

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

----- :
IN THE MATTER OF: :
: :
Chun Lam - Design Review : Case No. 21-27
in the CG Zone & Relief :
from Court Requirements, :
S. Capitol Street, SW :
(Sq. 653, Lots 65, 66, :
827, 829, & 830 - Ward 6 :
-----:

THURSDAY

JANUARY 5, 2023

+ + + + +

The Public Hearing of Case No. 21-27 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
PETER MAY, Commissioner
JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director
JOEL LAWSON, Associate Director
MATTHEW JESICK, Development Review Planner

ADVISORY NEIGHBORHOOD COMMITTEE (ANC 6D)

FREDRICA KRAMER, Commissioner
RHONDA HAMILTON, Commissioner

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the
Public Hearing held on January 5, 2023.

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

OPENING STATEMENT:

Anthony Hood 4

PRELIMINARY MATTERS:

Ms. Schellin 6

PRESENTATION:

Case No. 21-27, Chun Lam Design Review in the CG Zone
and Relief from Court requirements, S. Capitol St. SW,
(Sq. 653, Lots 65, 66, 827, 829 & 830)- Ward 6 7

COMMENTS AND QUESTIONS:

Commissioners 25

OFFICE OF PLANNING:

Matthew Jesick. 60

COMMENTS AND QUESTIONS:

Commissioners 62

ADVISORY NEIGHBORHOOD COMMISSION 6D (ANC 6D):

Commissioner Fredrica Kramer. 65

COMMENTS AND QUESTIONS:

Commissioners 68

ADVISORY NEIGHBORHOOD COMMISSION 6D (ANC 6D):

Commissioner Rhonda Hamilton 73

REBUTTAL:

Alexandra Wilson, Esq. 76

CLOSING:

Alexandra Wilson, Esq. 88

CLOSING REMARKS:

Anthony Hood 89

ADJOURN:

Anthony Hood 95

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

4:00 p.m.

CHAIRPERSON HOOD: All right. First of all, I wish everyone a Happy New Year. I hope you enjoyed the time off with your family and friends and looking forward to a very prosperous and hardworking 2023. So let's welcome the Zoning Commission and everyone to 2023. And again, I hope everyone is doing well. Let's go ahead and begin.

Good afternoon, ladies and gentlemen. Today's date is January the 5th, 2023. We are convened and broadcasting this public hearing by video conferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner May and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young; also our Office of Zoning Legal Division, Mr. Jacob Ritting. I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter and the platforms used are Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign-up, all participants will complete the oath or affirmation required by Subtitle Z, 408.7. Accordingly, all those listening on Webex or by phone will be

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 muted during the hearing, and only those who have signed up to
2 participate or testify will be unmuted at the appropriate time.

3 When called, please state your name before providing
4 your testimony. When you are finished speaking, please mute your
5 audio. If you experience difficulty accessing Webex or with your
6 telephone call-in or have not signed up, then please call the OZ
7 hotline number at 202-727-0789. If you wish to file written
8 testimony or additional supporting documents during the hearing,
9 then please be prepared to describe and discuss it at the time
10 of your testimony.

11 The subject of this evening's hearing is -- I believe
12 is our third hearing -- is Zoning Commission, Case No. 21-27.
13 This is a continuation of previous hearings. Again, tonight, we
14 will -- the hearing will be conducted in accordance with
15 provisions of 11-Z DCMR, Chapter 4 as follows: preliminary
16 matters; the Applicant's case. The Applicant has up to 60 minutes.
17 I don't believe we need 60 minutes. We also have the report of
18 other government agencies, the report of the Department of
19 Transportation and then the report of the Office of Planning;
20 report of the ANC; testimony of organizations, five minutes and
21 individuals, three minutes. And we will hear in the following
22 order from those who are in support, opposition, and undeclared.
23 And then we'll have rebuttal and closing by the Applicant.

24 Again, the Office of Zoning hotline number is
25 202-727-0789 for the concerns during this proceeding. And again,

1 tonight, again is Zoning Commission Case, Chun Lam, Zoning
2 Commission Case, 21-27. And the ANC is ANC -- give me one second
3 -- 6D in this case.

4 So Ms. Schellin, do we have any preliminary matters?

5 MS. SCHELLIN: Just briefly, just to say, as you stated,
6 this is the third hearing. The last hearing was October 3rd.
7 The Commission continued this case to allow for some additional
8 submissions, which the Applicant made their submissions on
9 November 30th and then on -- and those are at Exhibits 46. I'm
10 sorry, at Exhibit 46, there was a withdrawal of opposition from
11 the party in opposition. Then at Exhibit 47, 47A, 47B, you have
12 the Applicant's submission. And then at Exhibit 48, ANC 6D had
13 a revised report. And so we are here today for that third hearing
14 in hopes that things have moved along further. I guess in a way
15 it has in in the fact that the opposition party has withdrawn
16 its opposition. So it is ready for you to move forward.

17 If Mr. Young would bring the Applicant, if the
18 Commission is ready, Alexandra Wilson is representing Mr. Chun
19 Lam. Fredrica Kramer is representing the ANC. And we have
20 Matt Jesick, Ms. Lawson -- sorry Mr. Lawson and Ms. Steingasser
21 here from OP, and that's it. Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you.

23 As the Applicant is coming forward, I would like for
24 the Applicant, as they are presenting to us and coming back and
25 updating us where we are, I would like for the Applicant to walk

1 through how it believes the application meets the criteria of
2 Subtitle K, 512 and also in light of the ANC's comments. And I
3 also would like for the Applicant to describe any design changes
4 it made to address the Office of Planning and ANC's comments
5 about design. So that's kind of where we want to go, narrow the
6 scope. I believe this is our third hearing, so let's see if we
7 can hit the highlights and see some of the progress we've made.
8 And anything I may have left out, if you can give that to us for
9 the record.

10 So with that, Ms. Wilson, we'll turn it over to you.
11 And Happy New Year, and you may begin.

12 MS. WILSON: Happy New Year to all. This is the third
13 hearing, so we're going to try to keep our presentation as brief
14 as possible while still hitting all of those points.

15 Mr. Young, could you please pull up the presentation?
16 Thank you. Could you go to the next slide, please? Great.

17 So before getting into the plans, I'll walk through a
18 high-level summary of what's happened since the last time we
19 presented in April 2022.

20 The internal program is largely the same. We're still
21 proposing 49 residential units with lower-level retail and office
22 use on the second floor. We are providing 12 percent IZ, whereas
23 only eight percent is required. At least one will be a 50 percent
24 MFI unit. All other units will be set at 60 percent MFI, so
25 we're getting into a deeper level of affordability and more

1 affordable units than the Zoning Regulations require. We will
2 have six IZ units, and those are listed on the coversheet of
3 Exhibit 47A, and they are spread throughout the building. One
4 of the concerns from last time was that they appeared to be
5 stacked. They are spread out throughout the floors on different
6 sides of the building now.

7 And then this ties into equity, as the proposal will
8 provide a mix of affordable and market rate housing and job
9 opportunities in both the construction of and renting of the
10 building. Whereas, right now, the property has no affordable
11 housing, a smaller retail liquor store and a parking lot. So
12 these underutilized lots will be improved with a project that is
13 intended to be an overall benefit to the community in which the
14 owners are and have been a part of for many years. They plan to
15 stay in the community and retain ownership of the property and
16 use one of the retail spaces for the liquor store.

17 In terms of sustainability, we are proposing to meet
18 LEED Gold standards, provide solar panels and solar energy, a
19 green roof and other green landscaping features, as well as other
20 public space improvements. These are part of the proposed
21 conditions to the order, along with a number of others listed in
22 Exhibit 38F. That document provides a list of various conditions
23 related to all of the issues and concerns that have come out
24 throughout this process. And I think we are proposing conditions
25 that have successfully addressed the vast majority of issues from

1 OP, this Commission and the ANC, and of course, the former party
2 in opposition. And that is reflected in where we are today.

3 We do not have any party opponents. OP is still
4 recommending approval. And while it is unfortunate the ANC
5 withdrew its original contingent support or is now not
6 supporting, you know, we feel like we've had a series of in-depth
7 discussions throughout the design review process which has
8 spanned over two years now, and we've gone as far as we can in
9 terms of attempting to get that curb cut and loading that the
10 ANC desired.

11 Next slide, please.

12 Just a quick overview to provide some context.
13 Ms. Schellin did a wonderful summary. Essentially, we all met
14 in April. There were a number of comments in addition to the
15 design related to trash mitigation, tenant relocation, the IZ
16 locations and other items. So we had about five and a half months
17 to work through those, which brought us to the October hearing.
18 We weren't quite there in October, because the party in opposition
19 was dealing with an easement that we also signed. And so, while
20 we were originally -- and also, while we were originally scheduled
21 for the September Public Space hearing, they pushed us to the end
22 of October. The ANC's previous vote to support was contingent
23 on that curb cut and loading being approved by DDOT, so that
24 needed to be resolved one way or the other. And then of course,
25 that is why we're here today, because we had an opportunity to

1 work through those issues.

2 Next slide, please.

3 We went to the Public Space Hearing and Committee on
4 October 27th where the curb cut was officially denied. So that
5 is wrapped up. It's DDOT's final decision. Unfortunately, that
6 means the ANC's previous approval is no longer valid, and they've
7 submitted a second report or I guess maybe a third report now to
8 that effect, because we can't provide that curb cut because of
9 the Public Space hearing denial. Regardless, we feel that we've
10 made progress.

11 For example, the party opponents withdrew their
12 opposition. We have a signed agreement with the party opponents
13 and the 1319 owners regarding the easement, and those are the
14 directly abutting neighbors. We've made significant updates to
15 the plans since the April hearing, and we used the opportunity
16 from the recent continuance to make sure the plans and renderings
17 match, which was an issue previously. The zoning requests for
18 flexibility are still the same and relatively minor detail.

19 DDOT has no objection. We've worked with DDOT to
20 develop a robust TDM and LDM plan. We do wish we could have
21 satisfied the ANC with the curb cut. It would clearly benefit
22 the project and this process to have the ANC's support. But I
23 think where DDOT landed is that we do not need parking or loading.
24 This is a stone's throw from the Ballpark Metro. So at this
25 point, we've exhausted every option for the curb cut, and it

1 appears that in DDOT's opinion and our traffic expert, Mr. Zeid's
2 opinion, the outstanding ANC concerns related to parking and
3 loading can be mitigated through TDM and LDM measures as well as
4 RPP restrictions and items like that. And these are proposed
5 conditions to the order in order to address the ANC's concerns
6 since DDOT denied that curb cut. We also worked with DDOE and
7 DHCD to come up with appropriate conditions for the IZ and
8 sustainable elements that I mentioned at the beginning.

9 OP is recommending approval, and we worked closely with
10 OP's Public Space and Design division on this latest iteration,
11 specifically to make the lower levels inviting and consistent
12 with the Design division's guidance, given that these are
13 commercial lower-level uses, not residential. I know this
14 possibly conflicts with the ANC's stated desire to retain some
15 row house elements, but as Mr. Markus will discuss, we're trying
16 to balance competing, maybe conflicting goals for this corner
17 between Public Space and OP guidance, and then the ANC's desire
18 to have the first and second floor mimic the treatments on the
19 adjacent row homes. We think we've struck a nice balance. We've
20 worked very closely with both OP and the ANC throughout this
21 process.

22 We've again provided a number of conditions that
23 address or attempted to address all of the concerns we've heard
24 throughout the process in Exhibit 38F. In terms of design, the
25 project has come a long way and is now consistent with the

1 overarching goals and regulations governing the design review
2 process.

3 Next slide, please.

4 I won't read through all of these, but for example, it
5 achieved the desired mix of uses. It is now in context with the
6 surrounding neighborhood and street pattern along South Capitol,
7 as well as newer development on this block. It minimizes
8 conflicts between vehicles and pedestrians, because there are no
9 vehicles entering the property. We do not have any articulated
10 blank walls adjacent to public space, and we are providing LEED
11 Gold solar panels and a green roof.

12 Next slide, please.

13 And this -- just to highlight some of the general
14 standards for a design review. The regulations mention direct
15 driveway or garage access is discouraged. Commercial ground
16 floors should contain active uses with clear windows. Wide
17 sidewalks should be provided. Infill development should respect
18 but may not imitate the continuity of architectural character.
19 Reinforce the pedestrian realm specifically on the first and
20 second stories. Provide sustainable landscaping and promote
21 connectivity, which this project will certainly do as it
22 activates this corner that is underutilized.

23 Next slide, please.

24 So with that, I'll turn it over to Mr. Zeid to highlight
25 the parking and loading points. And then our architect,

1 Rich Markus, will review the existing site conditions just to
2 provide context, since it's been so long and then highlight the
3 plan changes since April.

4 MR. ZEID: Hello. Will Zeid with Gorove Slade. We
5 gave a full presentation in our initial hearing, so we're going
6 to keep this a little bit briefer on the transportation aspect.

7 As Alex mentioned, we are consistent with design review
8 regulations which want street frontages to be designed for
9 pedestrians to limit driveway or garage access. And with this
10 particular site, we did look early on at having a below grade
11 garage. It would have had to have been accessed from the rear
12 via the public alley easement or sorry, the rear alley easement.
13 Loading would also would have had to have been accomplished from
14 back there as well.

15 That easement is narrow. The way it connects to the
16 east-west alley behind it would not allow for vehicles to make
17 those turns to even get into that easement. So from very early
18 on, we kind of knew that we weren't going to be able to provide
19 a garage or loading. Further, it was -- we got feedback from
20 the neighbors that they did not want either of those to occur in
21 that rear alley easement either.

22 Since the site is located in the D zone, no parking is
23 required by Zoning. DDOT both supports and encourages the absence
24 of parking on this site and the removal of all curb cuts for the
25 property. There are currently curb cuts on both South Capitol

1 and on N Street, and this project will remove those.

2 As I mentioned here, we did look at it early on, and
3 it was discouraged by the neighbors and generally just did not
4 work. And we do have some slides if anybody wants to see them
5 as sort of appendix slides to this presentation that show those
6 movements on why we couldn't do it.

7 With 49 dwelling units, no onsite loading is required
8 by Zoning. DDOT also indicated early on in the project that --
9 I believe, in our scoping process, we were showing a surface
10 loading off of N Street with a curb cut, and DDOT gave us
11 indication very early on that that was not going to be supported,
12 that we should remove that curb cut and include a curbside loading
13 zone. So we did that.

14 As we went through the process, we heard the ANC's
15 concerns, especially at the initial hearing, and we went back,
16 we added a curb cut back on to provide an even better sort of
17 loading from N Street than we were showing previously. We took
18 that to the Public Space Committee, and it was just overwhelmingly
19 denied at Public Space. They did -- they made it very clear they
20 were approving the removal of all curb cuts and denying any curb
21 cut from N Street. So that is where we're at currently. DDOT
22 supports what we are proposing with the curbside loading and no
23 parking condition. We worked with the DDOT to develop the TDM
24 plan and loading management plan, both of which will promote
25 better operations along N Street.

1 N Street is, you know, to this benefit, N Street is one
2 way westbound going away from South Capitol Street. So traffic
3 is limited to one direction. It's approximately 30 to 32 feet
4 wide with parking on both sides. So there's a fairly large one
5 travel lane in the center of N Street. We think with the PUDO
6 zone and the curbside loading zone that we will be able to keep
7 loading vehicles and those short-term Ubers, rideshare, those
8 types of things off of N Street and keep traffic moving.

9 As I mentioned, DDOT report is in support of the
10 project, and both the curbside loading zone and PUDO zone. Both
11 of those which will have to go through final Public Space, full
12 design and approval of all the minor details, such as any removal
13 of parking or anything like that. And with that, I will turn it
14 over to Rich.

15 MR. MARKUS: Hi. This is Rich Markus, architect.

16 If I can go to the next slide, please?

17 Here's the site. It's five lots. I can go -- I'll go
18 pretty quickly. If there's any questions at the end, we can
19 bring it up. I'll stick with the major changes. But just to
20 kind of revisit for everyone, those are the five lots that we're
21 working with. It's actually a fairly small footprint. The lot
22 itself is just over 7,000 square feet total, and the building
23 footprint itself is over -- just over 6,000 square feet. So the
24 footprint of the building is fairly small compared to some of the
25 other large buildings around here.

1 Next slide, please. There's the lot. Right now, it's
2 the single-story liquor store that's on the corner, and then
3 there's a couple of row houses on either side that are being
4 removed.

5 Next slide, please. This is a view from N Street.

6 Next slide.

7 Just some more row houses going down N Street.

8 Next slide, please.

9 Here's the footprint of the building. The uses -- and
10 the footprint has modified just a little bit. There -- originally
11 when we started, there was a rear yard, and we filled that in
12 now as a one-story structure. But we've always had full retail
13 on this level except for the residential entry. And the second
14 floor is commercial and then the residences are above that from
15 floors three up to ten. One major change has been the direct
16 entry from the loading and drop-off zone has been shifted in, and
17 it's much more straightforward. It's the light area with the
18 arrows. That's -- there's a path directly from the loading zone
19 into the building and back to the freight elevator. And then
20 the liquor store that's there now will be back onsite when this
21 is finished. And it's on the top. It's the commercial space on
22 the top. It says liquor store on it. That has moved around a
23 little bit, but that's our final location. There's also a corner
24 commercial space and another space to the right. The main entry
25 to the building into the upper floors is in the center of the N

1 Street side.

2 Next slide, please.

3 That's just the overview. You start to see the easement
4 that's in the back that we are not using for any vehicular access.

5 And one other major change. We've worked with -- for
6 over the past two years with the ANC and then also with the Office
7 of Planning and DDOT and tried to respond to everyone's comments,
8 including Zoning Commission in the past two meetings. One
9 consistent -- we've consistently simplified the project. I will
10 show -- talk about it in the elevations a little bit, but on the
11 floor plan and the streetscape, tried to create a transparency.
12 There's window bays to create a lot -- as much glass as we can
13 to create the pedestrian access and also the vitality of the
14 street on this corner.

15 Next slide, please.

16 That's the second floor, so it's all -- you see it's
17 all commercial. There is a terrace on the -- to the right there
18 where those -- the green space is kind of surrounding it. That
19 was -- used to be in a previous version, it was a rear yard, and
20 it's filled in on the first floor, and it creates this terrace
21 for the office space on the second floor.

22 Next slide.

23 So a typical floor. This has not changed. We've
24 modified a few little things over the past few meetings, but
25 nothing major. Same amount of units, and Alex already kind of

1 described the IZ units.

2 Next slide, please.

3 This is the penthouse level. Some amenity space, some
4 common amenity space and one private unit to the right.

5 Next slide.

6 This is the green roof and also solar panels on the
7 top. And Alex also mentioned before, it's going to be a LEED
8 Gold project.

9 Next slide.

10 Our building is to the right here on the corner. To
11 the left, you see the 1319 building. That is actually an L-shape
12 and kind of wraps around our building, and it faces South Capitol.
13 This is the South Capitol view. And the 1319 building also wraps
14 around and faces the N Street. So you can see our building. The
15 footprint of our building is much smaller than that. And the
16 design of the building itself is responding to the smaller scale
17 of some of the residential buildings and the row houses in the
18 blocks to the west. So our building is stepping up. You can
19 see with the brick pattern; the brick is indicative of the
20 historic architecture in the area. A lot of the row houses are
21 brick. We've simplified, and we've just clarified the balconies.
22 I think you'll be able to see it a little better in the 3D.

23 Can you go to the next slide, please?

24 This is the N Street side. Our building is to the left
25 and the 1319 building that faces N Street is to the right. The

1 row houses that you see to the right are part of the 1319
2 building. The small one-story glass is the connection between
3 that building and ours, and there's some plantings on top of it.
4 That's the terrace on the second floor. The center of this --
5 of our facade here is the -- is the entry to the upper floors of
6 the building.

7 Next slide, please.

8 Just some of the materials. What we've looked at is
9 the -- some of the Syphax Village row houses as far as some of
10 the details, the brick detailing and also the colors of the brick.
11 And the intent is that it's the -- the colors of the brick are
12 actually the same family of colors as the Syphax School. And
13 also the intent is to relate to the 1319 building and respond to
14 that also.

15 Next slide, please.

16 Here's the corner. And this is an important view,
17 because you can see how the building, the brick of the building
18 steps up to the corner. So the idea is that where the building
19 is intended to create a strong presence on the corner with the
20 stepped brick facade kind of building up to that corner and under
21 -- at the bottom of that is open. The first two stories are open
22 so you can walk in under there and enter the retail level on the
23 corner. The stepping is a direct response to the smaller scale
24 residential row houses. As you go down N Street, you'll hit that
25 lower scale buildings. But at the same time, we're responding

1 to the intent of the Capitol Gateway zone, where we're trying to
2 create this monumental feel and have some transparency and
3 openness to invite the pedestrian activity at the retail
4 streetscape.

5 Next slide, please.

6 That's the South Capitol view where you can see the
7 stepping of the brick. We've also kind of simplified some of
8 the arrangements that we've had and clarified the balconies. So
9 we feel like we've been responding to several different comments
10 and kind of simplifying the building and trying to maintain this
11 monumental character kind of building up to this corner.

12 Next slide, please.

13 That's the N Street side. Again, you can see how it
14 steps up to the corner. And that corner is also bumps out. So
15 the balconies bump out, but they're all wrapped in a glass
16 railing. So the corner is the brick, a little bit more solid
17 piece that bumps out and intensifies the feel of that corner. In
18 the distance to the left, you can see the -- over to the left
19 there, you can see the baseball stadium kind of across the street.

20 Next slide, please.

21 This is a close up of the corner. We're trying to
22 create a more nice pedestrian activity there. You can start to
23 see the bays, the glass bays that bump out into the street. We've
24 worked a lot with DDOT and the Office of Planning on the hardscape
25 and the very specific regulations for the greenscape and the tree

1 boxes on the South Capitol side. So those have been well vetted
2 out with the Office of Planning and the Department of Public
3 Space.

4 Next slide, please.

5 The view from N Street looking back towards South
6 Capitol.

7 Next slide.

8 That's basically the same.

9 Next slide, please.

10 That's the South Capitol side, looking towards the
11 corner. You start to see the bikes and some of the tree boxes
12 on that side.

13 Next slide, please.

14 Here's an overview. You can see the baseball stadium
15 on the back left, and you can see how the 1319 building kind of
16 wraps around in an L-shape around our corner.

17 Next slide.

18 This is the closer view of the N Street side and how
19 it builds up to the corner.

20 Next slide, please.

21 I think that's what I have. If there's any questions,
22 I'd be happy to answer those.

23 MS. WILSON: Thank you, Rich.

24 Yes, that concludes our presentation. We do have some
25 slides after this just going into detail about the -- how we got

1 to this point with the loading. If you're interested or have
2 questions about that, we wanted to provide those.

3 CHAIRPERSON HOOD: Let's kind of go through that now
4 before we start asking our questions.

5 MS. WILSON: Great.

6 Mr. Young, could you, yeah, pull that back up? Thank
7 you.

8 And I'll turn it over to Mr. Zeid to walk us through
9 these additional slides.

10 MR. ZEID: Okay. Yeah, we're going to step through
11 these, if want to just go to the next slide.

12 Okay. Here, this is. We did this these backup slides
13 on more than one thing. So this just goes over the -- what we're
14 proposing along N Street with the curbside loading zone and the
15 pick-up/drop-off zone.

16 We can go to the next slide.

17 Unless there's any question. Just feel free to
18 interrupt me. Just the trip generation, it was a backup slide
19 as well.

20 Next slide, please.

21 This is just an overview of our TDM.

22 Next slide.

23 This is an overview of the loading management plans.
24 This is typical DDOT language with some additional changes
25 specific for this building that DDOT requested. So this will be

1 part of the order that goes along with the building.

2 Next slide.

3 Okay. So onsite loading rear from the South Capitol
4 Street Alley. So we have -- and keep in mind, we're -- on these
5 plans, we're always flipped upside down. So north is down, south
6 is up. So on the top of the page, there's an east-west alley
7 that goes from South Capitol Street over to Van Street. It goes
8 through that 1319 building. What comes off of there that goes
9 sort of north-south on this page to the rear of the building is
10 the rear -- what we're calling the rear alley easement. And you
11 can see -- I don't know if it's possible to zoom on here, but
12 there's two lines coming from each of these trucks. And
13 these -- this is a standard 30-foot moving delivery truck. The
14 green lines are where the tires need to go, where the outside of
15 the axles need to go to make the turn. And as you can see, we
16 can't -- I mean, it's not even close on these for getting from
17 that east-west alley into that north-south easement.

18 Further, once -- even if we could get in there, when
19 we get down to the bottom, we'd have to use nearly half of the
20 building carved out to have a space adequate enough to do a 300
21 -- not 300 -- 180 point -- 180-degree three-point turn to get
22 turned back around. So what this tells us is loading cannot
23 occur from the rear of the building. If there were going to be
24 an onsite loading space, it would have to come from N Street.

25 Next slide.

1 We also looked at a below grade garage very early on
2 in the project. We had similar issues, and this is with just a
3 standard car. Getting into that north-south alley easement, we
4 would, again, have to have an area for a vehicle to turn around.
5 We would not be able to ramp down into a garage from back there,
6 so it would have to be an elevator system to go down to the garage
7 where we would be able to get a few spaces, I believe, seven or
8 eight, nine spaces, something like that, in that below grade
9 garage. However, we'd have to use up a significant portion of
10 that building in that first floor. That would be -- it would
11 have to be open as well, more or less, just to be able to turn
12 that vehicle around. And I believe -- and I wasn't part of these
13 conversations, Jason was, is the neighbors were opposed to us
14 using that back there.

15 MS. WILSON: I can jump in. It was there. It was
16 there.

17 MR. ZEID: All right. Thank you, Alex.

18 MS. WILSON: I mean, if you look at the conditions that
19 we provided to address the neighbors' concerns, it was -- we are
20 even restricting our pedestrian egress beyond what we we're
21 allowed to do by regs. Their main concern before we even
22 submitted this application over a year ago was vehicular access.
23 That was a complete non-starter for them. So I think that was
24 one of the reasons we didn't look at it. It would certainly
25 upset the neighbors. And given that they don't even want

1 pedestrian egress except for emergency egress. So it was -- I
2 would say it was their primary concern, especially in the early
3 discussions.

4 MR. ZEID: So with all that taken into account, and you
5 know, the regulations in the D zone that allow for zero parking
6 within at the building, that's the direction we went. This seemed
7 like the prime candidate of a building to have no parking with
8 49 units, a stone's throw from the ballpark and the Metro
9 entrance, that's where we landed.

10 So we can go to the next slide, or is that it? Was
11 this the last one? This may be the last slide. Yeah.

12 So happy to answer any questions on loading, parking
13 or anything else transportation related.

14 CHAIRPERSON HOOD: Okay. Thank you to the team.

15 Let's see, I'm going to try to do this like
16 Chairperson Hill. I'm going to see how this works. Who'd like
17 to go first, just raise your hand. Okay. See that's not working,
18 so I will go back to my way.

19 Commissioner May, you have any questions or comments?

20 COMMISSIONER MAY: (No audible response.)

21 CHAIRPERSON HOOD: You're on mute.

22 COMMISSIONER MAY: I appreciate the efforts of the
23 Applicant to address the questions of the Commission from last
24 time around and that further progress has been made in resolving
25 the issue with the party in opposition. I don't have any

1 questions. Thank you.

2 CHAIRPERSON HOOD: Thank you.

3 Commissioner Imamura.

4 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I like
5 our rotation so of the Zoning Commission. I think it works pretty
6 well.

7 I do have a couple questions. Certainly, there's been
8 a number of refinements and little design movements that have
9 made some improvements to the project.

10 So Mr. Markus, two questions. One, in the elevation
11 on N Street, it shows a soldier course brick lintel on the second
12 story windows, but on all your other perspectives, I don't see
13 that. And so I thought I saw somewhere in the ANC report a
14 question or a comment about that, and I just wanted to clarify
15 if that is, in fact, part of the design or not?

16 MR. MARKUS: Yeah. The soldier course should be part
17 of the design. Are you saying you didn't see it in some of the
18 3D images?

19 COMMISSIONER IMAMURA: That's correct. It shows in
20 your elevation.

21 MR. MARKUS: In the elevation.

22 COMMISSIONER IMAMURA: Yeah, and I think the
23 perspectives, at least from what I can tell, are just recycled a
24 bit. So maybe they just didn't get updated, but I'm glad that
25 you confirmed the soldier course and the brick lintel.

1 MR. MARKUS: Yes.

2 COMMISSIONER IMAMURA: The other question I had is a
3 little simpler. There's an office space on the ground floor
4 connected to the mailroom. I'm unclear -- and maybe we've already
5 gone over this, but I'm just unclear what the purpose of the
6 office space. Is that for a full-time FTE there to help out with
7 building operations, or what is the purpose of that office space?

8 MR. MARKUS: Yeah, it actually could be multi-purpose,
9 but it is intended for that use of the person who would be
10 managing. I'm not sure if --

11 COMMISSIONER IMAMURA: I'm sorry. Go -- the reason I
12 ask is I'm just curious, there's no restroom at all on the ground
13 floor for that person. If there is -- if the intent is for a
14 full-time person to be.

15 MR. MARKUS: Yeah, I don't think it was intended to be
16 a full-time person, but -- and I think the final use needs to
17 get flushed out in the end, but yeah, it's a good point.

18 COMMISSIONER IMAMURA: All right. You know, whatever
19 that final use is, you know, you probably should -- you should
20 still think about that a bit.

21 MR. MARKUS: Yeah.

22 COMMISSIONER IMAMURA: Also, I just want to clarify too
23 the closed court. I think I can relate to that. Is that still
24 the 3 foot by 13 foot 11 inches? Is that the right calculation
25 there in Exhibit 38C? That might be for Ms. Wilson too.

1 MR. MARKUS: Alex, did you have a comment on that?

2 MS. WILSON: Yeah, I mean that's -- let me pull the
3 plans up.

4 COMMISSIONER IMAMURA: I just want to confirm if that's
5 still the right dimensions.

6 MS. WILSON: Yes, that's on the ground floor. It's a
7 -- it's quite a small court that is open for the easement area.
8 So it is -- because we can't put any portion of the building on
9 there. So it is about -- it's 3 feet.

10 MR. MARKUS: Three feet.

11 MS. WILSON: Yeah, 3 feet wide.

12 COMMISSIONER IMAMURA: Okay.

13 MR. MARKUS: It's specifically where the -- it's lined
14 up with the way the easement comes in and from the other
15 street -- comes directly into ours, and it cuts off that little
16 3-foot section. So it just aligns with that easement.

17 COMMISSIONER IMAMURA: Okay. That's fine. That's
18 seems pretty straightforward to me.

19 With that, I don't think I have any other questions,
20 Mr. Chairman. This project has come a long way, I think, in
21 terms of their efforts to bridge the gap between where they stand
22 and where the ANC. It's been a laudable effort to that to reach
23 some sense of improvement. But I think, just given the
24 constraints of the site, they are a little hamstrung. So I think
25 they've done a tremendous job just trying to get this project on

1 the corner as it stands. And I think it's a good effort.

2 CHAIRPERSON HOOD: Okay. Thank you.

3 Vice Chair Miller, any questions or comments?

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

5 And thank you to the Applicant's team for your third
6 hearing presentation.

7 I appreciate the -- all the responsiveness, as
8 Commissioner May and Imamura indicated to both the Commission's
9 previous comments or request for information, as well as the
10 comments of Office of Planning and DDOT, and you're working with
11 the party in -- the initial party in opposition to get that
12 opposition withdrawn. And to the extent you were able to respond
13 to the ANC's requests, you did attempt to work with the Public
14 Space Committee to get the type of curb cut that they were seeking
15 in loading, but that was not successful. There are a lot of --
16 it's a bit -- I think it's a -- I think the building has evolved
17 into a -- it's a very attractive building. I like the
18 juxtaposition of the brick and the glass.

19 And you know, you mentioned that it's 12 percent
20 affordable IZ units, whereas only eight percent is required. And
21 so that's above and beyond. And of course, we always want more.
22 You did provide a 50 percent median family income unit, one of
23 the six, I guess, IZ units. The rest will be at 60 percent MFI.
24 But it's commended that the 50 percent, there is one unit. I
25 assume that the affordable units are in the same size mix as the

1 market rate units, and -- but I forget what the size mix is of
2 the overall building. Is it mostly one bedrooms? I can't
3 remember. There's --

4 MS. WILSON: Can I respond? It's one -- it's one and
5 two bedrooms, correct?

6 MR. MARKUS: One and two bedrooms, yeah.

7 VICE CHAIR MILLER: You know --

8 MR. MARKUS: It's about 50 -- yes, it's almost percent,
9 and so there's three -- in the IZ mix, there's three of each.

10 VICE CHAIR MILLER: And the 50 percent MFI unit is a
11 one bedroom or a two-bedroom unit? Do you know?

12 MR. MARKUS: It is.

13 MS. WILSON: I'm not sure if we have that listed. We
14 just have the six units right now. So that might depend, like,
15 on the rental process too, because of how the rent -- at least I
16 have somewhat limited knowledge of the rental process on the back
17 end. Just see if certain people have to qualify at 50 percent
18 versus 60 percent, but could also depend on which units are
19 available at the end, but you know, we can look into that too.

20 VICE CHAIR MILLER: Okay. Okay. Thank you.

21 The -- can you just review how you did respond to both
22 OP's and the ANC's design-related -- specific design related
23 suggestions? I think you have responded. OP's was -- were --
24 well, if the retail bay was going to be something like a coffee
25 shop, as indicated in the renderings, the Applicant should

1 consider more hardscape. And then the other one was that the
2 balconies be aligned consistently, and I think you've done that.
3 It looks -- could you just indicate how you did respond to those
4 two OP design-related points, Mr. Markus?

5 MR. MARKUS: Sure. Markus, yeah. Thank you. Yeah.
6 And the first time we came -- so this is the third time we're
7 coming to the Zoning Commission, and from the very first one,
8 it's changed quite a bit. The aesthetic has changed, and we've
9 consistently kind of simplified, and we're responding to
10 comments. And -- but most recently, yes, we've modified and
11 simplified the balconies. They started out more of a hodgepodge,
12 zig-zag pattern. So they're all very consistent now. And they
13 -- and we've even enhanced them on the -- this -- the facades
14 that are less prominent or not on the street. So the side facade
15 that faces the other building, we've simplified those and added
16 some -- clarified the balconies. And also on the back side, we
17 did that too.

18 Also the feedback on the streetscape has -- Office of
19 Planning and DDOT has -- we worked with them a lot to try and
20 get -- meet the right constrictions and regulations of the South
21 Capitol side. But also on the N Street side, it was just asking
22 for more and more hardscape rather than greenscape there.
23 So -- and we worked with the patterns and just tried to give a
24 very transparent feel to that ground level and a lot of -- a lot
25 more pedestrian access.

1 VICE CHAIR MILLER: Thank you for that response. And
2 then the ANC's -- and I may have asked this, and you may have
3 responded at the previous -- at one of the previous hearings.
4 But the ANC had asked for two specific design-related requests.
5 One was the -- and they were small -- I think they were small
6 tweaks. But one was continuation of the lintels from the historic
7 houses to the ground and second stories of the new building and
8 more accurate scale. The second story windows to make the link
9 to Old Southwest. That was one of them. And the other one was
10 a specific commitment to certain building materials and brick
11 color so that the final building design resonates without
12 mimicking the design of the -- and color of the 1319 South Capitol
13 and other buildings in the area. Can you just quickly recap what
14 your response was to that?

15 MR. MARKUS: Sure. Yeah. So the -- we looked at the
16 -- some of the surrounding buildings, specifically in the Syphax
17 Village, which is the blocks around the building as you go west
18 and also specifically the Syphax School. So some of the bricks,
19 specifically the brick patterns, we're reusing some from the
20 Syphax School and some from neighboring buildings on the facade.
21 And then the color, we're not just matching the color exactly,
22 but looking at the family -- the same color family that the Syphax
23 School basically has. And that's what they used in the 1319
24 building.

25 So -- the 1319 building is under construction. So what

1 we're doing is waiting for their final brick selection, and we'll
2 be looking at that and making sure that we're relating to that.
3 Because that building itself wraps around ours, so we want it to
4 be complementary to that. But also at the same time, we're
5 responding and trying to pull colors from the Syphax School itself
6 and trying to relate to that.

7 As far as some of the lintels and the -- this is --
8 the main kind of push and pull that we've had is a lot of comments
9 coming from Office of Planning, and we're trying to meet the
10 regulations and make sure the building follows the intent of the
11 Capitol Gateway Zone, but also looking at the adjacent row houses
12 and seeing what we can do to help relate to them and bring some
13 of that language into our building.

14 Because the bottom -- our building on the bottom two
15 levels is specifically commercial, so the height of the floors
16 is very different and taller than the row houses next door. So
17 it's very difficult to kind of bring specific lines kind of
18 through and wrap around. And also the -- it's not very much,
19 but it's enough to make a difference, the grade kind of drops as
20 it goes around the corner also. So being very specific and kind
21 of bringing lines through is a difficult thing to do. So our
22 approach was more just bringing the scale down and relating to
23 the buildings through details and colors and the brick material
24 itself. So it was more of a review relationship rather than
25 being able to get too specific in relating to the exact row house

1 detailing next door. Does that kind of answer the question?

2 VICE CHAIR MILLER: Yes. Thank you. I appreciate the
3 explanation and elaboration on that.

4 I have no other -- further questions, Mr. Chairman. I
5 thank the Applicant again for the responsiveness to concerns that
6 were raised previously, and I'm ready to hand it back over to
7 you, Mr. Chairman.

8 CHAIRPERSON HOOD: Thank you very much. Let me find
9 out -- let me go down this line a little more with the ANC,
10 Ms. Wilson and Mr. Markus. Let's just walk down this line.

11 So is -- and I'm looking at that letter. Basically,
12 Ms. Wilson, traffic and parking, and as the Vice Chair just got
13 through discussing, aesthetics and design. Those are the two, I
14 guess, two still outstanding issues for the ANC. While, I know
15 a lot of progress has been made, it's been repeated over and over
16 again, the party in opposition, that opposition went away. But
17 I will tell you that I can maybe understand the traffic and
18 parking. If you had to tell me which one was more critical to
19 the ANC, Ms. Wilson, in your discussions, which one was more
20 critical where they adamantly, really unconditionally opposed to?
21 Was it traffic and parking, or was it the aesthetics and design?

22 MS. WILSON: It was traffic and parking. And the reason
23 I'm very confident about that is because the ANC report before
24 this had a conditional approval where they were in support of the
25 project if that curb cut and loading was approved by DDOT. So

1 obviously, Commissioner Kramer and Commissioner Hamilton, I
2 think, are here to speak to that. I don't want to speak for
3 them, but I would assume that that was a bigger issue, given that
4 had that been remedied, they were going to support this project.

5 CHAIRPERSON HOOD: Okay. Thank you. And Ms. Wilson,
6 I was definitely not asking you to speak for them. I wanted your
7 -- I know I can get their -- I'm going to get their
8 interpretation. Sometimes it's always good to get it from another
9 perspective, because I had my own interpretation with the merits
10 of this record.

11 So if that's the case, and I know Mr. Markus just
12 elaborated on this aesthetic and design or what the Commission
13 -- I always -- while you may not get everything that you ask for,
14 there are some things that I think are very miniscule to the
15 point where it can get done. The neighborhood or Commission
16 might not get everything, but this ANC has worked very hard over
17 the years. I don't take nothing from this ANC. They probably
18 had more work with Southwest coming back more than any other ANC.
19 And hopefully, I'm not getting myself in trouble, but that's what
20 I see. It's a lot that's been happening in Southwest over the
21 years.

22 So Mr. Markus, the way I heard you having this
23 discussion with the Vice Chair is that there's still a possibility
24 to some degree that some of what the material elements that they
25 wanted to see are still in the conversation. Is that a fair --

1 that's what I took away from that discussion. Is that a fair
2 assessment?

3 MR. MARKUS: Could you say that one more time? Sorry.

4 CHAIRPERSON HOOD: Is some of what the ANC has asked
5 or, like the resemblance of Syphax School and -- some of that's
6 still in the working. It's not that it's -- the book is closed
7 on it, it's still in the working, and you're still trying to see
8 how you can accommodate those issues. Is that what I took away
9 from that discussion?

10 MR. MARKUS: That's -- well, specifically, the brick
11 color is still the final question, because we need to know --
12 the intent is I think we're following, and I think we've all kind
13 of agreed on the intent. But the final brick decision is going
14 to depend on the 1319 building and how we relate to that. So
15 we're just waiting for them to get to a point where they're
16 finalizing the brick color, and we get samples of that, and then
17 we look at ours and make sure that it's complementary to it, but
18 still maintains and relates to the other Syphax Village and Syphax
19 School.

20 MS. WILSON: And if I may jump in too, I think the ANC
21 also worked hard with 1319 to come up with that brick color, as
22 I understand it or to, you know, the whole design. So as you're
23 asking, yes, I would say that those items are still in play.

24 CHAIRPERSON HOOD: Okay. Thank you. Thank you both.
25 I appreciate the responses. Because I believe that while

1 everything -- and I understand the DDOT issue -- while everything
2 might not be able to go the way that the community, who's going
3 to deal what you all do and who's going to look at and have to
4 live with what's being done here if it's approved, I think to
5 some degree, we can find ways when they're asking for stuff that
6 we can make happen, make it happen. And that's what I wanted to
7 hear, that that's a possibility. The book is not closed on that.
8 I understand about the traffic and the parking. I get that. But
9 the aesthetics and the design, let's see what we can do to
10 accommodate the ANC, because we're going to develop and leave,
11 and they're going to be -- they're living with it and enduring
12 it.

13 So I don't have any other comments, but I do appreciate
14 us coming further the third time. I'm not going to say third
15 time is a charm. It was almost a charm, but the third time and
16 we had other nuances that and other factors that played into this
17 case. But the third time we're a lot better than where we were
18 the first time. I will say that. Even though it's not fully
19 agreed, but we're a lot better than where we were. So thank you.

20 Any follow up questions or comments?

21 (No audible response.)

22 CHAIRPERSON HOOD: All right. Let's go to ANC 6D.
23 Ms. -- Commissioner Kramer if they -- if she -- if you have any
24 cross, Commissioner Kramer, but we -- we're going to hear your
25 report, but let's see if have any across of what you've heard so

1 far.

2 ANC 6D COMMISSIONER KRAMER: Well, I do. I -- thank
3 you. And good evening to everybody. I do. Sorry. You can hear
4 me, yes?

5 CHAIRPERSON HOOD: Yes, we can hear you. And Happy New
6 Year. Yes, we can hear you.

7 ANC 6D COMMISSIONER KRAMER: Happy -- absolutely.
8 Happy New Year. Thank you. And to all.

9 I do have questions, because we are -- first of all,
10 we -- I just want to say we have we've only now tonight noticed
11 that they've filed the new drawings yesterday, so I am confused
12 about the traffic pattern. It looks like the last time we
13 discussed first point is first question. It looks like the last
14 time we had a conversation about this, we -- the entry for the
15 alley -- the -- there was an internal alley to get a pedestrian
16 walking the trash to the outside, and that was in the middle of
17 the building. And now from the drawings that we just saw, it
18 looks like you've moved it back again to the, what would be the
19 side alley, the west -- westward alley. So that raises a whole
20 bunch of questions. The reason we asked for you to go to Public
21 Space and to urge that you use the -- essentially the existing
22 curb cut on N Street, was that you could widen that with the
23 design as you had it and make it a classic backend loading, so
24 that it would be off the street.

25 Same thing we have, for instance, at RiverPoint.

1 That's exactly what they do. The trucks cross the sidewalk, and
2 they go into a loading bay and then they front out again. So
3 it's not an unusual design. So now you have another design. So
4 what happened with that? I don't understand that. The other
5 thing is -- related to that is when you read the comments by --
6 the analysis by OP and the -- and DDOT, I think principally DDOT,
7 the decision about the traffic arrangement is resting solely on
8 the fact that they don't -- that they're have 49 units, and
9 therefore, you're not required any interior space.

10 We're not arguing about parking anymore. We haven't
11 been arguing it for a long time. We were arguing about the --
12 have been arguing about the problem with traffic on N Street.
13 And no -- in none of your writing, if I'm correct, none of your
14 presentations and none of the DDOT filings is the discussion 49
15 units, which is just one short of what you would be required to
16 deal with differently, 49 units plus two stories of commercial
17 activity, one of which is a liquor store which generates a huge
18 amount of back and forth. We asked, and you can -- we've not
19 had an answer. You might want to answer it. We asked what the
20 delivery patterns were, whether you had only one distributor
21 going to the liquor store, did you -- is it exactly the same
22 business model that will be used when the liquor store reopens
23 as a new store? So we don't know what's happening.

24 And the third question, I think, here, just to make
25 clear what I've just said, we've never asked for a turnaround.

1 We just asked for the in and out opportunity to move traffic off
2 N Street. The other thing -- the other point is that we've heard
3 multiple references to the fact that DDOT refuses to do this, and
4 they don't want to -- they don't -- this is a -- this would be a
5 de novo curb cut, even though there's an existing one there. We
6 understand that. But I have not heard, and I would like to hear
7 an argument that tells us why DDOT can't be asked to find that
8 kind of solution.

9 We just went through exactly this comment, or this
10 discussion with one of the Maine Avenue projects that we're
11 dealing with, in which case they are moving the curb cut for a
12 different set of reasons. So it's not that you can never ride a
13 curb cut again. It's the fact is we have to -- we've been looking
14 for a solution to not have this -- the traffic, which is going
15 to be bad for the start, and they're going to be worsened as
16 redevelopment continues on, particularly on South Capitol Street.
17 So I would be very appreciative of you dealing with those
18 questions that I've -- that I'm -- we're struggling with.

19 CHAIRPERSON HOOD: Commissioner Kramer?

20 Commissioner Kramer?

21 ANC 6D COMMISSIONER KRAMER: Yeah?

22 CHAIRPERSON HOOD: If you could do me a favor so I
23 won't get lost.

24 ANC 6D COMMISSIONER KRAMER: Okay.

25 CHAIRPERSON HOOD: It's just me. Nobody else is lost.

1 If you can just give me one question and this is a little -- kind
2 of give one question can ask and one question --

3 ANC 6D COMMISSIONER KRAMER: One at --

4 CHAIRPERSON HOOD: That was a very long question with
5 a lot of history.

6 ANC 6D COMMISSIONER KRAMER: All right. One at a time.

7 CHAIRPERSON HOOD: Okay, thank you.

8 ANC 6D COMMISSIONER KRAMER: Why -- did you, in fact,
9 move the alleyway, which we have not seen until tonight? Did
10 you, in fact, move the alleyway from the middle of the building
11 to the side, which was an old design. You're returning to that,
12 because that --

13 MS. WILSON: The plans we've showed --

14 ANC 6D COMMISSIONER KRAMER: Yeah.

15 MS. WILSON: -- tonight are the plans that were filed
16 November 30th, which I believe you've seen, and we presented to
17 the ANC. Now, at the end of the presentation, we did walk through
18 previous iterations of the parking and loading situation from the
19 rear, so that's perhaps where the conflict is. But the plans
20 that were shown tonight in the presentation are not new. Those
21 are directly from the most recent set of plans we filed on
22 November 30th and presented and served to the ANC.

23 MR. MARKUS: Rikki, the answer is no, we haven't changed
24 that. I think you might have seen something at the end that was
25 an old reference to some traffic studies previously.

1 MR. ZEID: Yeah, those loading and parking turns that
2 we saw, those were done over a year ago.

3 ANC 6D COMMISSIONER KRAMER: No, I -- this is -- please,
4 please, let's not. We're all confused.

5 MR. ZEID: Yeah.

6 ANC 6D COMMISSIONER KRAMER: It's mostly me. No.

7 MR. ZEID: Yeah.

8 ANC 6D COMMISSIONER KRAMER: The -- we're not talking
9 about the old designs from the -- entering from the rear. We're
10 talking about the change that you made, which we were very
11 grateful about, that you had moved -- you had created an interior
12 alley for trash, because we had raised a question of making --
13 of having trash come through the side alley, which would be right
14 next to the row houses.

15 MS. WILSON: That's still the case. That's still the
16 case.

17 MR. MARKUS: That same corridor is there. We have not
18 changed that.

19 ANC 6D COMMISSIONER KRAMER: Okay. Well, I'm confused,
20 and I'd have to write something in addition to the record, because
21 I distinctly remember it being different.

22 MS. WILSON: Would you --

23 ANC 6D COMMISSIONER KRAMER: However, the point
24 that -- our argument was, if you have the center alley, or if
25 you had, because you can't -- we know that you can't run any

1 trucks over the Pepco vault on the side alley. I don't know what
2 to call that. We understand that -- that we had a whole
3 discussion which predicated your going to DDOT to ask for the
4 curb cut, because you could widen the middle alley going out to
5 N Street. I am sure that I'm not confused about that. I may be
6 confused about which date or whatever, but I'm not confused about
7 that.

8 I'm not talking about the rear alley from way back.
9 I'm talking about the last conversation we had, which was why we
10 urged you to go to DDOT and see if you can get a curb cut. We
11 wouldn't have had that discussion if -- it wouldn't have -- it
12 would have been irrelevant if we couldn't deal with the relatively
13 center alley for the trash. We were talking about widening that
14 to make it a -- Commissioner Hamilton is with me and signed up
15 to testify. So if I I'm misstating it, she will catch it. So
16 that's the argument with the alley, with the -- sorry, not with
17 the alley easement, but with the -- with our strong desire to
18 have you press DDOT to allow you to have an -- some off-street
19 loading. So that's the first issue.

20 MS. WILSON: If I may respond to that or Will. I'll
21 direct this towards Will, since you're the expert. Is this the
22 end with DDOT with respect to the curb cut or is there any way
23 we can press further?

24 MR. ZEID: Yeah, DDOT -- Yeah, DDOT was not -- it was
25 not a matter of design or how a curb cut was treated off of N

1 Street. It was the -- they will not support or approve any curb
2 cut from N Street. That's -- so whether or not it was moved,
3 widened, or changed configuration, we're confident through our
4 discussions with DDOT and what we heard at Public Space that it
5 would not be approved.

6 CHAIRPERSON HOOD: Let me go to Commissioner May first.
7 I saw he had a comment.

8 COMMISSIONER MAY: Yeah, I'm -- I didn't think I was
9 confused before, but I am getting confused. So I think I want
10 to try to state this in very simple terms. The drawing that you
11 showed today on the -- in the PowerPoint presentation, which
12 includes an internal hallway, not an alley, just a hallway --

13 MR. ZEID: Correct.

14 COMMISSIONER MAY: -- with doors that open up to the
15 curb. That is what you are proposing now. It is what you had
16 proposed in November. It is what was sent to the ANC in November,
17 correct?

18 MS. WILSON: Correct.

19 COMMISSIONER MAY: All right. So it -- what was --
20 when you went to DDOT --

21 ANC 6D COMMISSIONER KRAMER: We meant the center alley.

22 COMMISSIONER MAY: -- for a --

23 ANC 6D COMMISSIONER HAMILTON: It's the center -- it's
24 the center alley.

25 COMMISSIONER MAY: -- curb cut, was there -- I mean, I

1 assumed there was some different proposal there, right, that
2 showed --

3 ANC 6D COMMISSIONER KRAMER: Yes.

4 COMMISSIONER MAY: -- an actual alley curb cut. Do we
5 have that somewhere in our record what they said no to? I'm
6 asking the Applicant.

7 ANC 6D COMMISSIONER KRAMER: Right.

8 MS. WILSON: We -- let me check the record. It might
9 have been one of our earlier drawings that we -- I can look
10 through the record. I think there might be something there.

11 COMMISSIONER MAY: Okay. It would be worthwhile just
12 to see that so that we understand the difference between these
13 two things. But I think it's pretty clear that what's in front
14 of us now is just that loading corridor that has an access point
15 very close to the -- the on-street loading zone. That's what's
16 proposed now. And DDOT has said a flat no to any curb cut
17 whatsoever on N Street adjacent to this property.

18 MR. ZEID: Correct.

19 COMMISSIONER MAY: Okay. So I don't know what more we
20 need to clarify, but this is your time, not mine. Yes.

21 ANC 6D COMMISSIONER KRAMER: Commissioner May, I don't
22 think there would have been -- we will clarify this if you -- I
23 mean, you may have -- you may resolve the issue tonight and where
24 there won't be anything to clarify, except for the record. But
25 I think we will need to go back as an ANC, because there would

1 not have been -- in my understanding, there would not have been
2 any reason to ask for the curb cut if it weren't asking for
3 an -- for the other kind of access to the -- to create a
4 loading -- a dock. And the loading -- as a loading area, the
5 rear alley, what I'm calling the rear alley or the westward alley,
6 would not have ever qualified because it goes over the Pepco
7 vault. So somewhere along the line, we were talking about
8 something that was close to center to the building where the --
9 where it would happen.

10 COMMISSIONER MAY: Right. So something that was more
11 or less aligned with where this corridor has been placed, right?

12 ANC 6D COMMISSIONER KRAMER: The -- as I recall, the
13 corridor -- I don't have the pictures in front of me. We'll have
14 to look for them. As I recall, the corridor that would have
15 allowed this was closer to the center of the building. And what
16 they had done, which was very helpful, was they had found a way
17 to bring the trash, not disturbing the -- near the, you know,
18 next-door neighbors, but they would bring it through the center.

19 COMMISSIONER MAY: Yeah.

20 ANC 6D COMMISSIONER KRAMER: Yeah. So --

21 COMMISSIONER MAY: Right. Right. So I mean, we saw
22 that image tonight in their PowerPoint presentation. That's what
23 they are proposing now is a corridor that's somewhat removed from
24 the townhouses nearby, right. It's a little bit further to the
25 east, and it's between one commercial space and then sort of the

1 lobby space for the apartment building. And maybe actually it's
2 worth it for Paul to bring it up.

3 Paul, can you -- I think it's page 13 in the PowerPoint.

4 ANC 6D COMMISSIONER KRAMER: Yeah, I don't think I have
5 the drawings that show what we're talking about.

6 COMMISSIONER MAY: Here we go. Yeah. So the PowerPoint
7 was submitted just today, but these are the same drawings that
8 were submitted to us, I don't know, a week or ten days ago,
9 whatever it was.

10 So Paul, could you zoom in onto the center of the
11 building?

12 MR. MARKUS: If you go to the previous one, it might
13 be clear in the previous plan actually. It's got some arrows
14 and -- yeah. Okay.

15 COMMISSIONER MAY: Oh, yeah, yeah, yeah. That's a
16 little clearer.

17 ANC 6D COMMISSIONER KRAMER: Oh, okay. I have
18 that -- that's the one. I have that as well.

19 COMMISSIONER MAY: Yeah. Perfect.

20 ANC 6D COMMISSIONER KRAMER: And I -- okay.

21 COMMISSIONER MAY: Right. So --

22 ANC 6D COMMISSIONER KRAMER: I think what we were
23 asking, if that's the one from the same -- what we're trying to
24 reference historically is I think that that's -- this may be --
25 maybe I confused the discussion, but we -- what we were asking

1 for is that alleyway to be --

2 COMMISSIONER MAY: This is not an alleyway. This is a
3 corridor.

4 ANC 6D COMMISSIONER KRAMER: A corridor. Excuse me.

5 COMMISSIONER MAY: You're saying that --

6 ANC 6D COMMISSIONER KRAMER: Excuse me. Well -- all
7 right. Corridor. But I think --

8 COMMISSIONER MAY: -- make that corridor into a loading
9 place for vehicles.

10 ANC 6D COMMISSIONER KRAMER: A loading bay.
11 Essentially a loading bay, not going -- yeah, that's right.

12 COMMISSIONER MAY: Right.

13 ANC 6D COMMISSIONER KRAMER: That's what we're asking
14 for.

15 COMMISSIONER MAY: And so, Ms. Wilson, if you can find
16 where there's a drawing in the record that shows what might have
17 been shown to DDOT when it was turned down by the Public Space
18 Commission, maybe that would provide the last bit of clarity.

19 All right. I'm -- Commissioner Kramer, I'm sort of
20 stepping into your time trying to get clarity.

21 ANC 6D COMMISSIONER KRAMER: Sorry.

22 COMMISSIONER MAY: So narrowing down. So what was your
23 next question? That was like your first one.

24 ANC 6D COMMISSIONER KRAMER: Okay. My -- they're all
25 -- it's really all. They are all related. The fact is we have

1 not seen anything to -- that accounts for the amount of activity
2 that you will have, and when you read the text, it's all about
3 we don't need to do this because it's a, you know, because it's
4 49 units. Whereas, you're having two full stories of commercial
5 activity. And we don't know how -- why isn't that taken into
6 account in terms of what kind of problem you will have and how
7 you will operate the management -- manage the traffic on N Street?

8 COMMISSIONER MAY: Let me step in again and ask the
9 Applicant then.

10 Do you actually have, you know, projected vehicle
11 counts, like how many trucks a day will be using the loading zone
12 based on the amount of commercial space that you have, the amount
13 of the office space and retail space who will be using this common
14 corridor?

15 MR. ZEID: With the 49-unit building and the retail and
16 office spaces, I think we were thinking it would be under ten.
17 And that is not 30-foot trucks, that is ten just, you know,
18 delivery vehicles, total; vans, those types of things.
19 Obviously, that will be somewhat dependent on the exact types of
20 uses, but that should be very conservative. And that would be
21 the same that we would estimate for like a 200-unit building.

22 COMMISSIONER MAY: Right. Okay. All right. So if we
23 --

24 ANC 6D COMMISSIONER KRAMER: Am I still on?

25 COMMISSIONER MAY: I think there's some clarity about

1 that. They have taken this into consideration. They're talking
2 ten vehicles ranging in size from a van to a 30-foot straight
3 truck per day.

4 ANC 6D COMMISSIONER KRAMER: Are there estimates on the
5 -- how you use a PUDO relative to what our experiences have been
6 in other project in terms of how that -- how much that generates?

7 MR. ZEID: We could go -- we did have on the appendix
8 slides. Let me switch it over here on my screen so I get you
9 numbers. We have peak hour trip generation numbers for the
10 building, which are at approximately in the morning, around 12
11 vehicles generated or 12 trips, if you will. So up to eight
12 vehicles generated in the morning and up to four vehicles
13 generated in the afternoon. That's over a 60-minute period during
14 sort of the peak. So a vehicle every seven-ish minutes inbound
15 and then outbound in the morning would be the peak. I mean it
16 should be more than accommodated.

17 This PUDO zone won't be -- these won't be exclusive
18 amenities to this building. So if, you know, if a UPS truck
19 needs to stop there to make deliveries for that site or the
20 building across, you know, residents across the street, they will
21 also be able to do that. So, this provides the guaranteed space.
22 I mean not guaranteed, but a space that should be available
23 outside of the N Street roadway for these opportunities to occur.
24 If we don't have the PUDO zone, then the only place to do it will
25 be in the middle of N Street.

1 ANC 6D COMMISSIONER KRAMER: Right. So our concern and
2 what we've asked about is the fact that the -- you -- you're
3 relying on the loading zone manager, according to what we've --
4 all the submissions. You're relying on the loading zone manager
5 to manage these three spaces, plus the -- what I'm going to call
6 a single space for loading. I mean, the three spaces are the
7 PUDO and what amounts to a single truck's worth of loading. And
8 what has been -- how do you account for or how do you reflect
9 what's happened in other communities where they -- that the --
10 these deliveries are not scheduled.

11 They're not -- the loading zone manager can't manage
12 them, because they are not scheduled; FedEx and rideshare and all
13 those sorts of things does not account for that, or how are you
14 -- how do you account for that? We keep hearing these problems
15 in the other complexes that they -- that it inevitably winds up
16 being double parking. And the problem with N Street is there
17 isn't any room for double parking and continuing the traffic
18 flow.

19 COMMISSIONER MAY: So what's the question there? We're
20 still on the -- in your questions of the Applicant on their
21 presentation. So is that -- is the purpose of --

22 ANC 6D COMMISSIONER KRAMER: The question is how are
23 the -- the question is how do you account for what was --

24 COMMISSIONER MAY: How will you accommodate that?

25 ANC 6D COMMISSIONER KRAMER: Yeah. How -- sorry.

1 COMMISSIONER MAY: Okay. That's okay. Just trying to
2 help get clarity so the Applicant knows what to think.

3 ANC 6D COMMISSIONER KRAMER: How do you account -- how
4 do you account for -- what you're --

5 COMMISSIONER MAY: Yeah, you asked --

6 ANC 6D COMMISSIONER KRAMER: -- finding in other
7 projects?

8 MR. ZEID: Well, I -- I mean the -- I don't know that
9 I can say how we're going to account for other projects. You
10 know, this will be -- the loading management plan will be part
11 of the Zoning order for the project. They will -- the Applicant
12 will be required to report on those commitments every -- I believe
13 it's every year, every couple of years to the Zoning
14 Administrator. But that's all being followed. You know,
15 inevitably, will there be a delivery that that does not schedule
16 and that shows up? It -- that is absolutely a potential. That
17 is the same case with a loading bay. I mean, we often find --
18 we often -- we have clients all the time that have loading bays,
19 and they end up needing a curbside zone because, you know, UPS
20 and FedEx, sometimes you can't make them wait and pull into a
21 loading bay or schedule their delivery.

22 So this curbside space will be assigned as a commercial
23 loading zone, and it will be -- there will be -- some portion of
24 it will rely on enforcement to make sure people aren't parking
25 in there. And assuming that takes place, there will be a

1 dedicated space for these activities to occur. With the other
2 area variance, I don't know --

3 ANC 6D COMMISSIONER KRAMER: Let me ask the last
4 question about -- well, I mean, for the record, this is -- we
5 don't know. It doesn't help us. But in any case, the last point
6 is, how are you -- what is the status of the -- from your
7 understanding, of the proposal to allow left-hand turns into N
8 Street which DDOT is -- has on the table now as a redesign
9 involving the South Cap and M Street intersection? And if that
10 happens, what happens to N Street?

11 MR. ZEID: So I have heard in passing of what you're
12 talking about. It is not the current plan that DDOT is -- that
13 has implemented or selected. I do not know where they're at in
14 their process with coming up with a final design, but left turns
15 onto N Street would not conflict with what we are proposing. It
16 would somewhat -- it could somewhat increase the traffic on N
17 Street, which would further the need to get vehicles out of the
18 roadway and into these zones for their activities to occur. So
19 hypothetically, if that happens, it will somewhat increase volume
20 on N Street. That's -- that would be my response.

21 ANC 6D COMMISSIONER KRAMER: Well, I can tell you that
22 the rest of the ANC, which is more familiar with this exact
23 location than I on a daily basis, are extremely distressed about
24 this matter. Should that happen on top of this project, we will
25 have a massive problem. So that's where the Commission as a

1 whole was coming from.

2 Chairman Hood, would you like to go -- proceed on any
3 of the design -- the aesthetic design issues that have been
4 raised?

5 CHAIRPERSON HOOD: This is your time to ask questions.

6 ANC 6D COMMISSIONER KRAMER: Oh, okay. Thank you.

7 CHAIRPERSON HOOD: And I will tell you that I do have
8 a question for you, but I'm -- I really want to know it right
9 now, so I'm going to ask you. I'm going to go out of order.
10 Commissioner Kramer --

11 ANC 6D COMMISSIONER KRAMER: Yes?

12 CHAIRPERSON HOOD: -- in the Public Space/DDOT
13 proceedings did your -- did the ANC participate?

14 ANC 6D COMMISSIONER KRAMER: I didn't get the first
15 part of the question. Did I participate?

16 CHAIRPERSON HOOD: During the curb cut hearings or
17 whatever you want to --

18 ANC 6D COMMISSIONER KRAMER: Oh, as I understand what
19 happened, the -- we did not participate. As I understand what
20 happened, it was scheduled for some date, which I don't remember,
21 and then it was taken off the calendar, and we were never
22 renotified of the moment. What we have done now is to try to
23 reach out to DDOT. Commissioner Hamilton made contact with DDOT
24 just yesterday to try to urge them to get us to the right person
25 so that we could proceed -- we could follow on with what we're

1 up to on this.

2 CHAIRPERSON HOOD: So I think for me, I think that's
3 very important. And I'm sorry -- I don't know why you all didn't
4 get a notice. I don't know. I guess they have the same
5 requirements we do, but I think some of that should have been
6 discussed there in the ANC meeting, especially with the concerns
7 from the ANC. As far as DDOT and getting a curb cut and that in
8 front us is really not the right place. That's why I want to
9 know did you all speak to them, because they are the ones. And
10 I think the influence of the ANC in those proceedings might have
11 helped you achieve and get to where you want to be. So they --
12 I would also suggest that you ask DDOT. And I know
13 Commissioner Hamilton, I believe, is listening.

14 ANC 6D COMMISSIONER KRAMER: Yes.

15 CHAIRPERSON HOOD: But you all ask DDOT to reopen that
16 case. I mean, that's just -- if you all were not properly
17 noticed, I think that's just the right thing to do. So I'll just
18 leave it at that. So let me let you finish asking your questions.

19 ANC 6D COMMISSIONER KRAMER: No, I appreciate it. And
20 I think this -- I totally agree with you that we have to be part
21 of that conversation and press whatever way we can and succeed
22 or not.

23 In terms of the -- I'm not clear -- I don't understand,
24 Mr. Markus, how you were, actually -- what your argument is that
25 you can't somehow match the scale or the, even if it's a different

1 scale, the design -- some design elements that connect your first
2 and second stories with the row houses on both -- on each side.
3 You know, it doesn't necessarily mean that the lintels match, but
4 there's no -- from our visual understanding of it, there are no
5 divisions so that you can see that there -- that these are the
6 echoes of the row houses. That's one thing, just a vertical
7 division. You still have the bay windows. Why is that? We
8 don't have -- we have no bay windows, literally none in all of
9 Southwest. We've talked to you about this, but we seem to get
10 it -- get no place in terms of elevating your design so that it's
11 -- it borrows from and amplifies the effect of the historic row
12 houses on both sides. Could you explain why you can't do that,
13 or can you go back and reconsider it again, because we have not
14 seen that.

15 MR. MARKUS: Sure. I think -- here's where we're at
16 a -- we're just at different places. So our building, what I
17 tried to explain before so that -- the building itself it's
18 a -- the bottom two levels are commercial buildings, this is a
19 commercial retail level. And the intent of the Office of Planning
20 regulations is to have a transparency and a pedestrian vitality
21 to the streetscape. And there's just more hardscape than
22 greenscape. It's a different feel than a residential row house.
23 So our approach is not to delineate these row houses.

24 And I did -- we've tried various versions and looked
25 at the history of the lot and actually I didn't even find any

1 evidence that there were row houses on this corner block.
2 Everything that I saw on previous plans was that this was always
3 a larger lot. So it was never kind of split up into smaller row
4 houses around this corner. But our approach is to kind of
5 maintain the monumentality of this building. And again, this
6 building is a -- it's a small footprint. So to try and do too
7 much, it just distills the strength and the monumentality of this
8 building on the corner. So that's -- I think our approach is
9 just different from your vision.

10 ANC 6D COMMISSIONER KRAMER: It is different, but you
11 haven't explained why you take elements that have nothing to do
12 with Southwest. Bay windows don't exist in the Southwest. We've
13 said that many, many times. The elevation of the South Capitol
14 Street row houses against the 1319 new building clearly show that
15 they've tried to integrate or coordinate the scale and visual of
16 those row houses with the new live/work units that are in
17 the -- that are on the ground floor there -- ground and second
18 floor there. We have -- don't we have -- I think the answer is
19 yes; we have all over the city row houses that are being used
20 for commercial purposes. So there's nothing that prevents you
21 from doing that. What we are struggling with is why haven't you
22 simply made a palate that takes advantage of that instead of
23 inventing other elements which don't enhance the building at all
24 and don't enhance the connection through Old Southwest.

25 MR. MARKUS: But I think you might have just mentioned

1 it there, that those row houses that are used on the 1319
2 building, they're residential uses.

3 ANC 6D COMMISSIONER KRAMER: They're residential and
4 commercial.

5 MR. MARKUS: So they're being reused --

6 ANC 6D COMMISSIONER KRAMER: They're mixed, yes.

7 MR. MARKUS: But they are being used as residential.
8 So our building and our -- and the way our building meets the
9 ground is to create a transparency and a more pedestrian activity
10 than that. So once you get past our building, then you are
11 transitioning into the residential blocks as you go further down
12 N Street, but we're on the corner. I mean, our intent is that
13 this is a commercial corner, and we're reinforcing that with the
14 streetscape and the bays that -- we are using bays, yes, but
15 those are retail bays. And it's just intended to create more
16 transparency and openness for the pedestrian activity there.

17 ANC 6D COMMISSIONER KRAMER: What do you mean by
18 transparency? I don't understand your use of that.

19 MR. MARKUS: It's more glass. Mostly more glass, so
20 those bays themselves actually are three-sided glass. So just
21 trying to create more -- an -- more inviting space than -- I
22 think we're just at this impasse where we're creating this
23 monumental building on the corner and kind of playing this up to
24 the corner, and you have this vision of kind of wrapping around
25 the townhouses. And we're just -- we're basically at an impasse.

1 So I think the approach is just different.

2 ANC 6D COMMISSIONER KRAMER: Well, we are talking past
3 each other. I don't know why. If you've got the monumentality
4 that you're talking about, maybe you should have just done the
5 whole building in that, because it -- because what -- the way we
6 read it is it doesn't serve either purposes; either the wraparound
7 for the Old Southwest or the monumentality of the building. The
8 first and second stories are just -- are their own thing. But
9 okay, I can't press it any further. I -- we clearly are not --
10 we're speaking past each other.

11 MR. MARKUS: Well, on this on this final piece, I mean
12 we've worked with you over the past two years and kind of tweaked
13 things and bringing in elements of the neighboring buildings and
14 the area, but we've just kind of reached a point where it's --
15 we have a different approach.

16 ANC 6D COMMISSIONER KRAMER: Thank you.

17 MR. MARKUS: Yeah.

18 CHAIRPERSON HOOD: Commissioner Kramer, are you
19 finished asking your questions?

20 ANC 6D COMMISSIONER KRAMER: I think I am. I appreciate
21 your time.

22 CHAIRPERSON HOOD: Okay.

23 ANC 6D COMMISSIONER HAMILTON: Commissioner Hamilton,
24 do you have anything else that I need to bring forward?

25 ANC 6D COMMISSIONER HAMILTON: No. I appreciate the

1 Applicant working with us. I feel like the concerns that we have
2 are still present, and so we will continue to push forward with
3 them.

4 ANC 6D COMMISSIONER KRAMER: Okay.

5 CHAIRPERSON HOOD: Okay. So we're going to come back
6 to you, Commissioner Kramer, and I don't know,
7 Commissioner Hamilton, if she can get on. I haven't seen her in
8 a while. It's good to hear her. So when we come to -- when we
9 get to the ANC, we will -- some of those issues in your testimony,
10 you can present back to us, and we'll go from there.

11 ANC 6D COMMISSIONER KRAMER: Sure. Thanks.

12 CHAIRPERSON HOOD: All right. All right. Thank you.
13 Thank you both.

14 Ms. -- let's go to -- do we have any other government
15 reports? Is anybody here, Ms. Schellin is -- well, any other
16 government reports here to testify? I'll just leave it at that.

17 MS. SCHELLIN: No.

18 CHAIRPERSON HOOD: Okay. Do we have DDOT?

19 MS. SCHELLIN: I don't see anybody from DDOT, no.

20 CHAIRPERSON HOOD: Okay. So let's go to the Office of
21 Planning, and we'll come back and update, because I think we
22 already went through the initial DDOT letter. So let's go to
23 Office of Planning and see what updates we have.

24 Mr. Jesick.

25 MR. JESICK: Thank you, Mr. Chairman, and members of

1 the Commission.

2 The Office of Planning recommends approval of this
3 design review application in the CG zone. The building would
4 help to achieve important goals and review criteria of the Capitol
5 Gateway zone, including developing the neighborhood with a
6 desired mix of uses, such as residential and retail, contributing
7 to the establishment of South Capitol Street as a monumental
8 civic boulevard, minimizing vehicle and pedestrian conflicts and
9 minimizing unarticulated blank walls around the building.

10 The Office of Planning, including our Urban Design
11 Division, have provided extensive feedback on this project, and
12 we appreciate the Applicant incorporating our suggestions into
13 the design, and we support the design as it stands today.

14 So again, the Office of Planning recommends approval
15 of the application, and I'd be happy to take any questions. Thank
16 you.

17 CHAIRPERSON HOOD: Thank you, Mr. Jesick. I'll just
18 start right off. I noticed that, unless I missed it, and I do
19 overlook things. I noticed that the Office of -- I mean the
20 District Department of Transportation gave us their report a
21 while back. I'm actually sorry they're not here, but I wish that
22 they would consider if they're listening, they would consider to
23 listen to ANC 6D, and give them an opportunity to opine in their
24 Public Space process. I'm not sure how that process works, but
25 I know that they have a voice as well, and I think they should

1 have -- be able to have a place at the table. Because the Zoning
2 Commission, we have our regulations we have to follow, and I
3 think they should -- they were not properly noticed, and I'm
4 asking DDOT to -- and I'm doing this on the record -- I'm asking
5 DDOT to open that forum back up for them to be able to discuss
6 what they've asked for to mitigate some of these traffic measures,
7 and I'll leave it at that.

8 So thank you, Mr. Jesick.

9 Let me see if we have questions or comments.

10 Commissioner May?

11 COMMISSIONER MAY: Mr. Jesick, just -- I don't know how
12 much you know about the Public Space Committee's consideration
13 of this or DDOT's consideration. And maybe there is some kernel
14 of this in the information we already have from DDOT. But why
15 do they not want to have a curb cut here under any circumstance?
16 Is it simply the proximity to the corner? Is that the issue?
17 And/or is it, you know, maybe that in combination with the fact
18 that you can't have a, you know, pull in -- straight in, straight
19 out kind of loading situation, which is safer to manage. What's
20 their objection? Do you know?

21 MR. JESICK: I can do my best to, I guess, summarize
22 what DDOT said in their report and also my discussions with them.
23 And DDOT's report is at Exhibit No. 23, if anyone --

24 COMMISSIONER MAY: Thanks.

25 MR. JESICK: -- is looking at that. And specifically

1 on page four, they discuss loading. And I think their concerns
2 were, yes, the proximity to the corner would impact traffic
3 movements from South Capitol Street into N Street if trucks are
4 maneuvering to back into a loading bay or a loading dock. Because
5 when the trucks are moving, they would be blocking traffic.

6 I know on-street parking and the potential loss of on-
7 street parking is a concern of the ANC. I think DDOT was also
8 concerned about the loss of on-street parking, not just on the
9 south side of the street, but also the north side of N Street if
10 additional room is needed for truck maneuvers.

11 DDOT was also concerned about the overall streetscape.
12 You know, having a curb cut obviously breaks up the continuity
13 of any streetscape design. And then maybe most importantly, you
14 know, trucks maneuvering over the sidewalk or public space will
15 naturally bring more risk to pedestrians and bicyclists that are
16 using that space. So that's my understanding of DDOT's concerns
17 and why they were against having a curb cut in this location.

18 COMMISSIONER MAY: Okay. Thank you very much.
19 Appreciate that. I don't have any other questions.

20 CHAIRPERSON HOOD: All right.

21 Commissioner Imamura, any questions for the Office of
22 Planning?

23 COMMISSIONER IMAMURA: Yeah. Thank you, Mr. Chairman.

24 No questions. I just want to thank Mr. Jesick for his
25 report and summary of both spaces -- concerns. I think certainly

1 it's worth highlighting the pedestrian safety issue as well as
2 the public streetscape, and the traffic congestion that it will
3 cause for motorists to maneuver in and out of there along South
4 Capitol and N Street. Thank you, Mr. Jesick.

5 CHAIRPERSON HOOD: Okay.

6 And Vice Chair Miller?

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

8 I have no questions. But thank you, Mr. Jesick for
9 your report and for all your work on this with -- Office of
10 Planning's work with the Applicant on improving this project.

11 CHAIRPERSON HOOD: And I will too, add my voice to the
12 chorus of thank yous, Mr. Jesick. We appreciate all the work
13 that the Office of Planning has done on this.

14 Let's see. Ms. Wilson, you have any questions of the
15 Office of Planning?

16 MS. WILSON: No.

17 Thank you, Mr. Jesick.

18 CHAIRPERSON HOOD: And Commissioner Kramer, do you have
19 any questions of the Office of Planning?

20 ANC 6D COMMISSIONER KRAMER: I don't. Thank you.

21 CHAIRPERSON HOOD: Okay. Thank you.

22 Ms. Schellin, do we have -- never mind.

23 Let's go to the ANC report. I was about to go to --
24 okay.

25 Commissioner Kramer?

1 ANC 6D COMMISSIONER KRAMER: Yes. Thank you. Yeah.
2 So we've mostly gone through what we oppose. We opposed the two
3 main points and a third. The two main points were the traffic
4 problems, which we think are going to worsen as this area
5 develops. We thought we had a potential solution by using
6 the -- now I've got -- I forgot the word -- the alleyway. The --

7 ANC 6D COMMISSIONER HAMILTON: Corridor.

8 ANC 6D COMMISSIONER KRAMER: The -- what is it called?

9 ANC 6D COMMISSIONER HAMILTON: Corridor.

10 ANC 6D COMMISSIONER KRAMER: The corridor. Sorry. The
11 corridor -- the internal corridor with a -- with an increased -- a
12 widened bay. We have not heard any explicit documents -- any
13 explicit explanation that it's too close to N Street or whatever
14 else. All we've -- all we have heard is, as I've said before,
15 that they keep talking about parking, which we have not discussed
16 for many, many, many months. It's simply about the loading and
17 trying to get that pressure off N Street. And so we've talked a
18 lot about how to edit that -- the proposal that's now there. And
19 we've talked about the fact that we have had success with DDOT
20 on -- in -- on tweaking or moving existing curb cuts in -- when
21 called for. So this is not a -- in our experience, it's not a
22 no movement at all.

23 I talked -- the report talks, and I just referenced it
24 earlier this evening that we do not see the -- an appropriate or
25 a useful design, aesthetic design of the first and second stories

1 that relates it either to that's monumentality, which is, if they
2 want to make it that and forget about, that's one approach, to
3 just forget about the houses on each side. We had suggested
4 don't forget about them but emphasize their relationship. And
5 we've talked about in our report the fact that there is a -- an
6 illustration of how that can be done, even if it's a different
7 scale. It just -- if it's a larger scale but still echoes the
8 -- there are ways to do this. I'm not an architect, but it's
9 clear that there are ways to visually echo a style.

10 And the last thing, which was small, and the -- was
11 being ensured that the building materials and the brick color in
12 the final execution would reflect the aesthetics of Southwest.
13 And they've spent a lot of time today talking about waiting for
14 that and trying to ensure that that happens. So that's -- we
15 hope that that will happen.

16 The only thing I would say that Ms. Wilson was correct,
17 that we did in two months to three months ago, offer a conditional
18 support if we could resolve the traffic issue. And we did that
19 because we thought the traffic issue was really a sort of an
20 existential problem with the project. So she is correct that we
21 were ready to give it unconditional support.

22 But we haven't solved the problem no matter -- whether
23 we call unconditional support or whether we call it opposition,
24 we are stuck with this problem, which I think the Commission
25 feels very strongly is a real threat to the community. And what

1 I just heard also is it's -- they're afraid -- they don't want
2 to move the curb cut, because it'll impact traffic off N Street.
3 That's exactly our concern that not only the current traffic off
4 N Street, but they will have further traffic off N Street, because
5 there is a standing proposal to allow left-hand turns for
6 northbound traffic, left-hand turns into Old Southwest.

7 So that's the gist of where we are. And I appreciate
8 the Chair's urging that we go back to DDOT, which I'm sure
9 Commissioner Hamilton will pursue for the -- on behalf of the
10 whole Commission, and we'll hope for the best. We're very
11 appreciative of the Applicant working with us all these many
12 months, we just didn't come out the right place yet. So we do
13 appreciate that and also the Commission's apt questions, which
14 is very helpful.

15 CHAIRPERSON HOOD: Okay. Thank you.

16 Commissioner Kramer and Commissioner Hamilton, again,
17 I can't stress and emphasize. I'm really -- I think a piece is
18 missing. You have not had a voice in front of the Public Space,
19 which I think is very critical. Very critical. But anyway, I
20 -- you all are ANC commissioners. You were just sworn in the
21 other day. Congratulations. But I will say that I think that's
22 very important to any type of process in front of a board or
23 commission or these other public space commissions or whoever.
24 I think it's always important to hear from our frontline elected
25 officials. So I'll leave it at that.

1 Let me open it up to any questions or comments from the
2 ANC.

3 Commissioner May?

4 COMMISSIONER MAY: I would just comment. I appreciate
5 the ANC's concerns about the design, but I want to make the
6 observation that it's not unreasonable to suggest that the use
7 of the bay fronts, the show windows, as a way of articulating a
8 small module rhythm similar to the row houses that are directly
9 to the west. That's not an unreasonable approach, because it's
10 a very clear way of indicating that these are smaller modules
11 like the townhouses. So I think the architect is not really far
12 off base by suggesting that. Furthermore, I mean, I appreciate
13 the fact that there are not a lot of bays on row houses in
14 Southwest, but there are some across the street. I mean, it
15 shows up in the plans. There's -- now they are hexagonal, right.
16 There's a -- it's not a rectangle. They've got --

17 ANC 6D COMMISSIONER KRAMER: Are there?

18 COMMISSIONER MAY: -- angled walls. Not directly
19 across the street from this property, but across N Street a little
20 bit further to the west. And that rhythm actually continues a
21 little bit further down the block with some of those older houses.
22 So it's not unfounded to be looking at that. And then when you
23 add in the fact that they are replicating the soldier course,
24 which is repeated from the row houses that are directly to the
25 West, I mean, it's not very pronounced because those row houses

1 have been painted and -- but using a soldier course like that,
2 it's a small detail, but they are picking up on something.

3 So I don't think it's completely unreasonable what
4 they're doing, although I can certainly understand why you might
5 think that it's not enough or it's not really hitting the mark.
6 But I just want to make some of those observations. And I think
7 the case that the architect is making is not unreasonable. So
8 that's it for my comments on the ANC's report. I appreciate your
9 diligent pursuit of all of the concerns that you have.

10 CHAIRPERSON HOOD: All right, Commissioner May, thank
11 you.

12 Let's go -- Commissioner Imamura?

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

14 Commissioner Kramer, as always, thank you for your
15 active participation and support for your neighborhood.

16 I just want to pick up on Commissioner May's comment
17 about the bays. I really wish we'd stop calling them bay windows.
18 Just call them storefront windows. That's really -- I think it's
19 just the nomenclature here is where people are getting tripped
20 up on. They are not bay windows. It's a commercial space.
21 They're not residential units. If they were residential units,
22 I could certainly understand, but it is -- the vocabulary here
23 is articulating the commercial space that exists behind those
24 storefront windows, not bay windows.

25 I think that there are subtle design gestures that the

1 architect has picked up on. Commissioner May had mentioned it.
2 I mentioned it earlier about soldier course, certainly the color
3 palette. So I am certainly comfortable with the architectural
4 form and the facade articulation, all the fenestrations and the
5 details certainly, I think, measure up. And I certainly trust
6 the architectural expertise in the Zoning Commission to render
7 an opinion on that.

8 So I think that's -- those -- that wraps up my comments,
9 Chairman Hood.

10 CHAIRPERSON HOOD: All right, thank you.

11 And Vice Chair Miller?

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

13 And thank you Commissioner Kramer,
14 Commissioner Hamilton, Chair Daniels of the entire ANC for all
15 your extensive work, not only on this project, but on all the
16 many, many, many, many, many exhausting, I'm sure, projects in
17 your neighborhood. So -- and I think there have been some
18 improvements that have been made as a result of your work as --
19 but you, obviously, have not achieved all of your objectives in
20 terms of what you wanted to see from the project. But I think
21 it is an improved design and project and can work. And I would
22 associate myself with Commissioners Imamura and May's most recent
23 comments about the storefront windows, as Commissioner Imamura
24 had referred to them. That's what they are.

25 COMMISSIONER IMAMURA: Thank you, Vice Chair.

1 VICE CHAIR MILLER: And I think they're attractive, and
2 they're transparent as the architect has said, and they're
3 conflicting goals. Yeah, I mean, they're trying to activate the
4 pedestrian space that is retail there, and that's part of the
5 design criteria as well. So thank you again for your work. I
6 appreciate it.

7 Thank you, Mr. Chairman.

8 CHAIRPERSON HOOD: Thank you.

9 I don't necessarily have any comments, but I probably
10 say this redundantly over and over again, because I feel like I'm
11 missing an ingredient. You know how you put some food together,
12 and you're missing a -- I feel like I'm missing the -- along with
13 the ANC, that the ANC has not had an opportunity to express to
14 the District Department of Transportation in their process of
15 their situation. And I think that's -- that for me, that's just
16 a missing ingredient that I have in the food that I'm about to
17 taste. So that's just -- that's an analogy, and that's what I
18 believe, and I'm hoping that the ANC 6D can get that done.

19 I also appreciate all the work that this ANC has done
20 over the years as well. So I don't have any more comments. I
21 don't know how I'm going to deal with that missing ingredient,
22 because I want to make sure -- I want to feel good when I'm making
23 a decision here. And I appreciate -- I do appreciate all the
24 work that's noted and has been done. But for me, it still needs
25 a little more seasoning, because we don't know -- I don't know

1 what bearings the ANC would have in that process with DDOT. Maybe
2 none, but I believe they should. So that -- I'll just leave it
3 at that and let's see what happens.

4 Ms. Schellin --

5 Commissioner Kramer, did you raise your hand, or you're
6 just waving it?

7 ANC 6D COMMISSIONER KRAMER: I -- no, I just thank
8 everybody for their comments. The traffic is -- I just want to
9 say the traffic is what we're concerned about. The other is an
10 aesthetic disagreement maybe. The bays where the language --
11 we're not -- there are no architects. There will be some
12 transportation people. There are no architects on the ANC, so
13 we took the language that we were -- that was presented. So it's
14 just a -- it's a question of what the opportunity presented or
15 didn't present. So I do appreciate -- I -- the thoughtfulness
16 of the Commissioners. And we will pursue, as you said, the
17 conversation with DDOT.

18 CHAIRPERSON HOOD: Thank you. While, you may not have
19 architects, Commissioner Kramer, one of our colleagues is an
20 expert soccer analysis, so he knows all about soccer. So if you
21 have any questions, please ask Ron and make sure you tell him I
22 said that. All right.

23 ANC 6D COMMISSIONER KRAMER: Thank you very much.

24 Let's go --

25 Ms. Schellin let's go to -- do we have everybody here,

1 Ms. Schellin, who testified in support, opposition, or
2 undeclared?

3 MS. SCHELLIN: Let me check very quickly. I know we
4 had some people signed up, so let me look. We have --
5 Ms. Hamilton, I -- is she going to speak on her own? If not,
6 then there's no others.

7 CHAIRPERSON HOOD: I think Ms. Hamilton is on, so let's
8 hear from Ms. Hamilton, and we -- she will be the last, other
9 than what -- whatever questions we had.

10 Ms. -- Commissioner Hamilton?

11 ANC 6D COMMISSIONER KRAMER: You'll do it from your
12 computer?

13 ANC 6D COMMISSIONER HAMILTON: Uh-huh.

14 ANC 6D COMMISSIONER KRAMER: Okay.

15 ANC 6D COMMISSIONER HAMILTON: Good evening.

16 CHAIRPERSON HOOD: Good evening. You may begin.

17 ANC 6D COMMISSIONER HAMILTON: Yeah, I'm good. I've
18 been listening to the hearing. I just want to make a brief
19 statement. I appreciate the Applicant in working with us over
20 the past two years. Commissioner Kramer has done a good job of
21 expressing the concerns of our Commission, but we still remain
22 concerned, because you all know that this project is across from
23 a 30,000 -- stadium that seats 30,000 people. So I think our
24 traffic concerns for the impact that this project is going to
25 have on N Street, as narrow as it is, are very real. And it's

1 going to be an additional burden to the residents that are
2 currently residing on N Street and Carrollsburg Place. So I hope
3 that we can continue this conversation with the Department of
4 Transportation, as you recommended, Chairman Hood, so that we can
5 kind of resolve these concerns, because otherwise this project
6 is going to be an additional burden and a nightmare for the
7 residents that currently reside on a narrow street.

8 CHAIRPERSON HOOD: Thank you very much,
9 Commissioner Hamilton. And you can tell and look at this
10 proceeding, I'm really pushing that. I don't know what they're
11 going to decide, but I think at least a voice needs to be heard.
12 I can't say that no more. Just like with us, I believe that the
13 residents' voice needs to be heard, and I just feel like I'm
14 missing something here.

15 So let me open it up. Any questions or comments?
16 Commissioner May?

17 COMMISSIONER MAY: None. Thank you.

18 CHAIRPERSON HOOD: Commissioner Imamura?

19 COMMISSIONER IMAMURA: Just one.

20 Commissioner Hamilton, thank you. I think you're
21 right. I understand your concerns are very real, and I think
22 the Applicant here has probably sussed out every sort of design
23 option possible, and I think that curb cut could exacerbate
24 traffic issues that maybe the Commission hasn't thought of. So
25 just something worth pondering a bit more, but appreciate your

1 participation in the process, so thank you.

2 CHAIRPERSON HOOD: And Vice Chair Miller.

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

4 No questions. Thank you, Commissioner Hamilton, for
5 your testimony and for your work on this and other cases.

6 CHAIRPERSON HOOD: I too want to thank you,
7 Commissioner Hamilton and your ANC. And let's see, if you all
8 keep pressing on. I know you all have worked very diligently
9 over the years and Southwest -- because of your input, Southwest,
10 while we may not have gotten everything, Southwest is probably
11 better than it would have been with that ANC's input. You all
12 have had a lot of work in the last -- since the Williams
13 administration. So I want to commend you all to keep doing what
14 you're doing, and make sure your voices are heard. And let's
15 see what happens in this case, too.

16 Let me go to Ms. Wilson. Any questions?

17 MS. WILSON: No questions. Separately, I did find an
18 image that Mr. May asked for showing something similar to what
19 was submitted to the Public Space Committee. And I'm happy to
20 bring it up on rebuttal, as I think it would be relevant and
21 perhaps fill in the missing ingredient, as you know, we're talking
22 about it here in terms of public space.

23 CHAIRPERSON HOOD: Okay. We can do that on rebuttal.

24 And Commissioner Kramer, I'm -- I don't believe you
25 have any questions of Commissioner Hamilton. So I -- but I still

1 will call you.

2 ANC 6D COMMISSIONER HAMILTON: I don't. Thank you very
3 much. She's a good colleague.

4 CHAIRPERSON HOOD: Okay. Okay. Good. Good. All
5 right. Thank you.

6 Ms. Schellin, so we don't have anyone else.

7 Okay. Well, Ms. Wilson, let's do rebuttal, and you can
8 bring that up and --

9 MS. WILSON: Great.

10 Mr. Young, would you be able to pull up Exhibit 2G1 all
11 the way back from December 2021?

12 And I think this will help us walk through, you know,
13 the realities of the Public Space denial and all of that. And
14 while I'm talking about it, I did not attend Public Space hearing.

15 Will, and/or Jason or Rich, did you all discuss the
16 ANC's concerns at Public Space? I know it's not quite the same
17 as an ANC commissioner attending, but I -- did you all talk about
18 the issues? Obviously, it would have benefited us to have ANC
19 supporting this project and the loading dock. So what were those
20 discussions like?

21 MR. ZEID: So we did -- so I personally did tell the
22 Public Space Committee that -- about the ANC letter having
23 conditional support, et cetera and the ANC's wanting this loading
24 curb cut on N Street. I made it clear I don't want to speak for
25 them, if you will. But I conveyed to them that our understanding

1 was without that curb cut, that the ANC would not support this
2 project is what I told the Public Space Committee.

3 So just -- I know it's not the same as them getting to
4 present their case, but just so that we know, they were aware of
5 the opposition or the support from the ANC for pushing for that
6 curb cut.

7 MS. WILSON: Thank you.

8 Mr. Young, did you find that exhibit? It's 2G1 and
9 then, yes, page four of that exhibit.

10 And I'm going to turn it over to Mr. Markus to explain
11 what I believe are the reasons why this would be the only
12 reasonable place, just in terms of how the building is oriented,
13 the size of the site, for loading and that this was what was
14 denied and why we can't really try other options, given the site.

15 MR. MARKUS: Sure. This was an early on version. So
16 we started with this -- actually, to go back one more, we started
17 with some access from the rear through the easement, but when
18 that didn't work --

19 Oops. Can you go back? Okay.

20 When that -- when the rear easement didn't pan out,
21 because of the neighbors' concerns, then we went to this. And
22 this was the plan. Where you see the alley access the curb cut,
23 that's the rear yard of the building. So the proposal was to
24 use that. And we needed to have -- the building is right on the
25 property line, so anything in front of that from the face of the

1 building out to the curb is actually public space. So when you
2 pull in your vehicle, you can't park on public space. So once
3 you pull in, you have to go past and pull in far enough that your
4 vehicle will be completely on private property. And then what
5 this is showing is that that whole area is open -- was open to
6 the sky, that pink area there on the right, and then you would
7 pull in your vehicle and park and then offload towards the back.
8 And then that's where you would bring in your stuff in the back
9 of that building, drop off or pickup.

10 But that was -- you can see how much space that takes.
11 So if you pull that into the inner portion of the building, it
12 just -- it interrupts the layout differently. And this -- the
13 other approach was to make sure we were pulling it off of the
14 curb -- the corner as far as we can from South Capitol. So that
15 was the other idea, to get it as far away from that, because that
16 that if something could get approved, that's a concern of Public
17 Space also. But that's -- this was the original design.

18 MS. WILSON: And Rich, may I ask one follow up question?
19 How would this impact the internal layout of the first and second
20 floor, maybe even the floors above, if the loading dock area we
21 see here at 15 feet were moved further toward South Capitol?
22 What would happen then?

23 MR. MARKUS: Yeah. So there's a couple of different
24 things. So what you have to be concerned about too is the height
25 of the trucks. So this portion was open to the sky. So if you

1 bring it underneath the building, you have to look at the total
2 height. If you left it open to the sky, it wouldn't work,
3 obviously, because then the upper floors just wouldn't work. You
4 couldn't keep that as a shaft running through the building, but
5 you would lose square footage on the second floor, because it
6 would, you know, you'd have to be -- or you'd have to raise the
7 entire first floor higher, which would create a problem, because
8 then we're -- because we're maxed out on our building height
9 right now with all the other heights of the other floors in
10 between. So it would have significant impact on the -- on taking
11 square footage out and how it impacts the first and the second
12 floor potentially.

13 MS. WILSON: Thank you. And you know, I'm raising
14 these issues because the -- we did go to Public Space for this
15 option and were denied. And you know, I agree with
16 Commissioner Hood. It would have been great to have the ANC
17 there. I think everyone agrees with that. And I'm not suggesting
18 they don't reach -- continue to reach out to DDOT. That would
19 be in everyone's benefit, of course. I guess I'm just looking
20 to the Commission to see what you would need from us, because I
21 don't think -- I don't know if we can apply again to DDOT with
22 this exact same plan, or I mean, I guess that's something we
23 would, you know, see all of this --

24 MR. ZEID: The plan has to be -- my understanding is
25 the plan has to be substantially different to go back even.

1 MS. WILSON: Okay.

2 MR. ZEID: There has to be a substantial change, which
3 there's no substantial change that we can really make. And the
4 one, you know, that I could voice, because this was spoken to,
5 that one of the biggest concerns from DDOT on this was that
6 there's no way to provide the loading without having it be a back
7 in end maneuver from N Street. And that is the issue with this
8 curb cut. It's a prominent corner across from the ballpark.
9 With the 1319 building going up and other developments to the
10 west in the future, there's going to be a ton of foot traffic
11 through here. And to have trucks backing across the sidewalk to
12 service a 49-unit building when the loading is not required is
13 just going to be a nonstarter on DDOT's side. And that's where
14 we ended up.

15 CHAIRPERSON HOOD: Sorry. And let me just interject.
16 I get the gist, but I think we have a notice -- from what I
17 understood from this ANC, there's a notice requirement. And in
18 the ANC Act, the ANCs are supposed to be notified. And if that
19 was not carried out, I think that is -- so at least -- if they
20 come in front this Commission and that happens, then we have to
21 rectify that. And I believe they have to follow ANC -- and
22 they're a government agency. They have to follow the -- even
23 through we're independent, they would have to follow the
24 government Act as well. So I think some of that other stuff can
25 be negated. That's my whole issue. I heard the ANC say they

1 were not properly noticed.

2 MR. ZEID: Mr. Hood, if I could just speak to that real
3 quick. So there's a little more backstory on that. We were
4 originally on the month before for the Public Space calendar, and
5 due to various -- because we had not officially responded to the
6 comments, they were going to -- they ended up bumping us to the
7 next month. So we were on that previous month, and during that
8 time, I believe Commissioner Kramer, she did attend that month,
9 and she had asked the Commission if we were going to go, and
10 everybody was told that we would be on the next month. I don't
11 know. I can't speak to any sort of further notification after
12 that fact. But I do know everybody was told at that previous
13 month that we would be returning the following month.

14 CHAIRPERSON HOOD: Okay. So if everybody was told,
15 well, I'll let them work that out. But if everybody was told, I
16 think that's all the notice that was done. I wasn't there. I
17 was going by the information I received tonight. Okay. Thank
18 you.

19 COMMISSIONER MAY: Are we are we done with the rebuttal
20 testimony?

21 CHAIRPERSON HOOD: Yes, I think. Okay.

22 MS. WILSON: Apologies. I forgot it was even my
23 rebuttal. We got into a further discussion.

24 COMMISSIONER MAY: Yeah. So I have a couple of
25 questions, if it's all right, Mr. Chairman.

1 One is the plan that we saw didn't indicate Pepco
2 vaults, and somebody was saying that that location wouldn't work
3 because there were Pepco vaults there or they were going to be,
4 because they're not there now, right. So is that a factor in
5 not -- in that not working?

6 MR. MARKUS: No. The reason the Pepco vault is where
7 it's shown on the current plan is -- it's not there now. So
8 that's where -- that was the intended location. So if the curb
9 cut gets put in where it was on this -- in this last plan, the
10 Pepco vault would shift over.

11 COMMISSIONER MAY: Okay. So the Pepco vault is a
12 nonissue. It could move if it had to. All right.

13 Now, tell me what the floor to ceiling height is or
14 what the clearance is that, you know, between -- if you had a
15 loading dock in the space where you now have that loading
16 corridor, what is this -- what is the clear ceiling height you
17 could get in that location?

18 MR. MARKUS: Yeah. Right now, I believe we're --

19 COMMISSIONER MAY: Roughly.

20 MR. MARKUS: Yeah, I believe we're at 12 feet right
21 now. But typically when we do a loading dock, we go higher than
22 that. Will might speak to that, what you might be -- what you
23 might need specifically for a larger truck.

24 MR. ZEID: Yeah --

25 COMMISSIONER MAY: I mean, it seems to me, it's

1 something like 14 feet clear, 13 or 14 feet clear.

2 MR. MARKUS: I think it's 14 to 15.

3 MR. ZEID: 14 to 16, I believe. It's -- I want to say
4 it's in the Zoning reg is where I think there is a link --

5 COMMISSIONER MAY: It's in what?

6 MR. ZEID: I'm trying to think it may be actually in
7 the Zoning reg, but it's 14 to 16 feet --

8 COMMISSIONER MAY: Yeah, okay.

9 MR. ZEID: -- from the front panel.

10 COMMISSIONER MAY: Right. Okay. So it's a couple feet
11 difference. So that's a physical reason why they couldn't shift
12 to the -- further to the east.

13 MR. MARKUS: Okay.

14 COMMISSIONER MAY: Yeah. I think that's it for my
15 questions. I understand the complications of it. And -- oh, I
16 did have another question.

17 You -- Mr. Zeid, you had said that for a 49-unit
18 building with no loading required -- I mean, it's because there's
19 not an actual requirement that there be off street loading that
20 DDOT's not willing to do the curb cut, right, or Public Space
21 Committee wouldn't do the curb cut; is that right?

22 MR. ZEID: Just -- you know, I'm not sure that
23 conversation was never specifically had on whether there were
24 technically 50 units, and there was the requirement. I don't
25 know that they would support it at that point, but I don't know

1 the technicalities of whether it would have to be a
2 (indiscernible) curb cut, if you will.

3 COMMISSIONER MAY: Right. But it's because -- I mean,
4 the way the building is designed, it's technically optional, I
5 guess. I don't know.

6 MR. ZEID: Yeah, more or less.

7 COMMISSIONER MAY: Yeah. Okay. Thank you for those
8 clarifications.

9 CHAIRPERSON HOOD: Okay. Thank you.

10 Commissioner Imamura, any questions?

11 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'll
12 be brief.

13 Mr. Markus, now that we've established sort of a clear
14 height there, which I know that that may impact the office space
15 above, but there's also a depth. You had made a comment that
16 the entire vehicle had to be on private property. And if we go
17 to the current plan, it looks as if that truck would actually
18 extend all the way to the stairwell. Is that about right?

19 MR. MARKUS: Yeah, that's about right. And you need
20 the loading area behind it, so yes.

21 COMMISSIONER IMAMURA: So it's almost infeasible. It
22 would take incredible linear exercise to work that out. I think
23 that essentially just the way the configuration of the site and
24 the way the plan's been laid out, it's almost infeasible.

25 All right. Thank you, Mr. Chairman.

1 CHAIRPERSON HOOD: Thank you.

2 And Vice Chair, any questions or rebuttal?

3 VICE CHAIR MILLER: No, thank you.

4 CHAIRPERSON HOOD: I don't have any questions on
5 rebuttal as well.

6 Commissioner Kramer, any questions on rebuttal?

7 ANC 6D COMMISSIONER KRAMER: Yes, I'm actually now --
8 one question. As I understand what the last exchange was, that
9 the Pepco vault is not relevant to this discussion, in which case
10 what you've said is that if that area were used as a loading
11 dock, which is in fact, wide enough that the -- it would go back
12 further, I understand that. But in fact, that -- that area, that
13 -- that side load, that side alley could be used. Is that
14 correct? I'm not saying whether it's preferable or not. I'm
15 just saying -- I'm just asking whether it could be used. Is that
16 what you just said?

17 MR. MARKUS: No.

18 MS. WILSON: I don't really understand the question.
19 Would you mind rephrasing it?

20 ANC 6D COMMISSIONER KRAMER: Yes. The reason that we
21 thought that you couldn't use the alley that you -- I mean --
22 sorry. Yes, the alley.

23 MS. WILSON: What -- I'm sorry. There's only one
24 alley in the rear.

25 ANC 6D COMMISSIONER KRAMER: The alley. The alley.

1 The alley that we're just talking about where in one -- on one
2 drawing, you had a Pepco vault, and I thought that was the issue.

3 MS. WILSON: Okay.

4 ANC 6D COMMISSIONER KRAMER: Okay. But apparently the
5 Pepco vault is not material to this discussion. And so you have
6 a 15-foot alley which could be used; is that correct?

7 MS. WILSON: So that's not an alley. It's part of our
8 property, and a portion is on public space, and that's what was
9 denied for use by Public Space.

10 ANC 6D COMMISSIONER KRAMER: Any -- okay. Let's try
11 it again. If the truck remains on the sidewalk, it is using
12 public space. Once it gets -- that's your property, the -- that
13 alley that we're talking about.

14 MS. WILSON: It's not an alley. It's on our property.

15 MR. MARKUS: The --

16 ANC 6D COMMISSIONER KRAMER: Give me the nomenclature,
17 whatever you want to call it. That channel, which is 15-feet
18 wide.

19 MS. WILSON: I apologize, right. It's --

20 ANC 6D COMMISSIONER KRAMER: Right?

21 MR. ZEID: Well, you're referring to the space that is
22 between our building and the alley.

23 MS. WILSON: It's the rear -- it's technically the rear
24 yard.

25 MR. MARKUS: Yeah.

1 ANC 6D COMMISSIONER KRAMER: The rear yard. Fine.
2 Rear yard. The rear yard.

3 CHAIRPERSON HOOD: Let me just say this. Let me say
4 what they always say. Let me just say this. We can all sing
5 together, but we can't all talk together. And some of us, this
6 late, if we start singing, we may be out of tune. So what I'm
7 going to ask is that Ms. Kramer ask her question, and one person
8 respond and whoever the appropriate person is respond so the
9 Commission can understand what's going on.

10 ANC 6D COMMISSIONER KRAMER: Is the rear yard, which
11 is 15 feet wide, not encumbered by the Pepco vault and therefore
12 could be used -- I understand it will go back far into your
13 property but could be used. It is not a public space issue except
14 for the fact that the truck would have to -- just like any curb
15 cut, the truck would go through public space before it got there.
16 That's my question. That's what I understand you described.

17 MR. MARKUS: Yeah. The plan that we showed, which is
18 the plan that you're describing, that's what we took to Public
19 Space to ask for the curb cut, and that's what they denied.

20 ANC 6D COMMISSIONER KRAMER: Okay. Thank you. That's
21 what we will pursue -- we'll try to pursue. Thank you.

22 CHAIRPERSON HOOD: Thank you. That was so much easier
23 than what was going on earlier. Thank you.

24 Any -- who's that, Vice Chair, were you the last person
25 asking questions? Okay.

1 Who -- oh. Any other questions? Obviously not,
2 Ms. Kramer -- Commissioner Kramer.

3 All right. Ms. Wilson, any closing?

4 MS. WILSON: I do have a -- I'll make it short. I just
5 want to note that Jason and his family are members of this
6 community, and they have lived or had businesses here for many
7 years. They do have a good relationship with a lot of the
8 neighbors who are patrons to Mr. Lam's store. They obviously
9 want to continue to have these good relationships with these
10 neighbors. We've worked out the issues of the directly adjacent
11 neighbors and Jason and his family plan to hold this property as
12 a legacy building. So it is also in Jason and his family's best
13 interests to be good neighbors.

14 I know there are sometimes concerns about how
15 mitigation can be enforced and how the TDM plan will work or the
16 loading plan will work. We've heard that tonight. But it is in
17 everyone's best interest, especially Jason and his family,
18 perhaps more than anyone, that this project runs smoothly and
19 that the loading continues to work, as they're going to hold onto
20 this building. And they're hoping the building will benefit the
21 neighbors. And hopefully these neighbors will continue to be
22 patrons of Jason's dad's liquor store or even possibly lessees
23 of future office and retail spaces, if this is ultimately
24 approved.

25 Thank you again for your time. I know this has been a

1 long process. It's our third hearing, and I appreciate everyone's
2 time here, including the ANC. And we do look forward to
3 continuing to work together on those items we discussed tonight,
4 so thank you.

5 CHAIRPERSON HOOD: Thank you as well, Ms. Wilson and
6 team, we appreciate all the work that has been put into this. As
7 Ms. Wilson has mentioned, this is the third time. So we want to
8 thank you for where we even have gotten. I want to see what my
9 colleagues how they feel. I will tell you, while I know that
10 it's a stretch for me to wait, and at least get a comfort level
11 for them to at least respond, I would like to put this on for a
12 decision at one of our meetings and by that time any conversations
13 that may have been had or if there's going to be a regroup of
14 Public Space, and I know that, you know, I want to make sure that
15 piece is satisfied for me, whether up or down, and then we could
16 -- I will deal with it then. Not to keep it on forever, but to
17 just get me a satisfactory level. But anyway, let me hear from
18 others.

19 Commissioner May?

20 COMMISSIONER MAY: Yeah? I'm fine establishing a date
21 for when we would take this up for proposed action and allow for
22 whatever further conversation needs to happen between the ANC,
23 the Applicant and DDOT to occur, and then get a report back from
24 all three and whatever that form that has to take. But I'm okay
25 with putting it off until -- for a decision until that happens.

1 CHAIRPERSON HOOD: Okay.

2 Commissioner Imamura?

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

4 I'm a firm believer that good design can solve any
5 problem. Sometimes design is like a Rubik's cube, and I think
6 in this case, the Applicant and the architect have worked every
7 possible solution to solve this problem. And I'm prepared to
8 move forward tonight but not opposed to setting a date for
9 proposed action. I think this project is teed up and ready to
10 go.

11 CHAIRPERSON HOOD: And Vice Chair Miller?

12 VICE CHAIR MILLER: Sorry. Thank you, Mr. Chairman.

13 I'm okay with the direction that you've outlined here,
14 Mr. Chairman, to set a date and -- as long as it's not too far
15 in the future. One last opportunity maybe for there to be a
16 conversation between -- what seems to be a final decision -- but
17 between Public Space and the ANC. But just to -- I'm pretty much
18 ready to move forward. Thank you.

19 CHAIRPERSON HOOD: Okay. I just want to make sure I've
20 exhausted all resources. I've heard from the ANC again about the
21 opportunity and not participating in the process, and I want to
22 make sure we get through that whole public notice. I want to
23 make sure everything is in place before I move forward. And I
24 don't want any grass to grow under our feet, but I want to make
25 sure at least we've done our due diligence. And I think if we

1 put this off of for a week or two or two weeks or so and get
2 reports back, as Commissioner May has mentioned. I don't know,
3 maybe two weeks is too early. I don't know how people operate
4 no more to certain degrees, but I think this is pretty
5 straightforward. The issue may become whether or not they got
6 proper notice or not. I don't know what the issue, but I want
7 to give them time to have that vetted so we can have a full,
8 complete record and that all of -- everything has been exhausted.

9 So Ms. Schellin, do we have any dates?

10 MS. SCHELLIN: Yes. I think it may be best to -- I
11 mean, I'll ask the Commission, but it sounds like we may want to
12 put this off until the first meeting in February, since our next
13 meeting is only two weeks away. Well, I take that back. One,
14 two, three weeks away. Do you think that this could be done on
15 the 26th.

16 CHAIRPERSON HOOD: I'm not sure. I think the issue is
17 -- it should be, but I don't know how the ANC will give a response,
18 so let's just go to February. That's -- I don't think it's any
19 heartburn there --

20 MS. SCHELLIN: Okay.

21 CHAIRPERSON HOOD: -- that we just go to our first
22 meeting in February, unless I hear from Ms. Wilson or the ANC or
23 Ms. Kramer.

24 MS. SCHELLIN: Or is this an issue that could be
25 resolved before final action? Or do you want it resolved before

1 proposed?

2 CHAIRPERSON HOOD: No, we'll resolve this as we -- as
3 we've already set that out. We're not going to take action
4 tonight. We're going to resolve at our first -- let's do our
5 first meeting in February.

6 MS. SCHELLIN: Okay. All right. So we'll put this on
7 for February 9th for proposed action.

8 And are you looking for a submission from both the
9 Applicant and the ANC, or do you want the ANC to submit something
10 and the Applicant be allowed to respond to it?

11 CHAIRPERSON HOOD: I think I would associate myself
12 with the comments of Commissioner May. I think he, I believe,
13 and you can correct me, Commissioner May, I believe you asked for
14 something from DDOT.

15 COMMISSIONER MAY: Well, yeah, I -- not necessarily a
16 report from DDOT. Certainly we would welcome that, but I wouldn't
17 want to make our decision dependent on getting that sort of
18 report. I'm mostly interested in hearing what results from any
19 further conversation between the ANC and DDOT. And then, of
20 course, if there is something noteworthy that comes out of that,
21 the Applicant should be free to respond to that. Does that make
22 sense?

23 CHAIRPERSON HOOD: Yeah, it makes sense. So my main
24 thing is I just want to make sure that that door has been closed,
25 that the notice -- because when I heard Commissioner Kramer say

1 notice, and I'm very familiar with the ANC law, and I know how
2 we have to operate. So I believe everybody has to operate on
3 the same page. So I want to make sure that is taken off the
4 table and then I will be ready to move forward. But let me go
5 to Mr. Ritting. I see he's got his camera on.

6 MR. RITTING: Yeah, I popped up just to clarify
7 something that the -- there was some mention of a proposed action.
8 There's no proposed action. It's a design review, not proposed
9 action.

10 COMMISSIONER MAY: Oh, right, right. Of course.

11 MS. SCHELLIN: Oh, that's right, this is design review.
12 I'm sorry. You're right.

13 COMMISSIONER MAY: Yeah.

14 CHAIRPERSON HOOD: Thank you.

15 MS. SCHELLIN: One thing.

16 CHAIRPERSON HOOD: And if it was proposed, it wouldn't
17 have happened anyway, so I thank you.

18 MS. SCHELLIN: That's right. This is design review.

19 CHAIRPERSON HOOD: So what --

20 MS. SCHELLIN: I was thinking map amendment or
21 something, so, okay, yeah, you're right. So only one vote.

22 So then that means, Ms. Kramer, you're going to reach
23 out -- this is on you to reach out to DDOT and provide us with
24 whatever communication you get and ask DDOT to also provide
25 something. And then if you could do that by, see the 9th, so

1 30th. If you could do that by the 26th of January, 3:00 p.m.

2 ANC 6D COMMISSIONER KRAMER: So that will be -- thank
3 you. That's going to be the -- our response from -- our response
4 based on DDOT's response.

5 MS. SCHELLIN: Yeah. And if you could ask DDOT to
6 provide anything that they have too, then they could submit that.
7 And then the Applicant, they can also work with DDOT to make sure
8 that DDOT, you know, sometimes it helps, anybody that can push
9 DDOT to provide something helps, to put something in the record.
10 And then the Applicant has until 3:00 p.m. on February 2nd to
11 respond to whatever the ANC and DDOT provides. And then we'll
12 put this on for February 9th, like I said, at 4:00 p.m.

13 ANC 6D COMMISSIONER KRAMER: Okay. So we'll reach out
14 to DDOT starting tomorrow and see what we can find out. That
15 would be fine.

16 MS. SCHELLIN: Yes.

17 ANC 6D COMMISSIONER KRAMER: Okay. Thank you.

18 MS. SCHELLIN: Probably the sooner, the better, yes.

19 ANC 6D COMMISSIONER KRAMER: Okay. Thank you.

20 CHAIRPERSON HOOD: So thank you. We're all on the same
21 page. I want to thank -- before I do that, let me just say the
22 Zoning Commission will meet again on January the 9th, 2023.
23 Zoning Commission Case No. 20-31A. This is American University.
24 We'll meet on these same platforms at 4:00 p.m. on January the
25 9th. But I want to thank everyone for their participation tonight

1 and their hard work in this case. And with that, this hearing
2 is adjourned. Goodnight, everyone.

3 (Whereupon the above-entitled matter went off the
4 record at 6:21 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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: 01-05-2023

Place: Teleconference

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

GARY EUELL

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)