especially with RA zones. Everybody knows that I've been talking
17 about that for a while. But I'm patient, because I know when it
18 comes back to us, it is going to come right. So I'll leave it
19 at that.

20 Commissioner May, I saw you raise your hand.

21 COMMISSIONER MAY: Yeah, I just wanted to note, again,
22 for Mr. Cochran, that, you know, I did notice one of the
23 advantages of being in my home office and having a spare monitor,
24 is that I did take a quick look at what's happening with those
25 pilons that support the overpass at the end of the ramp, you

1 know, where the entrance will be to the building, and they are
2 just concrete, and they look terrible.

3 MR. COCHRAN: Right.

4 COMMISSIONER MAY: Yeah, so that -- there's definitely
5 some fertile ground for some creative treatment there. And it
6 would not only make it look more hospitable, but it may also
7 actually make it more noticeable to vehicles passing by. It
8 would increase the safety to have something of interest on those.

9 MR. COCHRAN: I was just thinking of the Hopscotch
10 Bridge, although probably not something that expensive, since
11 eventually it will come down.

12 COMMISSIONER MAY: Oh, right, yeah. I mean even just
13 a mural on those pilons would make it a more noticeable thing to
14 vehicles passing by, so.

15 MR. COCHRAN: Good point.

16 COMMISSIONER MAY: Thanks.

17 CHAIRPERSON HOOD: Okay. I think we're good. Thank
18 you, again, Office of Planning and DDOT. Let's see if the
19 applicant -- Ms. Batties, you have any questions or comments; I
20 mean questions of the Office of Planning or DDOT?

21 MS. BATTIES: I have no questions.

22 And again, Ms. Schellin, if you could check the
23 audience to make sure no one's here from the ANC.

24 MS. SCHELLIN: There is no one here from either ANC.

25 CHAIRPERSON HOOD: Okay. Thank you. And other

1 government reports? We do have -- and it's in the Office of
2 Planning report. Again, I want to thank Mr. Cochran as well as
3 Ms. Vaca, but DOEE has some comments and recommendations, and
4 they're continuing to work with the applicant, so we'll note
5 that.

6 I will ask now that we -- the report of the ANC, we've
7 heard where ANC 6D was, and I don't think we have anything. I
8 didn't see any letters, and I think that's what we're going to
9 hold it open for, a letter from ANC 6D. Ms. Batties has told us
10 about the email between ANC 6B, and we will suffice with that.
11 They're not going to comment. I'll just, again, ask that she
12 supply that to the record.

13 Okay. Ms. Schellin, do we have any --

14 Ms. Batties, did I ask did you have any comments --

15 MS. BATTIES: Yes.

16 CHAIRPERSON HOOD: -- of the Office of Planning or
17 DDOT? I did that, okay. I'm making sure. I don't want to miss
18 anything, because when you miss things, sometimes it will get you
19 in trouble.

20 Do we have anyone, Ms. Schellin, who's here to testify
21 -- organizations or persons here to testify in support,
22 opposition, or undeclared?

23 MS. SCHELLIN: We had one person, Mr. -- oh, boy, I
24 forgot -- Wellsworth, I think it was, who had signed up, however,
25 he -- I've watched online. I've not seen him in the audience.

1 So there is no one --

2 CHAIRPERSON HOOD: Okay.

3 MS. SCHELLING: -- in either inquiry.

4 CHAIRPERSON HOOD: So we have called for the one person,
5 Mr. Wellsworth, we believe who has signed up and was not in
6 attendance, so thank you.

7 Okay. With that, Ms. Batties, you have any rebuttal
8 or closing?

9 MS. BATTIES: I have closing remarks, no rebuttal.

10 CHAIRPERSON HOOD: Thank you.

11 MS. BATTIES: So I'd just like to note, we, first of
12 all, appreciate all of the comments and the Commission's time
13 this evening. And looking at my notes here, I had three things
14 that were outstanding and two of which we are prepared to agree
15 to tonight. One is the -- addressing the comments about the
16 darker -- a darker color on the east facade. And the applicant
17 is able, willing and able to commit tonight to provide a darker
18 color material on that side of the building.

19 The other note that I have is in response to
20 Commissioner Miller. And although we don't have the exact mix
21 of units, the applicant is willing to commit this evening to have
22 20 percent of the units be two- and three-bedroom units and no
23 studios. And that's, again, to, you know, your request and the
24 ANC's comments.

25 COMMISSIONER MILLER: Thank you.

1 MS. BATTIES: And we hope, Mr. Chairman, with those two
2 commitments, the Commission would be willing to vote on the
3 application this evening. I know that you said that you wanted
4 to wait for a report from ANC 6D, but I will tell you that they
5 voted on this application on October 18th and have up, you know,
6 I know they've been monitoring the case, and have opted not to
7 put a report into the record. So it's December 9th; they've had
8 more than ample time to do so. And as it relates to the email
9 from ANC 6B, we can get that into the record this evening.

10 CHAIRPERSON HOOD: Okay. Well, thank you. Ms. Batties.
11 And this is a two-vote case, right?

12 COMMISSIONER MAY: Uh-uh.

13 CHAIRPERSON HOOD: It's one vote? Okay.

14 MS. BATTIES: No. One.

15 CHAIRPERSON HOOD: One vote.

16 MS. SCHELLIN: One vote. And once the -- Chairman,
17 once the -- if the -- if I heard Ms. Batties correctly, she was
18 -- she said that they could get it in the record tonight, but if
19 you take action, then the record is closed. We can't put anything
20 in.

21 MS. BATTIES: Well, then we would ask you to -- we have
22 submitted into the record our oral testimony with regard to ANC
23 6B's email on September 1st, where they noted that they will not
24 be participating in this case.

25 CHAIRPERSON HOOD: And -- okay. Okay. All right.

1 Anything else, Ms. Batties?

2 MS. BATTIES: I have nothing further. Thank you.

3 CHAIRPERSON HOOD: Okay. All right. I want to thank
4 everyone for their participation tonight. And let's see how
5 we're going to proceed. Commissioners, let's have a discussion.
6 We've heard the ask. I think, for me, the sheet with the -- all
7 of the responses to the ANC that we know of, because the ANC did
8 not -- NC 6D did not submit anything. And I do know that Chairman
9 Daniels is on the ball. I believe he's very much on the ball,
10 and I'm sure that if -- I was surprised he is not even here
11 tonight. But I know he's raised his concerns. We have a record
12 from the applicant who graciously submitted some of the concerns,
13 and also told us they were in opposition. So -- but I think when
14 you look at the standards, I believe that they meet the standards
15 of what we have in front of us presently. And again, the City
16 is about being predictable. So I'll open it up to see what my
17 colleagues think. All we do -- basically what I was trying to
18 -- hoping for was to get a letter of opposition, just to make
19 the record complete. And I do want to check with Ms. Schellin.
20 I think they can -- even though the record is closed, I think
21 they can still submit the letter that the Commission asked for.
22 But let me just see what my colleagues say first. That may be a
23 moot point.

24 Commissioner May, let me see where you are with the
25 request from Ms. Batties.

1 COMMISSIONER MAY: Well, it is a bit of a puzzler from
2 my perspective, why we -- you know, it's clear the ANC was not
3 completely happy with this. And if they had an objection, it's
4 a puzzle to me why we do not have something officially in the
5 record from them. But I also don't think that it's necessarily
6 fair to the applicant that, you know, because we have not received
7 that, when they have done extensive outreach to the ANC, that we
8 hold this up any longer. I mean if it was October -- I mean it's
9 almost two months since that meeting occurred, why we don't have
10 something officially in the record from the ANC, it's kind of on
11 the ANC. So if they really had a concern and did not want us to
12 move forward with this, because they had specific concerns, I
13 would expect a letter or I would expect them to be here.

14 So I'm kind inclined to, you know, take a vote on this
15 tonight. I don't think that there's a whole lot more ground to
16 be gained substantively on the case, if we actually heard from
17 the ANC, particularly since they were not here to argue a case
18 or argue their position. So, yeah, I mean it would be nice to
19 have their submission in the record, but I think they've had a
20 chance. So I'd be okay with taking a vote. I don't love the
21 idea, but I'd be okay.

22 CHAIRPERSON HOOD: Okay.

23 COMMISSIONER SHAPIRO: Mr. Chair, I'm here, but audio
24 only.

25 CHAIRPERSON HOOD: Okay. Commissioner Shapiro, what

1 do you think?

2 COMMISSIONER SHAPIRO: Thank you. I'm actually -- I
3 think we've fully vetted this, and I think the record's quite
4 complete, and I'm fine taking action tonight.

5 CHAIRPERSON HOOD: Okay.

6 Commissioner Imamura?

7 COMMISSIONER IMAMURA: I concur with Commissioner May
8 and Commissioner Shapiro. I'm ready to take a vote.

9 CHAIRPERSON HOOD: Unfortunately, Vice Chair you and
10 I, we're just saying for sake, because they already have three
11 votes.

12 Vice chair Miller?

13 VICE CHAIR MILLER: Yeah. We count to three, yeah.
14 I'm going to count to three. But I am in support of moving
15 forward tonight with the condition that the applicant has agreed
16 to tonight of agreeing that they -- the commitment they previously
17 made to the ANC of no studio apartments, plus the condition,
18 additional commitment they made tonight that 20 percent would be
19 two and three bedrooms. I'm prepared to go forward with that
20 condition there, and the other conditions that they've already
21 agreed to in the record.

22 CHAIRPERSON HOOD: The only thing I would ask is even
23 if we -- because it looks like we're going to go ahead and vote
24 tonight -- but even after we vote, it's always called a good
25 neighbor policy is when you continue to work with the community

1 | and the ANC. I expect that to happen all the time in all cases,
2 | even after the vote, so I'm looking -- that's my ask. That's
3 | the only ask I have.

4 | Okay. So it looks like we're going to -- Commissioner
5 | May?

6 | COMMISSIONER MAY: Yeah, I just want to say a couple
7 | things. First of all, if Mr. Chairman, you or the Vice Chair
8 | actually had concerns about voting tonight, I certainly would
9 | have gone along with you. Right? I'm, you know, whether or not
10 | we take a vote, I don't necessarily look at it as a majority
11 | rules kind of thing. I would rather have a broad consensus when
12 | we go ahead. So -- but I'm glad that everybody is okay with
13 | going ahead.

14 | The second thing I would say is that if the ANC truly
15 | has objections, the fact that we take a vote tonight, they can
16 | always petition for us to reopen the case. And I think if they
17 | did, we would certainly listen to that and want to hear what they
18 | have to say. But I don't -- it does not seem like that's likely,
19 | but I think that's always possible, right?

20 | CHAIRPERSON HOOD: Okay. Very well said. I would
21 | agree with you, Commissioner May. And like I said, Commissioner
22 | Daniels is -- I think is really up on his stuff and up on his
23 | obligations and what he's doing as the volunteer chair of the
24 | ANC. So, again, I don't have any -- I don't want you to think
25 | it's just on the three votes. I just said that being sarcastic,

1 | but I, too, think that this is flavored and ready to move forward.
2 | And as you stated, if somebody has a problem, believe me, we will
3 | hear about it.

4 | COMMISSIONER MAY: Okay.

5 | CHAIRPERSON HOOD: So we'll leave it at that. All
6 | right. So would somebody else like to make a motion? I'm not
7 | going to ask you to raise your hand like Chairman Hill. I always
8 | tell him that I talk about him all the time.

9 | MS. SCHELLIN: Maybe Mr. --

10 | COMMISSIONER MAY: That's funny.

11 | MS. SCHELLIN: -- Commissioner Imamura will make his
12 | first. I'm trying to push him.

13 | COMMISSIONER IMAMURA: All right. And I'm sure
14 | Chairman Hood, you can correct me if I'm wrong here, so.

15 | MS. LOVICK: Excuse me. I just have one question.

16 | CHAIRPERSON HOOD: Ms. Lovick, hold on.

17 | MS. LOVICK: The condition --

18 | CHAIRPERSON HOOD: Ms. Lovick, hold on a second. I see
19 | Ms. Lovick, so I acknowledge you.

20 | MS. LOVICK: I just have a clarification question. The
21 | condition language that the applicant agreed to, was that in the
22 | slides that were part of their presentation, or was that fully
23 | read into the record?

24 | MS. BATTIES: I fully read it into the record. It's
25 | also --

1 MS. LOVICK: Okay.

2 CHAIRPERSON HOOD: She read it into the record, right.

3 MS. LOVICK: Okay. Okay. Wonderful. Thank you.

4 Just wanted to make sure.

5 CHAIRPERSON HOOD: Could you do that again, so our

6 Office of Zoning Legal Division will make sure that they hear it?

7 Could you do that again for us, please?

8 MS. BATTIES: Sure.

9 CHAIRPERSON HOOD: So we make sure that's noted. It's

10 very key that she knows that --

11 COMMISSIONER SHAPIRO: Mr. Young --

12 CHAIRPERSON HOOD: -- more than the rest of us.

13 COMMISSIONER HOOD: -- has it on his slide.

14 MS. BATTIES: Yeah.

15 COMMISSIONER HOOD: Could we just bring up --

16 CHAIRPERSON HOOD: Is it on a slide?

17 MS. LOVICK: Yeah, I thought it was on a slide. All

18 right. I wasn't sure.

19 COMMISSIONER HOOD: Mr. Young, I think, has received

20 it, but we haven't seen it as part of the presentation.

21 MS. SCHELLIN: It's in the record.

22 MS. LOVICK: Oh, it is. Oh, okay.

23 MS. SCHELLIN: It's already in the record.

24 MS. BATTIES: Yes, it's on the appendix, Mr. Young.

25 COMMISSIONER MAY: Yeah, it's there.

1 MS. BATTIES: There it is.

2 MS. LOVICK: Okay. Good. Okay. Good. I didn't
3 realize that. Wonderful. Okay.

4 MS. SCHELLIN: Yes.

5 CHAIRPERSON HOOD: Okay. Ms. Schellin, we'll take that
6 (indiscernible).

7 MS. SCHELLIN: And the slides are in the record.

8 MS. LOVICK: Okay.

9 COMMISSIONER MAY: That is in the record. Well, we got
10 the appendix.

11 CHAIRPERSON HOOD: Okay. All right. So I think -- Ms.
12 Lovick, are you fine? Are we straight?

13 MS. LOVICK: Yes.

14 CHAIRPERSON HOOD: Okay. All right. Where were we?
15 Mr. Imamura?

16 MS. SCHELLIN: Mr. Imamura was going to make his first
17 vote.

18 CHAIRPERSON HOOD: Ms. Schellin --

19 COMMISSIONER IMAMURA: Well, I was going to attempt it,
20 so. So Mr. Chair, I move that the Zoning Commission take final
21 action on Case No. 21-12, Square 695, LLC, Design Review, M and
22 South Capitol Street Sub-Area at 850 South Capitol Street,
23 Southeast, Square 695, Lots 31 and 34, with all the conditions
24 previously stated.

25 COMMISSIONER MAY: I will second that motion.

1 CHAIRPERSON HOOD: Okay. It's been moved and properly
2 second. Any further discussion?

3 (No audible response.)

4 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin would
5 you do a roll call vote, please?

6 MS. SCHELLIN: Commissioner Imamura?

7 COMMISSIONER IMAMURA: Yes.

8 MS. SCHELLIN: Commissioner May?

9 COMMISSIONER MAY: Yes.

10 MS. SCHELLIN: Commissioner Hood?

11 CHAIRPERSON HOOD: Yes.

12 MS. SCHELLIN: Commissioner Miller?

13 VICE CHAIR MILLER: Yes.

14 MS. SCHELLIN: Commissioner Shapiro?

15 COMMISSIONER SHAPIRO: Yes.

16 MS. SCHELLIN: The vote is 5-0-0 to approve final action
17 in Zoning Commission Case No. 21-12. And I'd ask the applicant
18 if they would provide a draft findings of facts and conclusions
19 of law within two weeks.

20 MS. BATTIES: Thank you very much.

21 CHAIRPERSON HOOD: Okay. Thank you all. I want to
22 thank everyone for their participation tonight. And let me ask
23 -- and thank Commissioner Imamura for making that motion. Great
24 job.

25 For some reason, I have that our next hearing is January

1 6th, and that's not right.

2 MS. SCHELLIN: No.

3 CHAIRPERSON HOOD: The next hearing is December the
4 13th, correct?

5 MS. SCHELLIN: Correct.

6 CHAIRPERSON HOOD: Okay. And we will be hearing Zoning
7 Commission Case No. 06-10G, the Morris and Gwendolyn Cafritz
8 Foundation on these same platforms at 4:00 p.m. I want to thank
9 everyone for their participation tonight, and with that, this
10 hearing is adjourned. Good night.

11 (Whereupon the above-entitled matter went off the
12 record at 6:14 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: Public Hearing

Before: DCZC

Date: 12-09-21

Place: Video conference

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