

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

+ + + + +

THURSDAY

APRIL 10, 2023

+ + + + +

The Regular Public Meeting of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice at 4:00 p.m. EDT, Anthony Hood, Chairperson, 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

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the Regular Public Hearing held on April 10, 2023

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

Case No. 23-03

William C. Smith &amp; Co. .... 5

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

(4:00 p.m.)

'CHAIRPERSON HOOD: Good afternoon, ladies, and gentlemen. Today's date is April the 10th, 2023. We are convening 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, who will be handling all of our virtual operations. Also, our Office of Zoning legal division attorney will be joining us shortly. Mr. Ritting is our attorney -- Office of Zoning legal division, who has joined us. I'll ask 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 signup, 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 muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time.

1 When called, please state your name before providing your  
2 testimony. When you are finished speaking, please mute your  
3 audio.

4 If you experience difficulty accessing Webex or with  
5 your telephone call-in or have not signed up, then please call  
6 our OZ hotline number at 202-727-0789. If you wish to file  
7 written testimony or additional supporting documents during the  
8 hearing, then please be prepared to describe and discuss it at  
9 the time of your testimony.

10 This hearing will be conducted in accordance with  
11 provisions of 11 DCMR Chapter 4 as follows: preliminary matters;  
12 applicant's case, the applicant has up to 60 Minutes; report of  
13 other government agencies; report of the Department of  
14 Transportation; and then we'll have the report of the Office of  
15 Planning; report of the ANC. Testimony of organizations will  
16 have five minutes and individuals three minutes and we will hear  
17 in the following order from those who are in support, opposition,  
18 and undeclared. Then we will have rebuttal and closing by the  
19 applicant. The subjects of this -- the subject of this evening's  
20 case is Zoning Commission Case No. 23-03 Mr. William C. Smith and  
21 Company design review on M and South Capitol Streets sub-areas  
22 at Square 646, Lot 804, 1st and K -- 1 K Street S.W. Again,  
23 today's date is April 10th, 2023. Again, the Office of Zoning  
24 hotline number for any concerns is 202-727-0789.

25 At this time, the Commission will consider any

1 preliminary matters. Does the staff have any preliminary  
2 matters?

3 MS. SCHELLIN: Yes, very quickly. There are four  
4 proffered expert witnesses. They've all previously been  
5 accepted: Sean Statler in architecture, Trini Rodriguez in  
6 landscape architecture, Brandice Elliott in land -- I'm sorry,  
7 in planning, Williams Zeid in transportation, and if the  
8 Commission would accept them as experts in this case?

9 CHAIRPERSON HOOD: And if I understand correctly, all  
10 have been accepted previously, correct?

11 MS. SCHELLIN: Yes, sir.

12 CHAIRPERSON HOOD: Okay.

13 Any objections anyone?

14 Okay. We will continue their status.

15 Anything else, Ms. Schellin?

16 MS. SCHELLIN: That is the only thing that I see  
17 preliminarily, other than to advise that Leila Batties and Chris  
18 Cohen are the representatives for the Applicant. We have Steve  
19 Cochran for OP, Emma Blondin for DDOT, and I do not see any other  
20 government agencies that have registered to testify this evening.

21 And Ms. Kramer is here for ANC 6D. I've not seen the  
22 other ANC person register yet, but he may. He did reach out  
23 earlier today, so he may register before it's over.

24 CHAIRPERSON HOOD: Okay. Let's bring up everyone who's  
25 going to be presenting. Again, as Ms. Schellin has already

1 mentioned, this is in ANC 6D. All right. Ms. Kramer and --

2 MS. SCHELLIN: And I forgot. The Applicant will take  
3 40 minutes.

4 CHAIRPERSON HOOD: Okay. And whomever else is going  
5 to come up from the ANC. So the Applicant has asked for 40  
6 minutes, and once they come up, they can get started.

7 MS. BATTIES: Good afternoon, Leila Batties and  
8 Christopher Cohen with the law firm of Holland & Knight on behalf  
9 of the Applicant, William C. Smith and Company. Matt Tsau, the  
10 vice president of development from William C. Smith, is also with  
11 us here this afternoon.

12 The Applicant seeks design review approval for Lot 803,  
13 Square 646, which consists of approximately 35,500 square feet  
14 and is located on the north side of K Street, between South  
15 Capitol and Half Street.

16 The Zoning Commission's approval this afternoon would  
17 be consistent with the recommendation of the Office of Planning,  
18 which in its report concludes that the application satisfies the  
19 applicable design review criteria. The Applicant is agreeable  
20 to all of the conditions in the OP report specifically related  
21 to proposed signage and lighting, and as it relates to the  
22 comments at the bottom of page one and the top of page two of  
23 the Office of Planning's report.

24 In his testimony, Sean Stadler of WDG will address the  
25 building facade at the ground level on Half Street and the

1 balconies that have been incorporated into the project design.  
2 We have also submitted in response to OP's questions about the  
3 aluminum panels on the projecting bays we have submitted at  
4 Exhibit 21 building materials exhibit that clarifies the color  
5 for the panels.

6           And then third, the Office of Planning had a comment  
7 about facade changes in the event the Applicant exercises  
8 flexibility for a retail use. And at this time we don't know  
9 what facade changes would be required, but the Applicant agrees  
10 that if a retail use comes into the project that requires  
11 modifications to the building facade, the Applicant will come  
12 back to the Zoning Commission for review and approval of the  
13 revised facade.

14           In addition to the Office of Planning, DDOT has  
15 recommended approval of the application and the Applicant is  
16 agreeable with the conditions in DDOT's report and will continue  
17 to work with DDOT through the public space approval process.

18           Finally, I just like to note before I turn it over to  
19 Sean Stadler, just give some brief comments on our ANC outreach.  
20 The property is within the boundaries of ANC 6D05 and across the  
21 street from -- on South Capitol across the street from ANC 8F.  
22 So both are affected ANCs under the zoning regulations. And we  
23 started our outreach with Commissioner Rohmer, who is the single  
24 member district representative, very early in the process, in  
25 fact right after she started her term as a new ANC commissioner.

1 And we continued to meet with her and other members of ANC 6D  
2 through the process and of course, the full ANC at both its  
3 regularly scheduled administrative and public meetings, and we  
4 had a similar process with ANC 8F.

5 The Applicant was responsive to the ANC, providing  
6 information that was requested and discussing how the project  
7 relates to the applicable criteria under the zoning regulations.  
8 And that is demonstrated -- reflected in the letter from the  
9 Applicant to the ANC, dated March 9th and marked as Exhibit 11  
10 of the record.

11 In response to Commissioner Rohmer's feedback, the  
12 Applicant has proposed to increase the number of EV-ready parking  
13 spaces in the project from 4 to 50, which exceeds the number  
14 required under the pending Electric Vehicle Readiness Amendment  
15 Act. And if the Zoning Commission were inclined to approve the  
16 application, we would propose that the number of EV-ready  
17 charging stations -- or spaces be a condition of the approval.

18 Sean Stadler will address the specific comments in ANC  
19 6D's report regarding the project design, specifically how it  
20 supports the aesthetic design and character of the Southwest  
21 neighborhood, and Will Zied will address the transportation  
22 considerations raised in the OP -- in the ANC report during his  
23 testimony.

24 ANC 6D also suggested that public amenities or retail  
25 be located in the lobby in place of amenities for the residents.



1 I'll note that the lobby was designed to provide amenities for  
2 the residents in the building, especially given that people are  
3 spending more time working from home. So that was a major  
4 consideration in the design of the lobby. But again, the  
5 Applicant has requested flexibility for the retail use should  
6 there be change in the market and would come back to the Zoning  
7 Commission with any changes in the project design.

8 And lastly, as it relates to the ANC, they had  
9 specifically asked about the Applicant's outreach to the Capitol  
10 Skyline Hotel owners. And we'd like to note for the record that  
11 the owners of the hotel, the Rubells, have cooperated with the  
12 Applicant through the subdivision process and in the  
13 redevelopment of the site generally, and they are specifically  
14 supportive of the building design, which is noted in their letter  
15 to the ANC, which is copied at Exhibit 20 of the case record.

16 So that concludes my opening remarks. I will turn it  
17 over to Sean Stadler with WDG Architects to discuss the project  
18 design. And after Sean testifies, Will Zeid with Grove Slade  
19 will discuss the transportation considerations, and then Brandice  
20 Elliott will close our presentation on direct by discussing how  
21 the project satisfies the design criteria and special exceptions  
22 standard of review. Thank you.

23 MR. STADLER: Good afternoon and thanks for letting us  
24 present 1 K Street with you this afternoon. My name is Sean  
25 Stadler and I'm a managing principal at WDG Architecture and

1 we're the architect for the project. If you could change the  
2 slide here, that would be great?

3 So the site is located south of I-695, on the west side  
4 of South Capitol Street in the M and South Capitol sub-area.  
5 Next?

6 The 1 K Street site is to the north side of the K Street  
7 between Half Street and South Capitol Street. It is directly  
8 across from 10 K Hill and is adjacent to the Capitol Skyline  
9 Hotel. Next?

10 This is -- the next couple of slides is kind of context  
11 looking around the site and looking on the opposite side of the  
12 street. So the top slide here is looking at our site from South  
13 Capitol. You can see the Capitol Skyline and the raised surface  
14 parking lot to the to the left-hand side there. On the middle  
15 slide is an image looking to the east of South Capitol where you  
16 can see the Novell, 10 K Street, and Hill South Street, and 100  
17 South Capitol, which are all residential developments. Next  
18 slide?

19 And the top is looking from K Street to again, the  
20 above grade existing surface parking lot. The middle slide is  
21 looking south at the Ruben existing surface parking lot. And  
22 then you have corner views there as well. Next slide?

23 And this is looking on Half Street. Again, you can  
24 still see the existing raised parking structure or surface  
25 parking structure. And then looking on the opposite side of Half

1 Street you can see the adjacent U.S. Capitol Vehicle Management  
2 facility. Next?

3 The small area plan describes Southwest's urban design  
4 as an unabashedly modern collection of mid-century architecture.  
5 There are mixes of historic design with new architecture that  
6 delight and advance the neighborhood character. Next?

7 These are examples of some of the modern buildings in  
8 the Southwest. They have a simple material palette, have a tower  
9 on a first level pilotis and many of the modern buildings utilize  
10 red or terracotta on the buildings. You can see many of which  
11 have curved screen walls. Next?

12 This is an aerial view of our massing in context with  
13 the current and future neighborhood and demonstrates we're  
14 conforming to the allowable zoning envelope. The small area plan  
15 also notes that the neighborhood is comprised and promotes both  
16 high-rise and low-rise buildings and should avoid mid-rise  
17 buildings. The plan also supports the transformation of South  
18 Capitol Street into a high-density urban boulevard that  
19 establishes a robust pedestrian realm. Next?

20 Our building conforms to all courts and setback  
21 requirements. The building is set back as required 15 foot from  
22 the property line on South Capitol and steps back one to one  
23 above the 110-foot height limit. Our street wall is also greater  
24 than the 60 percent requirement. Next?

25 There's no vehicular loading entrance off of South

1 Capitol Street, and the main lobby is located at the corner of  
2 South Capitol and K Street. All loading has been consolidated  
3 and located to reduce pedestrian and vehicular conflicts on Half  
4 Street. Next?

5 To encourage pedestrian activity, we located our main  
6 entrance lobby at the corner of South Capitol Street and K Street  
7 and the program -- and programmed public uses on South Capitol  
8 and the majority of K Street. Our service and loading on Half  
9 Street takes advantage of a natural topography and grade change  
10 and reduces the number of curb cuts along the block. Next?

11 The public space improvements are consistent with the  
12 general DDOT standards including curb and gutters, street trees,  
13 landscaping, streetlights, sidewalks, and site features on the  
14 proposed frontage of South Capitol Street, K Street, and Half  
15 Street. Next?

16 This section is looking south from the Capitol Skyline,  
17 and it illustrates the building is set back 15 foot from the  
18 property line of South Capitol Street and that the building  
19 conforms to the zoning height, which is 130 foot tall on South  
20 Capitol and steps back at the 110 foot height per the zoning  
21 regulations. Next?

22 This is just a section looking the other way where you  
23 can see our courtyard is located. It's about 90 feet from the  
24 adjacent Capitol Skyline. Next?

25 And there'll be three levels of below grade parking and

1 the bicycle parking is located in close proximity to the entrance  
2 on Half Street. We're including 50 EV-ready parking spaces within  
3 the parking. Next?

4           The building's 12 residential floors above the ground  
5 floor accommodate 352 residential units with a mix of unit types.  
6 The rough mix is approximately 10 percent studio or junior one-  
7 bedrooms, 65 percent one-bedroom or one-bedroom dens, 30 percent  
8 two-bedrooms or two-bedroom dens, and about three-and-a-half  
9 three-bedroom units in the project. It's a heavier mix than we  
10 typically see in D.C. downtown urban areas. But the owner  
11 believes that the demand for larger units is supported in this  
12 area. Nearly 40 percent of the units have a balcony. Most  
13 balconies on the south facade are recessed to create more depth  
14 to the facade as well as give residents outdoor private covered  
15 spaces. The penthouse floor accommodates mechanical equipment  
16 rooms and residential amenity spaces with outdoor terrace and  
17 landscaped green roof areas. A pool deck is located on the  
18 penthouse mezzanine level. Next?

19           The existing Capitol Skyline, located to the north of  
20 our site, is a Morris Lepidus early 1960's mid-century modern  
21 hotel that is predominantly precast concrete and glass. The  
22 building is on a first floor pilotis like many in the southwest  
23 and it creates a horizontal datum in which the rest of the floors  
24 are articulated with a ribbon styled window system. The ribbon  
25 windows are broken into a three-part bay configuration, which

1 interrupts the horizontal rhythm. We took cues from the Skyline  
2 and utilized the bay proportions in a similar scale to define the  
3 main South Capitol Street massing as well as created three bays  
4 on the north elevation facing the south -- facing the Skyline  
5 Hotel. We also utilized six two-story horizontal stacked floors  
6 to relate to the six single-stacked floors on the Skyline. This  
7 provides a scaling feature between the Skyline and 1 K Street.  
8 Next?

9           From these underlying principles, we manipulated the  
10 form to create the three bays on the north facade and establish  
11 a bay grid reflective of the Skyline's bay. To activate the  
12 building façade, we shifted the bays to create a more animated  
13 rhythm for the building while keeping an overall modern approach.  
14 Next?

15           This view is looking straight north up South Capitol  
16 Street and illustrates the two-story reading of the facade and  
17 how it's broken into bays that playfully move left to right and  
18 scale the overall building into the context of its neighboring  
19 buildings. The massing is distinctly broken into two main  
20 elements, a precast massing with two bookend deep red metal bays.  
21 The red metal is a nod to the red terracotta modern buildings in  
22 the neighborhood and provides a framed view of the Capitol dome.  
23 It distinctly contrasts with the white dome so that the dome does  
24 not blend in and get lost in the view corridor. Next?

25           Along South Capitol, the red metal volume steps back

1 at 110 feet to reveal the background precast massing, which  
2 relates in color and material to the Skyline. The metal bay is  
3 similarly proportion to the precast end wall of the Skyline  
4 creating a dialog between the two buildings. Next?

5 This is looking west at the East Street elevation of  
6 South Capitol where you can see the street view relationships.  
7 Next?

8 The building has two main design bay languages that's  
9 set on a gray molded brick or glass base. The off-white precast  
10 bay is a two-story interlocked pattern with an acid etched finish  
11 and gently rounded corners that connect each precast section.  
12 The red bays are more horizontal in nature and gracefully curve  
13 to minimize hard edges. They're accented by dark gray metal  
14 panels. Next?

15 This view is from K Street, where you can see the two  
16 bookended bays and the red curved metal panels with the two-story  
17 precast base. Here you can see the recessed balconies along the  
18 south elevation. Next?

19 And this is just a more detailed view of the curved  
20 metal panels and the glass bays with recessed balcony curves.  
21 Next?

22 And last, this is the elevation along K Street. Next?

23 This view is from the corner of K Street and Half  
24 Street. It illustrates the other bookend red bay that turns the  
25 corner and returns to a more typical precast bay arrangement.

1 Next?

2           The ground view of Half Street where our loading and  
3 garage entrance is located is articulated with a highly molded  
4 gray brick accented by metal panels and glazed loading and garage  
5 doors. K Street will also have planted landscaping to soften the  
6 pedestrian environment. Next?

7           This last view is a bird's eye view looking south from  
8 Half Street and shows the playful, articulated courtyard facades  
9 of 1 K Street as it nestles in and amongst the Capitol skyline.  
10 The quilted pattern of precast textures, along with the window  
11 openings articulates what otherwise might be a blank wall. Next?

12           And this is just that elevation. It shows the three  
13 bay fingers that are projected in front of the courtyards, which  
14 have all projected balconies. Next?

15           Our roof utilizes both terraces and green roof  
16 intertwined with amenity spaces and creates an active roof. Next?

17           And last, the project is targeting LEED Gold and will  
18 attain a high level of sustainability and environmental  
19 performance.

20           And now I'm going to turn it over to Gorove Slade to  
21 discuss the transportation.

22           MS. BATTIES: Before Will comes up, I just want to note  
23 for the record, I referred to the property as Lot 803 and the  
24 correct lot number is 804. So I wanted that corrected on the  
25 record. Thank you.



1 MR. ZEID: Good afternoon I'm Will Zeid with Gorove  
2 Slade. We're the traffic engineers for the project. We can go  
3 ahead and skip to the next slide. Next slide? And one more?  
4 There we go.

5 The proposed residential apartment building will be  
6 located along the north side of K Street, S.W., on the west side  
7 of South Capitol Street, with approximately 375 units and 175  
8 vehicle parking spaces and a below grade garage. All access to  
9 both the garage and loading facilities will be provided from Half  
10 Street, and the project will be proposing a pick-up and drop-off  
11 area in front of the building lobby on the north side of K Street.  
12 No loading areas will be proposed or provided along K Street.  
13 The development will include one curb cut serving the garage and  
14 one adjacent curb cut serving the loading facilities along Half  
15 Street. The project meets all zoning requirements for vehicular  
16 parking, bike parking, and loading. A comprehensive  
17 transportation review was included for the project and the  
18 Applicant is committing to a robust TDM plan, transportation  
19 demand management, with significant TDM measures. DDOT has  
20 issued their report in support of the project with two conditions,  
21 both of which the Applicant agrees to, and we'll detail here on  
22 a later slide. Next slide?

23 Following DDOT's review of the project, which included  
24 looking at the CTR study, the project's parking supply, and  
25 vehicular impact to congestion on the area, the Applicant worked

1 with the DDOT to prepare a TDM plan. The TDM plan is designed  
2 to mitigate any project-related impacts to the transportation  
3 system and includes, but not limited to, long- and short-term  
4 bike parking, meeting zoning and DCMR requirements with a bike  
5 room, containing power outlets for charging e-bikes and scooters  
6 as well as larger spaces for cargo and tandem bikes. The plan  
7 includes fully funding a new 19-dock Capital Bikeshare station,  
8 installing a transit screen in the building lobby, and providing  
9 an onsite business center to support teleworking. We also worked  
10 with the DDOT to identify pedestrian safety improvements around  
11 the site that will be installed by the Applicant. These include  
12 concrete curb extensions at the intersection of K Street and Half  
13 Street, S.W. as well as K Street and South Capitol Street on the  
14 west side of South Capitol Street. These will shorten pedestrian  
15 crossing distances and provide additional physical protection for  
16 pedestrians in this space. Next slide?

17           The project's location along this block of K Street  
18 will result in the building's residents not being able to obtain  
19 RPP parking, as this block is not an RPP eligible block. The  
20 project will also include a pick-up/drop-off zone along K Street  
21 in front of the lobby for regular vehicle use. This was requested  
22 by the community, and we approached DDOT, and they were amenable  
23 to this, so we'll pursue at public space. This area will not be  
24 used for loading operations. All loading operations will be  
25 accommodated from Half Street within the building. The final

1 design of the pick-up and drop-off space will be coordinated with  
2 DDOT to ensure it meets all necessary requirements through the  
3 public space process. As previously discussed, 50 electric  
4 vehicle parking spaces will be included in the parking garage.  
5 This is far above DDOT's general request of 1 per 50 spaces,  
6 which would otherwise be 4 spaces. So we're exceeding that by  
7 over 46 additional spaces. Finally, all loading and trash service  
8 will occur within the building, and all truck turning movements  
9 will occur using head-in and head-out maneuvers to and from Half  
10 Street. Next slide?

11 DDOT issued their report on March 31st stating that  
12 they supported the project with two conditions, both of which the  
13 Applicant agrees to, are detailed here. The first condition is  
14 to simply implement the TDM plan as we previously discussed, and  
15 the second is to include language in the zoning order to allow  
16 for flexibility in the design of the 15-foot setback along South  
17 Capitol Street as those plans evolve and the final details are  
18 worked out at public space. The Applicant agrees to both of  
19 these and also commits to all the continued coordination items  
20 outlined in DDOT's report. And with that, I will turn it over  
21 to Brandice.

22 MS. ELLIOT: Hello, Mr. Chair and members of the  
23 Commission. I'm Brandice Elliott with the law firm of Holland &  
24 Knight. And I have the pleasure of discussing the standard of  
25 review for design review.

1           Mr. Young, could we? Thank you. And the next slide  
2 please?

3           So this project is subject to the design review  
4 provisions of Subtitle I, Chapter 7 because it's located within  
5 the M and South Capitol Streets sub-area. We'll go ahead and  
6 run through the design review criteria of Subtitle I, Chapter 6  
7 and 7 and the special exception criteria to demonstrate how the  
8 project complies with the standards of review. This project is  
9 specifically exempted from the design review process outlined in  
10 Subtitle X, Chapter 6 because it does not apply to projects where  
11 design review is required by Subtitle I, Chapter 7, and I feel  
12 like I probably could have included a drawing to help explain how  
13 that works, but I think we've all been here before and you all  
14 are on the same page. So because of this exemption, the review  
15 of the project's relationship to the comprehensive plan is also  
16 not required and it has not been provided. Next slide please?

17           The sub-area criteria for the M and South Capitol  
18 Streets, well, we have already touched on a lot of these things,  
19 so I'm going to try to not be repetitive. But Mr. Stadler already  
20 discussed the architecture of the building in great detail. It  
21 does provide the 15-foot required setback from South Capitol, and  
22 it also provides the additional one to one setback above the 110-  
23 foot height mark. So it does comply with this criteria. Next  
24 slide please?

25           This image you also saw, it shows another vantage point

1 of the 15-foot setback that is being provided. It also shows  
2 that there are no vehicular entrances from South Capitol Street  
3 and that also 80 percent of the building's street wall along  
4 South Capitol Street is constructed to the setback line. So it  
5 exceeds the requirement. Next slide please?

6 And so that's it for the sub-area requirements. And  
7 this is the general design review requirements. So the design  
8 review requires that the project achieve the objectives of the  
9 sub-area. And in this case, the primary objective of the M and  
10 South Capitol Street sub-area is to ensure the preservation of  
11 the historically important view of the Capitol dome, and then  
12 also further the development of a high-density mixed-use  
13 corridor. And this project achieves both. As you can see from  
14 the rendering, the view of the Capitol dome has been preserved  
15 and framed, and the project is a high-density project that will  
16 enhance an already mixed-use corridor. Next slide please?

17 The project is also required to be in context with the  
18 surrounding neighborhood and street patterns. And again, Mr.  
19 Stadler discussed this in great detail. But the project does -  
20 - just to highlight a couple of items, it maintains the street  
21 wall along South Capitol that is required, the 15-foot setback,  
22 and it also uses a lot of the materials that are found within  
23 the neighborhood. Next slide please?

24 Additionally, the project is required to minimize  
25 conflict between vehicles and pedestrians, and this has also been

1 discussed by Mr. Zeid. The important thing I think to point out  
2 here is the fact that there are some pedestrian safety  
3 improvements that would be provided that have already been  
4 coordinated with DDOT, that include the concrete curb extensions  
5 at the intersections of K and Half streets and K and South Capitol  
6 Streets. But overall, the public space would be uninterrupted  
7 to the greatest extent possible, and that would ensure pedestrian  
8 safety. Next slide please?

9 And again, Mr. Stadler has discussed this in great  
10 detail as well and addressed OP's comments concerning the  
11 articulation of the building. But there is articulation on all  
12 sides that are adjacent to public spaces. Next slide please?

13 And finally, the project is required to minimize impact  
14 on the environment, as demonstrated through the provision of an  
15 evaluation of the LEED certification standards. And in this  
16 case, as previously noted, the project intends to comply with the  
17 LEED certification standards for Gold version 4, mid-rise multi-  
18 fam -- multi-family/mid-rise. Next slide please?

19 So this is the last grouping of criteria that the  
20 project is required to comply with, and it's the special exception  
21 criteria. First of all, it needs to demonstrate that it would  
22 be in harmony with the general purpose and intent of the zoning  
23 regulations and zoning maps. And that is certainly the case  
24 here. The property is zoned D-5, and the project is a high  
25 density building that is consistent with the D-5 zone. It does

1 advance district and federal urban design goals for the South  
2 Capitol Street corridor, primarily to preserve the viewshed of  
3 the Capitol dome. And it also advances the redevelopment of an  
4 underutilized site along a major gateway corridor. It also must  
5 demonstrate -- we also must demonstrate that the project will not  
6 tend to affect adversely the use of neighboring property. And  
7 in this case the project would not have any adverse impacts on  
8 the ability for neighboring properties to use their property in  
9 accordance with the zoning regulations. The project is  
10 consistent with the height and density standards for the --  
11 development standards for the D-5 zone and the massing and  
12 character are also consistent with nearby developments. Next  
13 slide please?

14           So in summary, the project does meet the general  
15 special exception standards criteria that we've just discussed  
16 as well as the design review criteria under Subtitle I, Chapter  
17 7, and the more specific requirements for the M and South Capitol  
18 Streets sub-area under Chapter -- Subtitle I, Chapter 6. Next  
19 slide please?

20           We have included a couple of slides just to identify  
21 the flexibility that's been requested. The language that has  
22 been used here is consistent with the text amendment that the  
23 Zoning Commission is considering for Case 22-25, which would  
24 codify the flexibility language. And so I just wanted to point  
25 that out, but certainly if you had any questions about that

1 flexibility, we could address those. There is one more slide.

2 And then that's it. That's all I have for you. I will  
3 turn this back over to Ms. Batties, and then certainly, if you  
4 have any questions, I look forward to answering those. Thank  
5 you.

6 MS. BATTIES: Mr. Chair, that concludes our  
7 presentation on direct.

8 CHAIRPERSON HOOD: Okay. Thank you, Ms. Batties and  
9 team. I'm getting some feedback somewhere, if everybody can  
10 mute. Ms. Batties, let me ask you and your client, as you know,  
11 there's a new study that's coming out, I know it's not necessarily  
12 a zoning bill, but -- and I'm looking at the ANC letter, there's  
13 a new study that comes out and I believe the Zoning Commission  
14 and zoning is going to be in it in some kind of way, I'm pretty  
15 sure, disparity, it seems like I know that the zoning rules in D  
16 zones we don't require affordable housing as stated in the ANC  
17 letter -- it seems like this goes on consistently. So I'm not  
18 just picking on this Applicant. Why is it that this Applicant,  
19 even though I know this is a design review, why is it this  
20 Applicant couldn't even find a way to put some affordable? And  
21 before I finish that, let me go to Ms. Kramer, when you come up,  
22 Ms. Kramer, I want to know what do you think affordable is because  
23 my definition of affordable is probably different from a lot of  
24 others. And that's getting to the people that really cannot  
25 afford to get in there, including myself. So why is it that we



1 could not be amenable to at least what the ANC 6D has asked this  
2 Commission to do, whether it's in the regs or not, more than one  
3 time? And if you need to think on that answer, I don't -- I  
4 would not like a fly by night answer. I'd like a well-thought-  
5 out answer, so if you need time on it, I will go to somebody  
6 else. But I'm just concerned that this keeps coming back up.  
7 And I have some recommendations for Ms. Kramer when they come up.

8 MS. BATTIES: For the Applicant, Mr. Chair, we've been  
9 consistent. They acquired the property understanding the  
10 regulations that affect the property and the entitlements that  
11 would be required to redevelop the site. This Applicant, in  
12 particular William C. Smith, does -- is' probably the largest -  
13 - has the largest portfolio of affordable housing in the city.  
14 And so they do provide affordable housing units throughout the  
15 city. They -- but specifically for this site and another site  
16 that they purchased in the D-5 zone, they acquired the property  
17 understanding the entitlements that would be required for the  
18 redevelopment of the site.

19 CHAIRPERSON HOOD: And again, we can talk about this.  
20 I'll continue to go down this line with the Applicant as well  
21 because somewhere else is great. And I know that William C.  
22 Smith has done a lot of affordable housing, but I'm talking about  
23 particularly in this area where a lot of people will not be able  
24 to go. But that's not necessarily germane, I don't want to go  
25 back and forth with you, I would rather, you know, talk to the -

1 - speak with the Applicant, but we'll -- let me think about that  
2 some more. And let me also ask the ANC a few questions. I don't  
3 really have any design questions. Well, I do, but I will wait  
4 and ask my -- after I let my colleagues go first.

5 Commissioner May, you have any questions or comments?

6 COMMISSIONER MAY: Yeah. The first one is about the  
7 parking. I was kind of surprised to see three levels of parking.  
8 So I'm curious, I mean, is that what -- I know it's based on what  
9 you think the market is, but it seems quite a bit more than we  
10 would typically expect, but I could be wrong about that. I mean,  
11 this is you know, there are a lot of large apartment buildings  
12 in that vicinity. Is it -- I mean, are they all as heavily parked  
13 as this? Or not all, I'm not asking for --

14 MS. BATTIES: We have the ratios for some of the nearby  
15 projects.

16 MR. ZEID: So it's generally consistent with other  
17 design review cases in the area. 5 M was at about a 0.5 ratio,  
18 10 K 0.63, 1000 South Cap at 0.77, and then recently 1100 South  
19 Capitol at 0.62. So we're right in that range of what a lot of  
20 other design review cases have provided in the area.

21 COMMISSIONER MAY: Okay. That helps. I mean, I think  
22 part of it also -- to me it seems that the footprint is kind of  
23 constrained. And so it's -- it seems like you couldn't pack in  
24 spaces very efficiently because of that footprint. So maybe  
25 that's why it's a full three levels.

1           I really have only one other comment about this, and  
2 it has to do with the color choices. And actually, I like the  
3 red. I mean, I like the color choices generally. Right? I  
4 think that the juxtaposition of the concrete, which is a common  
5 material in Southwest with the red metal is -- it's an interesting  
6 contemporary turn on what is a pretty common palette in that  
7 immediate vicinity. And I know that vicinity pretty well because  
8 I ride through there regularly. But I just want to put out a  
9 note of caution about the light-colored concrete.

10           So if we could go to Slide 18, that would be very  
11 helpful. Yeah. Yeah, there we go. So if you could zoom in a  
12 little bit on the photograph in the upper right corner. A little  
13 more if we can. A little more. Ah, there we go. Now go -- move  
14 to the right. Perfect. Okay. So this is the Capitol Skyline  
15 Hotel. And you can see some of the problematic aspects of lighter  
16 colored buildings. This is something that I've talked about on  
17 many occasions in zoning cases. Now there's the ghost of the  
18 vertical signage that used to be in that brick inset panel in  
19 the middle of the building where it faces South Capitol Street.

20           And then there's also, it's a little bit hard to see  
21 here, but if you, you know, you have these photos, you can zoom  
22 in on it, but the horizontal pieces of each of those frames has  
23 gotten -- is dirty basically. It's a bit stained by, you know,  
24 rains and soot that rain catches and deposits on those horizontal  
25 members. And then it flows down. It flows more slowly on the

1 horizontal pieces than it does on the vertical positions. And  
2 it's pretty noticeable and it makes the building look a little  
3 bit dingy. And I'm bringing this up not because I want to  
4 complain about this building, I mean that's not the subject of  
5 our design review case, but to simply point out that we have to  
6 be extremely careful in how you are detailing that bright  
7 concrete, so it does not wind up with this same effect. I mean,  
8 this building is actually looking pretty good, given its age, but  
9 I've seen other much younger buildings start looking bad pretty  
10 quickly because it's not detailed properly for the light-colored  
11 elements. The material is too porous, it holds on to too much  
12 of the soot that rains down on it. So I would just want to  
13 caution you to make sure that it's -- that, you know, your  
14 drainage works really well and that you don't simply have water  
15 cascading off of a horizontal element like this that can cause  
16 it to stain. There are all sorts of ways that you have to look  
17 at the way the water would flow to understand where this kind of  
18 marking can occur. If you zoom on this, it's very, very obvious  
19 what's happening, and it doesn't look great, so it's just a word  
20 of caution. I'm not going to suggest that you change to a darker  
21 color, as I often do, because I think actually in this  
22 circumstance that brighter colored precast is an important design  
23 component that makes it compatible with the neighbor. So that's  
24 about it.

25 MS. BATTIES: Thank you.

1           CHAIRPERSON HOOD: Thank you, Commissioner May. You  
2 'finished?

3           COMMISSIONER MAY: Yeah. I mean, I don't know, do you  
4 want to respond? I mean, you can. You're looking --

5           MR. STADLER: Yeah, I mean, I totally appreciate your  
6 comment. I think that the Capitol Skyline, the main staining  
7 there is due to some exhaust vents that catch dirt. And I think  
8 that we are very cognizant of these types of things, as you kind  
9 of stated, you know, where there's horizontal shelves that can  
10 hold water, particularly they try to hold dirt and then when it  
11 rains, it runs down the face of the building. So we're definitely  
12 paying attention to exactly what you're saying, is the detailing  
13 of it, how drip edges work, and just, you know, trying to reduce  
14 places where things might get, you know, caught.

15          COMMISSIONER MAY: Okay. Yeah, there may be places at  
16 the Capitol Skyline where it is worse because of exhaust louvres  
17 or something like that. But I can see it on every single frame  
18 on that facade. When biking, you know, I've 'seen this building  
19 many times. It's apparent on every frame. So it's 'really about  
20 how you detail it. Thank you.

21          CHAIRPERSON HOOD: Okay.

22          Commissioner Imamura, any questions or comments?

23          COMMISSIONER IMAMURA: Just a few, Mr. Chairman, thank  
24 you. And thank you, Commissioner May, for your comments.

25          Just building on that too, Mr. Stadler, just be mindful

1 of ice shelves as well on horizontal fenestrations, right, on the  
2 north side, of course. So I'm certain that you will.

3 I certainly appreciate the shape grammar and  
4 architectural vocabulary for the building. Use of materials I  
5 think are great. I'm less enthusiastic about the color selection  
6 than Commissioner May. The red seemed rather pronounced. I know  
7 in, I think it's, Exhibit 3 Section 2(b) you had mentioned a rich  
8 color. Are there any other color palettes that you considered?  
9 And I'm curious why you landed on this red, pronounced red.

10 MR. STADLER: So we were really picking up on some of  
11 the red in the neighborhood as well as, you know, the classical  
12 modern red color for the building to really reinforce that. It  
13 is unabashedly modern like many of the buildings in the  
14 neighborhood, and as well to kind of really contrast that portal  
15 view of the dome and set itself apart from the dome so that the  
16 dome is the focus.

17 COMMISSIONER IMAMURA: And that's something I'm  
18 certainly mindful about, it's the Capitol dome, so protecting  
19 that view. So that is certainly top of mind for me, and I want  
20 to be careful about, you know, the hues that we introduce. You're  
21 right, there's red, as Commissioner May pointed out, around the  
22 area.

23 I'd like to kind of move to talk a little bit about  
24 your landscape architecture. Not much opportunity at the street  
25 level, which is a little unfortunate, but I would like to talk

1 about the private courtyard on the ground and second floor. I  
2 didn't see any detailed plans of that. I might have missed that.  
3 Were they included at all or?

4 MR. STADLER: I think if you --

5 COMMISSIONER IMAMURA: Is that in your landscape plan?

6 MR. STADLER: Yeah, page 31 would show all of the --

7 MS. BATTIES: Is it in the slides?

8 MR. STADLER: It's in the slides, and I don't exactly  
9 know which landscape sheet it is. It might be landscape page  
10 two -- Trini, do you want to?

11 MS. RODRIGUEZ: Yeah.

12 COMMISSIONER IMAMURA: All right. While that's being  
13 pulled up, can you talk a little bit about -- hello, Ms. Rodriguez  
14 -- can you talk a little bit about your bio retention.

15 MS. RODRIGUEZ: Good afternoon. For the record, Trini  
16 Rodriguez, principal with the firm of ParkerRodriguez Landscape  
17 Architects. So I think this page here kind of illustrates the  
18 overall landscape design. This image here has all the levels  
19 kind of put together as a kind of layer cake. The two courtyards  
20 are the ones in the, you know, adjacent to the hotel or that  
21 property line, as you can see there. The one on the right-hand  
22 side to the east is a courtyard that has -- that is sort of a  
23 more social, more of a public nature to it. It is designed with  
24 -- it has been designed with -- in close coordination with the  
25 interior designers and the architects to actually make it feel

1 an integral part of the building.

2 I think one of the things that Mr. Stadler just  
3 described was the kind of public nature of that entire edge of  
4 the building. And also one of the things that were probably  
5 pretty clear, as you saw in the images, is that it is very  
6 transparent. And our thought was that you can actually kind of  
7 see through, so there is a certain degree of porosity within that  
8 space. The idea for this courtyard is one that satisfies sort  
9 of the needs of the residents and one of the components because  
10 of adjacencies around that space is co-working, and possibilities  
11 of people actually using the space for co-working at certain  
12 hours, and then designed with flexibility in mind, so at other  
13 times becomes more social and more of a space for residents.

14 Commission Imamura, you also asked about the bio-  
15 retention areas. You know, one of the things that is kind of an  
16 interesting and a challenge in these urban areas is sort of  
17 solving for the equation of stormwater management and GAR. So  
18 we've been working hand in hand with the civil engineers, and you  
19 know, it's hard to solve for this. As you know, you can see the  
20 amount of green roof that we have. It's -- you know, basically  
21 this site is pretty green. But even with that, doesn't satisfy  
22 all of the requirements. So we have bio-retention areas. We  
23 also have a cistern on this site. So we're using every tool on  
24 the book to do that.

25 Now that courtyard on the west side has, you know, a



1 number of patios and spaces for residents as you can see there.  
2 There is also, what is shown there in kind of light blue, that's  
3 a skylight bringing light into the lower level. There is a  
4 fitness area there. And then around the patios there is also  
5 some green roof and some landscaping. And then to the edge we  
6 have, which is in dark color, that is the bio-retention, which  
7 we're, you know, as you can see here actually it's sort of a  
8 great opportunity to create not only something that functions as  
9 an environmental feature, but also as an oasis, a green oasis,  
10 and a great thing to look into. You know, will be built with  
11 all the layers needed and all of that, but we're also anticipating  
12 being able to put trees. The one thing also that I should  
13 highlight about this particular bio-retention is that it's  
14 somewhat large, so it allows for it to be really nice and lush,  
15 so becoming an amenity as well, spatial amenity.

16 COMMISSIONER IMAMURA: Thank you, Ms. Rodriguez. I  
17 think while maybe there's not much opportunity for creativity at  
18 the streetscape level, I am pleased to see that -- I think there's  
19 some potential there in your courtyards. I wish we could have  
20 seen a more detailed plan of those spaces. But thank you very  
21 much for your explanation, Ms. Rodriguez.

22 MS. RODRIGUEZ: You're welcome.

23 COMMISSIONER IMAMURA: And Ms. Batties, I think the  
24 other question that I have, and this is my last question, is can  
25 you describe if there's been any outreach with the Capitol Police

1 vehicle management division or any contact there to notify them?

2 MS. BATTIES: No, not that I'm aware of.

3 COMMISSIONER IMAMURA: Okay.

4 All right. That's it, Mr. Chairman. Thank you.

5 CHAIRPERSON HOOD: Thank you.

6 Vice Chair Miller?

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. Can you  
8 hear me? Okay. Good. And thank you to the Applicant's team,  
9 Ms. Batties, and Mr. Stadler, Ms. Rodriguez, Ms. Elliott, Mr.  
10 Zeid, for your presentation, for bringing this design review  
11 project forward to the Zoning Commission, and for your developing  
12 over 350 market rate units in Southwest along South Capitol. It  
13 would have been good to see, even though there isn't a requirement  
14 in this D-5 zone for inclusionary zoning, it would have been  
15 good, as some of my other -- as one of my other colleagues, as  
16 the Chairman I think, referenced, to have seen some attempt to  
17 provide affordable housing, affordable leasing as defined by our  
18 inclusionary zoning regulations, at least by some voluntary  
19 offering there to the Southwest neighborhood that desperately  
20 needs all kinds of housing, including market rate and including  
21 all levels of affordable housing.

22 But I appreciate your responses to my colleagues'  
23 questions. I appreciate your responsiveness to others' comments,  
24 including ANC. I think you'd mentioned that you provided more  
25 charging, EV, electric vehicle charging locations in the parking

1 that's being provided than what was required, as a result of the  
2 ANC comments. And you provided a substantial number of balconies,  
3 which I personally always like. A lot of this is subjective in  
4 a design review case, but 40 percent of the units being -- having  
5 balconies and all the other outdoor amenities that are -- and  
6 indoor amenities, including that lobby area for the residents  
7 there, is to be commended.

8           And I agree with -- I share the views that my colleagues  
9 have expressed so far, both on design and on the affordable  
10 housing that the Chairman mentioned and on the colors. It's very  
11 subjective. But I think that, yeah, a less -- I can see the --  
12 I think I can see the design aesthetic that's being attempted  
13 here between that -- contrast between the red panels and the  
14 white-ish rest of the facade. But I think I would agree with my  
15 colleagues, different colleagues at different times, but Mr. May  
16 on the white maybe needing to be darker, a little darker, and on  
17 the red, I think it probably could be a little darker. I think  
18 it would just be a warmer, more compatible building. But I can  
19 see the design elements in Southwest that exist today that you're  
20 trying to replicate or be compatible with.

21           But on design compatibility, maybe you can address  
22 again, Ms. Batties or Mr. Stadler, the first point of the ANC's  
23 letter in opposition, which was design compatibility, that they  
24 felt that the design at Exhibit No. 16, I guess that's March 13th  
25 ANC 6D's letter in opposition, their first point was the design

1 was inconsistent with the surrounding neighborhood, that it would  
2 dwarf and abut the hotel, the Skyline, that Capitol Skyline, that  
3 you're trying to -- that you were trying to be compatible with  
4 it, that you said you were trying to be compatible with. So  
5 maybe you can just reiterate why you think it's compatible with  
6 the Southwest neighborhood generally, but specifically the  
7 Skyline Hotel? And in responding, could you just tell what the  
8 difference is in height between the red frame -- I appreciate all  
9 the setbacks that you're doing above the red frame facade, which  
10 these are setbacks, I think, that are required in our Southwest  
11 design review. So you are meeting those setbacks at different  
12 higher levels. But what is the height of the red frame part of  
13 the facade, and how does that compare to the building, to the  
14 hotel building, next door? What height is this building next  
15 door, is it 70 feet or 90 feet, and what is the top of the red  
16 frame just for my information? It's probably in the record and  
17 I just didn't look at it carefully enough, but I'm sure you know  
18 that.

19 MR. STADLER: It's on Slide 22 and the Capitol Skyline,  
20 to the best of our knowledge, is about 75 foot high, and our red  
21 frame is at 110 feet. So there's about a 35 foot difference in  
22 height and a little more than 30 feet, 35 feet dimension between  
23 those two elements. So typically when we look at height and  
24 width and proportion, having that kind of one-to-one height  
25 change is what we look for. So we have that kind of relationship

1 between the height of the Capitol Skyline and the height of the  
2 red framework of our building.

3 VICE CHAIR MILLER: But it's 35 feet higher, you're  
4 saying?

5 MR. STADLER: That's right. Yeah. So it's 30 feet -  
6 - 35 feet higher, but it's --

7 VICE CHAIR MILLER: That's almost three floors or it  
8 is three floors?

9 MR. STADLER: That's right. But it's 35 feet away from  
10 the Capitol Skyline as well, and so it gives it relief and air  
11 and so that's some of the way the zoning puts together the  
12 calculation on court and light and air that we utilize when we're  
13 looking at these kinds of things.

14 VICE CHAIR MILLER: So in terms of your design of your  
15 building, what -- is there anything in the elements that relates  
16 to the actual height of the Skyline Hotel three floors below, is  
17 there anything that could relate, should relate, or it doesn't  
18 need to because there are other buildings, obviously, across the  
19 street and certainly across the street and behind this building  
20 in Southwest that are as high as this building, but is there  
21 anything that relates to the height of --

22 MR. STADLER: So nothing that specifically relates to  
23 the height, but what we try to do is to use proportions to be in  
24 relationship to the Capitol Skyline. So when you look at -- we  
25 -- the Capitol Skyline is a single floor ribbon window, so every

1 horizontal floor reads. And so what we did was we combined two  
2 floors to read as one floor, so you get the same sort of  
3 horizontality within our building, but it's proportionally  
4 related in terms of the height of our building to the height of  
5 the Capitol Skyline.

6 MR. STADLER: Yeah, I think you can -- I think Slide  
7 No. 18 kind of illustrates this.

8 VICE CHAIR MILLER: Can Mr. Young pull up that slide?  
9 I just don't have it in front of me. If it's easy to -- okay.  
10 Yeah.

11 MR. STADLER: So there you go. So the diagrams down  
12 on the bottom kind of demonstrate that you have -- the Capitol  
13 Skyline has kind of this ground floor base, and then there's six  
14 horizontal floors above that. So by us grouping our floors above  
15 that, we've grouped every other, you know, two floors. And so  
16 we have similarly six floors there. And then what we try to do  
17 is you can see how there's a relationship of horizontality in the  
18 Capitol Skyline, but it's also broken up by some vertical bays.  
19 And so we utilize those vertical bay proportions to be similar  
20 to the bays that we created on our facade. So while the height  
21 might be different, the proportions of each of those buildings  
22 are in harmony with each other.

23 VICE CHAIR MILLER: Okay. Thank you for that response.  
24 So I appreciate the -- I also do appreciate the LEED Gold  
25 equivalent environmental sustainability features of the product.

1 That's to be commended.

2           As I think Ms. Batties knows, and certainly my fellow  
3 commissioners know, I think I've stated in other D-5 zoning cases  
4 or rather other Southwest zoning cases that I realize that our  
5 regulation -- and design review cases in D-5 -- our regulations  
6 do say that comp plan consistency is not required, but I think  
7 I've stated my own personal view of that regulation that I don't  
8 think that it can outweigh the -- or supersede the home rule  
9 charter requirement that zoning shall be not inconsistent with  
10 the comprehensive plan. That's just my own personal  
11 interpretation. I realize that's not a prevailing view, so.

12           But we're doing zoning here, and I think zoning  
13 shouldn't be inconsistent with a comprehensive plan.  
14 Comprehensive plan has a lot of policies in it, which I think  
15 should be balanced in this design review case, even though it  
16 specifically is not required to be balanced by our own design  
17 review regulations. So I understand where the Applicant's coming  
18 from, but I just would reiterate for the record that's my own  
19 personal view on that and want to personally revisit that. And  
20 as others know, I also did want to set down for a public hearing  
21 the inclusionary Zoning applicability to downtown zones,  
22 particularly this D-5 zone. This has been a very troubling aspect  
23 of our inclusionary zoning exemption regulations. We've expanded  
24 it in a number of ways, including removing exemptions from certain  
25 areas, but we wouldn't even agree to schedule a public hearing

1 on a proposal that would apply to D-5 and other D zones, and so  
2 it isn't required. But I don't think anybody thinks that this  
3 is downtown.

4           And I think -- I'm pleased to see that there's still a  
5 demand for market rate housing in the District of Columbia at all  
6 given everything that the city, the country, the world has gone  
7 through in the last three years with the pandemic and all the  
8 economic fallout from that that is going to be continuing. So I  
9 don't want to do anything to disrupt progress, economic  
10 development progress that we need in this city, but I would be  
11 remiss and inconsistent with my own views if I didn't just  
12 articulate that I would have liked to have seen at least a  
13 voluntary offer of some kind of affordable housing meeting our  
14 IZ requirements, as the ANC would have liked to have seen,  
15 although they didn't base their major opposition on those points.  
16 It was design compatibility and some transportation aspects,  
17 which I'm not going to get into right now.

18           But if you want to comment, Ms. Batties, I think -- I  
19 certainly shouldn't go on rambling without giving an opportunity  
20 to comment, but I -- so I would give you an opportunity to comment  
21 if you'd like to do that.

22           MS. BATTIES: I really don't have any additional  
23 comments. I will say, I will repeat what you said, that the  
24 Office of Planning and the Commission, I think there are very  
25 sound policy considerations for the Zoning Commission and the



1 Office of Planning not proposing, or requiring rather, affordable  
2 housing or inclusionary zoning in the D-5 zone. And so again,  
3 this is not a developer, an applicant, who is not actively  
4 involved in providing affordable housing for District residents.

5 I do think you raise a very good point though,  
6 Commissioner Miller, when you talk about the fact that there's  
7 still a demand for housing, market rate housing, all types of  
8 housing in the city. And so again, for this particular Applicant,  
9 it was a function of understanding, like anybody that purchased  
10 -- purchases property, the entitlements and the requirements at  
11 the time they acquired the property.

12 VICE CHAIR MILLER: I appreciate that response and I  
13 understand where you're coming from. So thank you. Thank you  
14 for your presentation and thank you for bringing the project  
15 forward.

16 And I guess that's it for me, Mr. Chairman, at this  
17 time.

18 CHAIRPERSON HOOD: Thank you. I feel like I must  
19 respond, Vice Chair, and to others about this IZ, and I was one  
20 of the ones in the majority who did not necessarily think we need  
21 to set -- the problem is we set these things down and we think  
22 we're achieving something and even what we have now, we're not  
23 really achieving anything. Yeah, it's better than what we had.  
24 But if we want to really get to where the most need is, we need  
25 to try to do more. So I'll just say enough on that. But let me

1 just ask, Ms. Batties, did you all accept the conditions that  
2 were in the DDOT report? I'm not sure if you mentioned that.

3 MS. BATTIES: Yes, we did.

4 CHAIRPERSON HOOD: All the conditions?

5 MS. BATTIES: Yes.

6 CHAIRPERSON HOOD: Okay. All right. And I want to  
7 echo and get behind Commissioner Imamura when you look south on  
8 South Capitol Street, you look on it now, I hope it was the BZA  
9 or it was a matter-of-right, I hope it wasn't us, there are some  
10 buildings, particularly on one of the sides, that really just  
11 looks totally out of character and out of scale. And I'm just  
12 curious about that red metal. And I'm not going to belabor it,  
13 but I'm just curious how that's going to look from a perspective  
14 of looking down south from South Capitol. And I guess I got a  
15 orientation merit badge, so I guess my orientation is correct,  
16 but if you look, if you come off South Capitol and you coming on  
17 going towards the stadium to your left, now if you look down that  
18 way, when you first turn, you can tell the difference and a  
19 project that's down there, older materials. And I think this red  
20 is -- I really can't get a gist of exactly how that's going to  
21 look. So maybe that's some of the problems people have. So I  
22 don't know if Commissioner Imamura asked you all to relook at  
23 that red panel. I don't know if he went that far, but I would  
24 also ask, if he did and if he didn't, I would ask that we at  
25 least relook at it. It may look great, it may not. I'm just -

1 - I want us to do the best we can because I think that's very  
2 important. I do appreciate you keeping the skyline view of the  
3 Capitol. I'm sure that Commissioner Parsons, when he was here,  
4 he wanted to make sure that that was not blocked. So I appreciate  
5 you doing that. Other than that, I would ask, Ms. Batties, you  
6 and the architect, if you just kind of -- just revisit that. All  
7 I'm doing is asking.

8 MS. BATTIES: I do think Mr. Stadler has an immediate  
9 response.

10 CHAIRPERSON HOOD: He's revisited already, or he  
11 refuses to revisit, which one is it?

12 MR. STADLER: We certainly, you know, understand  
13 everybody's feedback, but it's not the first, you know, red on  
14 South Capitol. I think the NOVEL has red on it, or -- oh, I'm  
15 sorry, yeah, that was just approved, right, is what you're talking  
16 about?

17 MS. BATTIES: We'll get back to you when we have a  
18 comprehensive response. But the point is is that there are other  
19 buildings that have red in their buildings' design along South  
20 Capitol.

21 CHAIRPERSON HOOD: That's already there, that's already  
22 up there? Other -- well, I can tell you, it didn't stick out  
23 recently. I'll just leave it at that. All right. If there are  
24 other ones, I sure hope the Zoning Commission, we didn't -- at  
25 least -- it must be a little more subtle. That's all I'm saying.

1 Commissioner Imamura, you wanted to add something?

2 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm  
3 actually delighted that there are three of us that share the same  
4 opinion. I think what it is, it could be in the rendering too,  
5 Mr. Stadler, I think there's just this caution, right, that this  
6 is -- while it doesn't appear as fire engine red, right,  
7 thankfully in your material board, I think that's the issue and  
8 I think Commissioner Miller had mentioned a warmer red. Right?  
9 So we're really talking about hues now. That's kind of -- the  
10 granularity of this conversation here has gotten to that level.  
11 So I guess the white, right, Capitol dome White, right, that's  
12 an official paint color. So A, everybody acknowledges there's,  
13 you know, general swaths of red down Capitol Street, but I think  
14 it's just the fact that this is so pronounced. I think the other  
15 reason, too, is just the curvilinear nature of some of those  
16 metal panels makes it more pronounced, right, where I think most  
17 people are most comfortable seeing it maybe an orthogonal brick  
18 red, that kind of thing. So that's probably what most people  
19 are familiar with, that's just kind of an architectural  
20 vocabulary that it's making not only the red stand out, but the  
21 architecture stand out. So maybe -- are there any other like  
22 hues that you all had contemplated, how did you land on this red?

23 MR. STADLER: We certainly can look at shades of reds,  
24 and we have. I think we were -- we've been trying to get a, you  
25 know, a warm, dark red color to it, so. And I think you're right.

1 Sometimes it's difficult in renderings with lighting to get the  
2 real, you know, color in a rendering correct. And unfortunately,  
3 you know, in a virtual hearing, we can't kind of show you a  
4 physical sample either, so. It becomes a little challenging to,  
5 you know, really get that. But I know that we -- you know, part  
6 of our process is to mockup a physical sample and make sure that  
7 we get the right red, that it's not pink, it's not too cartoonish,  
8 and that it's got a little life and depth to it.

9 COMMISSIONER IMAMURA: I think this goes to  
10 Commissioner May's point about our material board. Boy, wouldn't  
11 it be nice to have one of those, so.

12 MS. BATTIES: By the way, we did attempt to provide for  
13 the record a physical sample, but we understand the Zoning  
14 Commission is not accepting --

15 COMMISSIONER IMAMURA: Right.

16 MS. BATTIES: -- those type of items at this point.

17 COMMISSIONER IMAMURA: Appreciate the attempt. Mr.  
18 Stadler, I think you've heard at least three Commissioners here  
19 expressed some concern for that. And of course, you know, again  
20 the primacy of that view is of critical importance. So please  
21 be mindful of that as you further investigate the hues.

22 COMMISSIONER MAY: If you don't mind, being the  
23 outlier, I want to speak positively about the red. Now, I don't  
24 mind looking at other hues, but I actually do like this shade of  
25 red. It's a pretty deep red. And it's reminiscent of the

1 terracotta that you see that's used in the detailing of other  
2 Southwest buildings. It's reminiscent of the terracotta roof on  
3 the VPR facility just to the north, which is a very low-lying  
4 building, but it's still a very red building and it's not quite  
5 the orange of the public storage place down the street, which is  
6 good because if it was orange, I would vote against it. But no,  
7 that red, I mean, I actually do think it's pretty good. And  
8 again, you know, I don't mind looking at other things if that's  
9 what the rest of the Commission wants to do, but I'm -- I think  
10 this is a pretty good red for that spot.

11           Maybe part of it is, you know, the contrast of that to  
12 the very white concrete. And so maybe the suggestion that that's  
13 something you could look at darkening just a bit. And of course,  
14 then there's the issue of is it really this way or is it just  
15 the renderings. Right? So anyway, there was all this discussion  
16 of color that we don't normally have, and I just wanted to weigh  
17 in.

18           CHAIRPERSON HOOD: Okay. Let me just finish back up.  
19 What I would suggest, and I know it is hard to match -- what I  
20 want -- I'm going to suggest something and I'm not saying you  
21 have to do it, but you might want to get a densitometer and  
22 measure what you're doing for us because of the way we have to  
23 view it. And if you get a densitometer and make sure that those  
24 calculations in the swatch book actually match what we're looking  
25 at because I think it's more of a brown.

1           The problem is we have four commissioners and all of  
2 us sees -- some of us, like myself maybe a little colorblind,  
3 others maybe as well, so. A densitometer, I would encourage you  
4 to look at other views because Commissioner May so far, if we  
5 were going to decide this on color, you have one vote. And I  
6 don't know if you want to put all your emphasis on that, so I'll  
7 leave it at that. But looking forward to seeing if you come back  
8 -- and Commissioner May may be exactly right. But right now,  
9 what I'm looking at, I don't think so. Okay. All right. I  
10 don't have any other questions.

11           Any other follow up questions on that? And we're not  
12 harping on it. You may be exactly right what you have here, but  
13 we're just asking if you'd look at other other views because  
14 we're going by what we see here on the paper. And even with  
15 that, maybe you need a more expensive copier. I don't know what  
16 the case is, but it got some brownish in it to me, so. Anyway.

17           All right. Let me see, I think I had one more question,  
18 let me find it. So Ms. Batties, you mentioned that you did meet  
19 with ANC 8F, and I see their record now. They voted in opposition  
20 as well. So did both ANCs pretty much -- I'm looking at their  
21 letters, but they pretty much had the same concerns as in this  
22 design review case, even though I know some of them may not be  
23 applicable, but they had pretty much the same concerns; is that  
24 a fair assessment?

25           MS. BATTIES: Well, it's my understanding that ANC 8F

1 was actually supportive of the project design and the parking,  
2 but had the same concerns related to the lack of affordable  
3 housing.

4 CHAIRPERSON HOOD: Okay. All right. I don't have any  
5 other questions. Any other questions?

6 All right. Ms. Schellin let's go to ANC 6D first and  
7 then we'll bring up ANC 8F, see if they have any questions. Not  
8 their testimony, we got -- we're going to come back to that, but  
9 any questions.

10 Commissioner Kramer?

11 ANC COMMISSIONER KRAMER: Yeah. Oh, no questions. No,  
12 I don't have questions yet. Thank you.

13 CHAIRPERSON HOOD: Okay. Okay. We're going to come  
14 back to your testimony later.

15 Chairperson Daniels, Chairman Daniels?

16 ANC COMMISSIONER DANIELS: There we go. Hello, Chair.  
17 No questions, but some testimony here when we get to that.

18 CHAIRPERSON HOOD: Okay. I just had one question. How  
19 did you get over in 8 -- how did you get over in 8F, is that --  
20 never mind.

21 ANC COMMISSIONER DANIELS: Yeah. To say briefly, we  
22 have so many residents that after redistricting ANC 6D, we split.  
23 So 8F is one of the city's new ANCs here in Navy Yard.

24 CHAIRPERSON HOOD: Okay. All right. All right. I'm  
25 just -- when I saw your name as a chair, and I -- okay, anyway.



1 I'm sure that has happened all over the city, but -- I knew that  
2 it happened, but I didn't know it happened to that magnitude, so  
3 okay. Thank you. We'll come back to you shortly.

4 All right. Ms. Schellin, do we have anybody here from  
5 any other government agencies?

6 MS. SCHELLIN: We do not.

7 CHAIRPERSON HOOD: I have to remember to do that. Okay.  
8 I think you mentioned this, but I want to check. So do we have  
9 anybody from DDOT?

10 MS. SCHELLIN: We do, Emma Blondin from DDOT.

11 CHAIRPERSON HOOD: Ms. Blondin. Let's bring Ms.  
12 Blondin up for her report.

13 Ms. Blondin, you may begin whenever you're ready.

14 MS. BLONDIN: All right. Good evening. My name's Emma  
15 Blondin, and I'm representing DDOT here. As you already heard,  
16 DDOT has no objection to approval of the application, as long as  
17 in the final zoning order we include the conditions of the  
18 transportation demand management plan that the Applicant has  
19 already reviewed as well as our condition regarding flexibility  
20 in the streetscape design for South Capitol Street, including  
21 that 15-foot setback. We, DDOT, are currently working on a couple  
22 different items here, including the South Capitol streetscape  
23 project. So flexibility is really important to us to make sure  
24 that we have a cohesive streetscape along that corridor. But  
25 yeah, I'm here to answer any questions if you have them.

1 CHAIRPERSON HOOD: Thank you, Ms. Blondin. We  
2 appreciate your report and being so succinct in your  
3 presentation. Let's see if we have any questions.

4 Commissioner May?

5 COMMISSIONER MAY: No. Thanks.

6 CHAIRPERSON HOOD: Commissioner Imamura?

7 COMMISSIONER IMAMURA: No.

8 CHAIRPERSON HOOD: And Vice Chair Miller?

9 VICE CHAIR MILLER: No.

10 Thank you, Ms. Blondin, for your report.

11 CHAIRPERSON HOOD: Ms. Batties?

12 MS. BATTIES: We have no questions. Thank you.

13 CHAIRPERSON HOOD: Okay.

14 Chairperson Kramer?

15 ANC COMMISSIONER KRAMER: Yes. Thank you. Good  
16 afternoon. I am Frederica Kramer. I'm Commissioner of ANC 6D07  
17 and I'm chair of ANC 6D, and so I'm testifying on behalf of our  
18 commission ANC 6D and the negotiating committee.

19 CHAIRPERSON HOOD: Ms. Kramer, Ms. Kramer, right now  
20 we're doing questions. Do you have questions?

21 ANC COMMISSIONER KRAMER: Oh, sorry. I do this all the  
22 time. I'll learn. In another six months, I promise you I'll  
23 learn. I'm sorry.

24 CHAIRPERSON HOOD: And if you don't, I'm just going to  
25 keep doing the same thing. So we're going to --

1           ANC    COMMISSIONER   KRAMER:        I    know.        It's   so  
2   embarrassing, I do it every time.   My apologies.

3           CHAIRPERSON HOOD:   You don't have any questions, okay?

4           ANC COMMISSIONER KRAMER:   No, thank you.   No questions  
5   at this time, thanks.

6           CHAIRPERSON HOOD:   Okay.   Chair Daniels, do you have  
7   any questions?

8           ANC COMMISSIONER DANIELS:   Yes, sir, I do have a  
9   question.   I just want to make sure that DDOT, if Ms. Blondin  
10   could speak to -- our concern was that the loading zone -- that  
11   that loading zone near the lobby, that that is where the loading  
12   zone would go.   We have a lot of issues with a lot of new buildings  
13   that go up and the loading activity in the city happens at the  
14   front door of the building.   So we want to make sure that that  
15   area at the lobby, where the lobby will be, that that will be  
16   the loading and pick-up and drop-off zone.

17           And I also want to point out that this particular  
18   developer, we had sign-off from DDOT on a different project here  
19   in Navy Yard where the developer, I'm sorry, where DDOT signed  
20   off on the loading zone being in a certain place and then DDOT  
21   went back on that plan and put in a protected bike lane.   That  
22   bike lane has resulted in vehicles parking on the sidewalk and  
23   creating pedestrian and cyclist safety hazards.   So I want to  
24   make sure that DDOT, if you've signed off on this to say that  
25   the loading zone is going to be in a certain place, that it will

1 be in that place and will remain in that place.

2 MS. BLONDIN: Sure. So I can't speak to a separate  
3 development that you're having issues with, but I can speak to  
4 this one. So there is that loading zone that's proposed on K  
5 Street. K Street is not going to have any bike facilities or  
6 any facilities other than what's there right now. It's, you  
7 know, it's a local road. And there's also in -- there's also a  
8 loading dock, so a lot of the heavier loading uses are going to  
9 be through the loading dock, which is on Half Street. That space  
10 in front of the entrance is more of an informal pick-up/drop-off  
11 that you may see, you know, Amazon trucks, you may see, mostly  
12 it's going to be Ubers and Uber Eats and that sort of use. And  
13 so that's something that we'll work with the Applicant through  
14 public space permitting, which you'll also, you know -- we also  
15 make sure that ANC's review public space permits to make sure  
16 that, you know, what we talk about at this point in the stage is  
17 confirmed then, but that is something that we'll make sure they  
18 provide us with, a signage plan that does indicate that loading  
19 is going to be there. Again, we have no plans for bike facilities  
20 or any other uses for that curbside use except for parking and  
21 loading.

22 ANC COMMISSIONER DANIELS: Great. If I just may add,  
23 I'm sorry Leila, just that we were also told the same with the  
24 project here in Navy Yard. I just want to point that out to the  
25 Chair and to the Commission, that we were told that there would

1 be no bike facility on New Jersey Avenue, and we have currently  
2 vehicles that are parking on the sidewalk because they have no  
3 access to the curb.

4           This is creating a huge pedestrian safety hazard issue  
5 here in Navy Yard. I also want to point out that the Office of  
6 the Auditor recently released their report on DDOT and their  
7 vision zero plan, which found that over the past five to six  
8 years, the vision zero plan put forth by DDOT and the mayor's  
9 office is not working for reasons such as this, where the plans  
10 at this stage are one thing and then it completely changes later,  
11 and it creates problems that we don't have any recourse of going  
12 back on until there is a pedestrian cyclist incident, and then  
13 it's addressed.

14           So we just want to make sure that if we're saying that  
15 there's not going to be any bike infrastructure or any change of  
16 that space for a pick-up and drop-off and loading and unloading,  
17 that that is what the case is going to be.

18           So it would be helpful to have someone -- I know that  
19 DDOT's a large organization. We just had a transportation  
20 operations meeting with DDOT. It would be very helpful to have  
21 someone from the DDOT curbside management department to speak to  
22 that because we just have a huge issue with another project here,  
23 several projects here in Navy Yard, but one in particular where  
24 DDOT changed their plans, leaving the ANC with no recourse for  
25 altering what they did here. And now we're just dealing and

1 waiting for something to happen before it's brought to DDOT's  
2 attention and the street is altered.

3 MS. BLONDIN: Sure. I mean, I can respond to this. So  
4 I mean, I would say, you know, this is something that we can  
5 discuss offline. I don't think that, you know, it's -- our uses  
6 for our public streets are always changing and always having to  
7 adapt. It's the nature of the city. And so I think, you know,  
8 we try to address a lot of these concerns as projects may come  
9 online. And so you know, we're looking as well as we can into  
10 the future. It's, you know, it's a practice, it's not perfect.  
11 And you know, we do that with our traffic modeling and our demand  
12 management and everything that we do. But of course, it's never  
13 perfect. And that's why we also have other ways of addressing  
14 these concerns that may come up later on. And so you know, I  
15 would recommend reaching out to your community engagement  
16 specialist for your ward as well as our curbside management team.

17 I know that protected bike lanes are a newer type of  
18 project. And so that use for the curbside is still -- you know,  
19 there's still design changes that may need to happen for best  
20 practices. And that's just something that we're -- where it's  
21 going best we can. But I can confidently say with this project  
22 that on K Street, S.W., this block, it's not a connection to any  
23 major locations as far as bike connections, we have the protected  
24 bike lane on a parallel street, and so, you know, this curbside  
25 use here is certainly going to stay for vehicles, pick-up/drop-

1 off, parking, that sort of thing, so. Thanks.

2 ANC COMMISSIONER DANIELS: Thank You, Mr. Chair.

3 CHAIRPERSON HOOD: Thank you, Chairman Daniels. And  
4 we'll be coming back to you shortly.

5 Let's go -- thank you, Ms. Blondin, appreciate your  
6 responses and your report.

7 Ms. Schellin, do we have Mr. Cochran from the Office  
8 of Planning? There he is.

9 MS. SCHELLIN: It's Mr. Lawson.

10 MR. COCHRAN: There we go.

11 CHAIRPERSON HOOD: Sorry, go ahead Mr. Cochran.

12 MR. COCHRAN: Okay. Great. Thank you. I'm Steve  
13 Cochran, and I'm representing OP on this review of Case 23-03 for  
14 1 K Street, S.W.. OP, as you know, recommends that the Board  
15 approve the design review application for a primarily residential  
16 project at 1 K Street, S.W., subject to a condition regarding  
17 signage and ornament to which the Applicant has agreed. The  
18 wording for that condition is on page 1 of our report. The 352  
19 apartments would be the equivalent of 4 percent of the overall  
20 housing goal established for the planning area in which it would  
21 be located and over 30 percent would have two or three bedrooms.

22 The application requires a special exception review  
23 subject to three parts of the zoning regulations. You've heard  
24 those numbers cited two or three times already, so I won't go  
25 right into those. But as we did discuss in our report, the

1 project meets Subtitle I616's sub-area criteria. It preserves  
2 and enhances the view towards the Capitol; meets the build-to and  
3 setback requirements for that sub-area; it has no parking or  
4 loading entrances on South Capitol Street; it complies with the  
5 use requirements; and has been designed to accommodate future  
6 retail use, particularly at the corner of K and South Capitol  
7 Street.

8           OP's report did express some concern about the color  
9 of the metal panels, that may surprise you, for the bays on South  
10 Capitol Street. And the Applicant has filed additional  
11 renderings at Exhibit 21. Like many members of the Commission,  
12 I can attest that the way you see color is definitely in the eyes  
13 of the beholder. We are confident the Applicant is familiar with  
14 Chloethiel Woodard Smith's work in Southwest and will refer to  
15 that when they come up with the actual color for the metal panel.

16           The building would meet Subtitle I, Chapter 7's design  
17 review requirements. It fits into the existing street pattern.  
18 The massing follows South Capitol Street requirements, as I've  
19 mentioned. And as Exhibit 15A2 demonstrates, the facade design  
20 is not inconsistent with either the mid-century modern buildings  
21 that are emblematic of Southwest or with a variety of 21st century  
22 building facades that have been constructed or approved for  
23 construction along South Capitol Street.

24           While Exhibit 15B does improve on a earlier design,  
25 we're still encouraging the Applicant to further consider designs



1 or artwork to enhance the pedestrian level experience along that  
2 blank wall on Half Street, blank except for the loading and  
3 parking entrances. Again, this is an encouragement though, it's  
4 not a condition of OP's recommendation.

5           With respect to uses, we note that like other buildings  
6 on South Capitol Street the Commission has approved, the  
7 Applicant has asked for flexibility to be able to convert portions  
8 of the ground floor to retail usage if a future market develops  
9 for that. This would help to realize the vision of South Capitol  
10 Street becoming more of a mixed-use corridor in the long run.  
11 The Applicant has also worked with DDOT to minimize vehicle-  
12 pedestrian conflicts, as you've heard, by locating the parking  
13 and loading entrances only on Half Street, except for that drop-  
14 off area on K Street.

15           When it comes to impacts on the environment, the  
16 building's designed to meet LEED Gold Version 4 standards for  
17 multi-family mid-rise buildings. It has 9,000 square feet of  
18 green roof, and it's been designed to accommodate possible future  
19 solar panels on the roof. This level of sustainability is  
20 consistent with what's currently expected for buildings that are  
21 subject to discretionary approval.

22           The application also meets the regular special  
23 exception requirements of Subtitle X, Chapter 9. Its dimensions  
24 and uses are -- excuse me, and use -- are consistent with the  
25 zoning regulations, particularly those for the specific sub-area

1 of downtown. The building would not tend to have an adverse  
2 effect on the use of neighboring property. It's bordered by  
3 streets on three sides. To the north, where it isn't bordered  
4 by a street, it would generate some shadows during all but the  
5 summer months. But the north adjacent property is a hotel where  
6 the rooms tend to be occupied more during the nighttime than  
7 during the day. And with the 50- to 85- or 90-foot distance  
8 between the proposed building and the hotel, privacy shouldn't  
9 be compromised.

10           The proposed building will also have a fully designed  
11 north facade facing the hotel. In a larger context, the project  
12 would provide a significant number of parking spaces in a zone  
13 where none are required. It would also provide more than the  
14 required number of spaces for alternative vehicles, such as bikes  
15 and electric bikes, although I know those are not alternative  
16 vehicles for at least one member of the Commission. Based on  
17 the CTR at Exhibit 10, the updated TDM plan at Exhibit 12A, and  
18 the DDOT report at Exhibit 17, it doesn't appear that the traffic  
19 generated by the building would tend to have a negative impact  
20 on the surrounding property, as you've already heard from DDOT.

21           While the Applicant has not requested any variances or  
22 any special exceptions for dimension or use, it's asked for what  
23 has become typical flexibility requests for materials, interior  
24 design, and such as long as the changes fit within the parameters  
25 established by the design that the Commission approves. This

1 would include an option to substitute specific types of retail  
2 for parts of the 20,000 square feet of initial ground-floor  
3 amenity space, if that future retail market develops. The plan  
4 on the ground-floor facade have been designed to accommodate this  
5 possibility, but as the Applicant testified tonight, they would  
6 return to the Commission if they need any changes to that ground  
7 level to accommodate future retail.

8 That concludes our testimony. And of course, I'm happy  
9 to answer any questions.

10 CHAIRPERSON HOOD: Thank you, Mr. Cochran, for your  
11 report. I do have a follow-up. I'm not sure if I heard you  
12 correctly. Let's go back to the color. You mentioned the color  
13 and you said you were confident, and you're right, the color is  
14 in the eye of the beholder or however you put it, but anyway,  
15 you mentioned that OP, or at least you are fine with that color.  
16 You don't have any problems or did I get that wrong?

17 MR. COCRAN: I don't think I went that far. I said I  
18 was confident that the Applicant is familiar with the red -- the  
19 warm red tones that this particular architect, who did so much  
20 in Southwest, used in the '50s and '60s and very early '70s. But  
21 yeah, we've seen different renderings of the same color. It  
22 depends for me on which of the three screens I'm looking at. So  
23 that's just one of those difficulties that you have. Some people,  
24 I've actually had it looked at by other people not on staff, and  
25 their reaction varies from it's very warm to, gosh, it's a little

1 pink, so I can't tell for sure, but the Applicant certainly knows  
2 the other buildings and the context that they're trying to fit  
3 that color within.

4 CHAIRPERSON HOOD: So when you said the eye of the  
5 beholder -- so let me ask you, so you're not necessarily endorsing  
6 it, I mean, you're not endorsing that color, are you?

7 MR. COCHRAN: I have no objection to it.

8 CHAIRPERSON HOOD: No objection. Okay. And I'll tell  
9 you why I asked, because I've been here long enough and I remember  
10 people, even after I'm gone by certain things that I see in the  
11 city. And I was going to remember you by that red when I go down  
12 south. If it's approved, I would have always thought about you.  
13 That's just something, that's totally off the record and totally  
14 just out of the jurisdiction of this. But I always think about  
15 certain people, like I'll be thinking about Commissioner May for  
16 certain meetings, Vice Chair Miller, and Commissioner Imamura.  
17 But that's just me. So anyway.

18 MR. COCHRAN: I will be sure to include a reference to  
19 that on my epitaph.

20 CHAIRPERSON HOOD: All right.

21 Let me -- Commissioner May, do you have any questions  
22 of OP?

23 COMMISSIONER MAY: I have no questions. Thank you.

24 CHAIRPERSON HOOD: And Commissioner Imamura, you have  
25 any questions for OP?

1 COMMISSIONER IMAMURA: No questions. I always enjoy  
2 Mr. Cochran's reports and colorful commentary.

3 CHAIRPERSON HOOD: Vice Chair Miller, do you have any  
4 questions for OP?

5 VICE CHAIR MILLER: No questions.

6 Thank you, Mr. Cochran, for your report.

7 CHAIRPERSON HOOD: And Ms. Batties, do you have any  
8 questions of Mr. Cochran?

9 MS. BATTIES: No questions from the Applicant. Thank  
10 you.

11 CHAIRPERSON HOOD: Okay.

12 Chairperson Kramer, this is questions of the Office of  
13 Planning, cross of the Office of Planning.

14 ANC COMMISSIONER KRAMER: I got it. This time I'm not  
15 going to make a mistake. I don't have any questions because we  
16 have a fair amount of -- just as with DDOT, we -- rather than  
17 question the representative, I thought it was better to go through  
18 the full -- our full argument for the transportation as well as  
19 planning's position. So I'll wait until I give the testimony for  
20 ANC 6D. Thanks.

21 CHAIRPERSON HOOD: Okay. Thank you.

22 And Chair Daniels, do you have any questions of Office  
23 of Planning, Mr. Cochran?

24 ANC COMMISSIONER DANIELS: No questions.

25 CHAIRPERSON HOOD: Okay. Mr. Cochran, thank you very

1 much. You got away with no questions. Thank you.

2 Okay. Ms. Schellin, I think we go to -- who do I go  
3 to now? Anc, let's leave the ANC up.

4 Chairperson Kramer, I think we'll start with you.

5 ANC COMMISSIONER KRAMER: Thanks very much. I am  
6 Fredrica Kramer. I'm commissioner of ANC 6D07 and chair of ANC  
7 6D, and I'm testifying on 2- -- in Case 23-03 on behalf of the  
8 ANC and the negotiating committee. As you know, ANC voted on  
9 March 13th to oppose this application by a vote of eight-zero-  
10 zero following several discussions with the Applicant, led by  
11 Commissioner Rohmer, in whose district ANC 6D05 of the case lies.

12 I'm going to try to speak briefly to the four issues  
13 in our letter report, each of which referenced the requirements  
14 of the D-5 zones in which the ANC found the design inconsistent.

15 On the first, consistency with the neighborhood --  
16 surrounding neighborhood, the commission found that the building,  
17 in fact, will dwarf the skyline and that iconic model of 1960s  
18 architecture, designed by Maurice Lepidus that sits next door.  
19 The owners of that hotel and founders of the Rubell Museum across  
20 the street have demonstrated a very deep commitment to Southwest.  
21 They upgraded the hotel. They've meticulously preserved historic  
22 aspects of the old Randall School as a tribute to old Southwest.  
23 They meticulously have preserved -- sorry, they have offered free  
24 admission to the museum for local residents. And despite the  
25 attestation to the contrary in their filing in support which

1 posted last Friday, our commission found that the Applicant's  
2 design, in fact, does not pay appropriate homage to these  
3 surroundings, but offers a building that the commissioners found  
4 unimaginative to the untrained eye, would neither recall nor  
5 celebrate the building next door. The rendering in Exhibit 19  
6 in the PowerPoint, page 21, attempts to clearly show the  
7 relationship between the proposed building and the hotel, but as  
8 we look at it, distorts the relative sizes of the two structures  
9 and thus the real affective relationship to each other.

10 Commissioner Miller raised an interesting point earlier  
11 in this hearing, talking about the red, that the red might have  
12 been your -- it's not about the color, the character of the color  
13 itself, but the placement of the red, as I understood it, and I  
14 think it's worth talking about further, not in this hearing, but  
15 reconsidering it, whether the way you deal with a building which  
16 is so extremely very differently smaller than the building that  
17 will rise above it, there are all kinds of ways that you need to  
18 have the eye sort of recognize that this is either a lower version  
19 of the other one or it sort of stands on its own. And instead,  
20 what the -- what our commissioners were finding was that it just  
21 simply dwarfed the other one. So referring -- the references  
22 that the witnesses have talked about so far and the commissioners  
23 have talked about so far, that the building and the colors  
24 reference many different structures in Southwest, doesn't quite  
25 address what was troubling our commissioners, which was you have

1 the sort of shrimp next to the -- next to what is going to be a  
2 much larger building.

3 That's -- working on this with much greater attention  
4 is really -- or not working on it with much greater attention is  
5 really a sharp contrast to the hours that our commissioners have  
6 spent with developers who worked on 5 M on 1301 and 1319 South  
7 Capitol Street, which are all also part of the Capitol gateway,  
8 that finally developed projects that complemented the  
9 neighborhood and didn't just create an extension of Navy Yard  
10 into Southwest, which is what was troubling our commission.

11 The second point is the Applicant -- the proposal  
12 doesn't take advantage of the mixed use designation of D-5, but  
13 creates a building that's of use principally, if not exclusively,  
14 for its own residents. Much of Southwest remains starved of  
15 amenities to serve our residents. And we've talked about this  
16 many times in each one of the projects that comes up. The very,  
17 and this one, the very large ground floor space is a luxurious  
18 lobby for the building's residents alone. If it's not for  
19 commercial activity, ANC 6D noted in the report, that the  
20 Applicant could consider programming connections, at least to  
21 Randall Rec, to Landsborough Park, to the Southwest Library. All  
22 of those would open it up to a kind of connection to the  
23 neighborhood, which we desperately look for in each one of these  
24 projects.

25 I'd add also that Commissioner -- when Commissioner



1 Imamura brought up the interior space and whether there were  
2 detailed designs for that for that interior space, this raises  
3 another question, another issue for ANC 6D, which constantly  
4 comes up, which as these big new modern buildings come up, they  
5 put the common space interior, and with that, those become not  
6 common spaces, but spaces for the residents of the buildings. So  
7 all of the kind of social interaction that we're used to, we  
8 celebrate, we cherish in Southwest is being absorbed inside of  
9 these buildings and we're losing that. And you'll see that, the  
10 Zoning Commission will see this come up in many, many projects  
11 repeatedly.

12           Our commission appreciates the Office of Planning's  
13 request for clarity on the ground floor levels, more clarity that  
14 could accommodate future retail uses and for consideration of the  
15 balconies on the south facade for both visual interest and more  
16 open air space for the residential units. But these balconies,  
17 our recollection is that they protrude somewhat, minimally, but  
18 somewhat, into public space. And what ANC 6D might have seen as  
19 some sort of compensatory amenities for the community, we don't  
20 see that now. Instead the grand lobby is again only for the  
21 building's residents.

22           The third point or third issue is all about the  
23 transportation. The building threatens to exacerbate conflicts  
24 between vehicles in and around the building, between vehicles and  
25 pedestrians, and to create negative environmental impacts. ANC

1 6D understands that off-street parking is not required, of  
2 course, in a D-5 zone, but the proposed 175 spaces is more than  
3 what would have been required in zones that wouldn't provide  
4 parking in this kind of a structure, and it's higher than DDOT's  
5 recommendation of 123 spaces, Exhibit 17 of their recent filings.  
6 Unfortunately, what happens is, in ANC's experience, is that many  
7 of the new residents, in fact, do come with cars and with no  
8 accommodation or unsustainable course for garage parking, those  
9 residents compete for precious dwindling on-street parking,  
10 particularly in old Southwest.

11 Our report also illustrates the frustration with simply  
12 bringing more cars in without adequate support for other modes  
13 of micro mobility in support of the District's Vision Zero policy.  
14 The ANC report noted that the DMV inspection station directly  
15 across Half Street routinely generates very long queues of idling  
16 engines as the causeway to move into that facility, and the  
17 negotiating committee requested an air quality report that has  
18 not been delivered. If the Applicant is permitted to provide  
19 substantial garage parking, environmentally responsible  
20 approaches should include very generous numbers of electric  
21 vehicle parking spaces and charging stations, spaces for electric  
22 tricycles, cargo tandem bikes, scooters, and other  
23 environmentally friendly and non-fossil fuel consuming vehicles,  
24 including, of course, conventional bicycles. The March 9, 2023,  
25 Applicant's supplemental filing indicates that the law requires

1 only 20 percent EV-ready spaces and the Applicant's proposing 50  
2 spaces. The DDOT 31st, March 31st, filing, Exhibit 17, apparently  
3 shares our commission's concern about more driving, but notes  
4 only 117 required long-term bicycle spaces. One suggestion we  
5 didn't consider -- we didn't do the math or anything else, but  
6 one suggestion was to provide at least as many long-term bike  
7 spaces as vehicle spaces.

8           The ANC report also suggested consideration of a  
9 commitment of some of the revenue that would be generated by  
10 these rental spaces to support an expanded mobility innovation  
11 district being piloted by the Southwest bid to provide  
12 alternative transit, including jitney services to increase  
13 transportation access to Southwest residents. There clearly --  
14 the bottom line is there clearly needs to be a conscious balance  
15 between how new structures assess and accommodate the need for  
16 onsite parking and the urgency for more environmentally sound  
17 treatments. Our commission would like to see a detailed  
18 commitment to the numbers, the types, the pricing structures for  
19 all onsite parking and resident versus visitor allocations.

20           More broadly, I would say, as new projects are planned,  
21 ANC 6D has never seen a full profile and a proper accounting of  
22 parking available in the proposed and nearby facilities in order  
23 to make real sense of who is and who is likely to be able to use  
24 what and what consequences this poses for new residents and those  
25 who currently rely on garage or street parking. We have never

1 seen that in the planned protected bike lanes, which we're not  
2 opposed to, but we've never seen an actual -- a full comprehensive  
3 assessment of here's who uses cars, here's where the parking  
4 spaces are, here's what's actually available.

5           Last issue was our concerns with traffic management and  
6 the design. Access to the parking, to the 175 spaces, is on Half  
7 Street directly across from the DMV, the new 60 I Street, S.W.  
8 project, which is almost completed, and in the midst of the buses  
9 and other traffic to the museum and the hotel, and a potentially  
10 major access route to Buzzard Point. There's no attention to the  
11 complexities created by the convergence of these activities on  
12 Half street. In addition to those traffic streams, there's no  
13 accounting in the transportation review for traffic impacts on  
14 game days. And the standard for measuring peak commute times may  
15 not yield accurate results given the large-scale shifts to shift  
16 to remote working, which is a product of the pandemic. The  
17 neighborhood already experiences, as you've heard us say I think,  
18 absolutely crippling traffic on game days and the IT trip  
19 generation manual used to generate the mode splits for the traffic  
20 impact analysis is based on pre-pandemic data.

21           Further, there doesn't seem to be sufficient space,  
22 which was just discussed earlier, for pick-up and drop-off to  
23 accommodate the increased traffic. The PU/DO close to South  
24 Capitol Street, I understand and we understand it's not on South  
25 Capitol Street, is going to potentially increase congestion on

1 South Capitol and the likelihood that the new South Capitol Street  
2 redesign will increase traffic both on and off South Capitol  
3 Street, increasing congestion and posing issues for safety.

4 In sum, finally, the design is at best, as ANC finds  
5 it, unimaginative and at worst a detriment rather than an added  
6 asset to our community. ANC hopes these issues can be better  
7 resolved in the coming weeks and months and the substantial  
8 improvements in the design will be in the offing before the Zoning  
9 Commission approves the project.

10 On a totally separate matter, coming all the way back  
11 to what Chair Hood suggested in the beginning, ANC did provide a  
12 supplemental filing lamenting the absence of affordable housing  
13 in the project, while understanding there's no such requirement  
14 in D-5. The Office of Planning report makes the argument, new  
15 filing, page 9 of their Exhibit 18, that the mere addition of  
16 352 units would offer the possibility of moderating upward  
17 pressures on pricing more generally, citing a UCLA study. While  
18 ANC 6D has not had the chance to consider this argument, it's  
19 surprising to find OP rationalizing a large increase in market  
20 rate housing in the face of widespread recognition of the current  
21 crisis and loss of affordable housing generally in the city, but  
22 particularly in Southwest, which is an important point dear to  
23 our hearts. This is a committee that -- a community that's been  
24 struggling to uphold the principles of our Southwest small area  
25 plan, which is laid out by OP itself, and that properly celebrates

1 and attempts to preserve the demographic diversity of Southwest.  
2 So hearing the justification or rationale that the developer is  
3 a grand contributor to affordable housing in different parts of  
4 the city is welcome because we have a citywide crisis, but it  
5 doesn't help us in Southwest which we feel, and as attested to  
6 in the small area plan, this is a real oasis of demographic  
7 diversity, and it has been that way since new Southwest for the  
8 last 60 years. And we want to preserve that and we're struggling  
9 with it. And that's why -- that's a main reason why when you  
10 see our and hear our pleas about affordable housing, it has to  
11 do with the way our community functions and it has to do with  
12 the way -- what we want to nurture and continue in our community.

13 That's my summary of the ANC report. Thank you. And  
14 I'm, of course, available for questions. Thanks.

15 CHAIRPERSON HOOD: All right. Thank you, Chair Kramer.  
16 If you can hold tight, we're going to hear from Chair Daniels  
17 and then we'll ask questions and comments.

18 Chair Daniels, you may begin.

19 ANC COMMISSIONER DANIELS: Thank you, Chair, and I'll  
20 try to be as brief as possible here. Our ANC, we mostly have  
21 issues here with the lack of affordable housing in the project.  
22 So I'm going to repeat some things because I know that you can  
23 hear me, but I want to make sure that the Commission and the  
24 Office of Planning are listening to what I'm saying as a  
25 representative of the thousands of residents here in Navy Yard.

1           So WTOP just released a segment just a few days ago  
2 stating that D.C.'s cost of living is currently fourth  
3 nationwide, 53 percent higher than the national average. Twelve  
4 percent of D.C. renters are currently behind in their monthly  
5 rent. That's 12 percent of D.C. renters that are not able to  
6 keep up with the monthly rent in the District. Housing costs in  
7 D.C., according to Fox 5, 144 percent above the national average.  
8 Again, specifically housing costs, 144 percent above the national  
9 average.

10           I do want to credit the designer, the architect of this  
11 project, we have no issues with the design of this building. I  
12 actually think it's a lovely modern take on the Capitol Skyline  
13 Hotel. A number of our residents that attended the meeting that  
14 have reached out about this project, none of the residents have  
15 anything negative to say about the design of this project. The  
16 design amenities, however, are competing with the neighboring  
17 buildings that have popped up throughout our ANC. If you come  
18 to Navy Yard, you take a step -- a foot here into our neighborhood  
19 -- I singlehandedly represented 21 high rises, all new projects  
20 here in this neighborhood when I was chair of ANC 6D -- we are  
21 competing building after building with amenities and certain  
22 elements that not a single resident has asked for. We have  
23 several properties here that have private spas, private  
24 basketball courts, private gyms, private tennis courts, private  
25 bowling alleys. If any of these elements could be omitted from

1 the projects and offer residents some sort of affordable housing  
2 component, it would be appreciated by the number of residents  
3 that are struggling to keep up with their monthly rent that  
4 includes these amenities.

5           These market rate units, these buildings that are  
6 continuously going up in our neighborhoods, are not creating  
7 community. They're creating short-term dwellings that are not  
8 sustainable. We're losing residents monthly that have nowhere  
9 else to go to live in D.C. Residents are spending just the amount  
10 of time and money in these properties until they realize they can  
11 afford something to buy or to rent that is outside of the  
12 District. If the District wants to create community, these types  
13 of properties are exactly opposite of what is needed to create  
14 that type of community and to create long-term residents here in  
15 the District.

16           I do want to point out that WC Smith, here in our  
17 neighborhood, they do have some of the longest termed renters in  
18 the neighborhood, which is great. However, it's creating a  
19 certain percentage of the population that can even afford to  
20 begin to set foot in, say, a one-bedroom or two-bedroom. Not to  
21 mention three-bedroom dwellings that families, that we have asked  
22 for as an ANC agency for families, but even families are finding  
23 that they -- it doesn't make sense to pay market rate rent in a  
24 three-bedroom in the District when they can get the same type of  
25 housing in Arlington, in Fairfax County, Loudoun County, et



1 cetera, where the quality of life is going to get a little bit  
2 more bang for their buck in somewhere outside of the District.

3           We have this thing that's happening here, this  
4 phenomenon that I hope that the Commission and the Office of  
5 Planning and that the Mayor's office is seeing in that we have  
6 many residents that are renting short term in these market rate  
7 buildings, they realize they can't afford it, that the rent  
8 continues to go up, they fall behind on rental payments, they  
9 leave, the rent goes up, and we have a new crop of lease signers  
10 that are going to be right behind to continue to pad the pockets  
11 of developers. Our goal and what residents keep reaching out to  
12 us to say is that they would much rather have home ownership  
13 opportunities. We keep adding rental units, market rate rentals,  
14 with amenities that no one's asking for, and we are losing  
15 residents because they realize that only a small percentage of  
16 those residents can actually afford to make this work and sustain  
17 themselves in these rentals. We have a lot of residents that  
18 are asking hey, can we get at least homeownership opportunities  
19 out of this so that we can actually, we the residents, can own a  
20 piece of the city and not single developers owning the city?

21           Chair, your question earlier was what is affordable.  
22 I think it was in the '80s, and I'll never forget my parents  
23 teaching me that when it comes to your housing costs, that 30  
24 percent rule, a third of your income should go to your housing  
25 costs. What we're doing here in the District, and the pattern

1 that we continue to see, is that these rentals start at such an  
2 astronomical number that you would have to make at least \$157,000  
3 based on what I know of this neighborhood and Navy Yard and what  
4 the base rent is, I mean, I'm paying 2,630 for a tiny one-bedroom.  
5 You would have to make at least 157 to make that work for you.  
6 That is not what the average D.C. resident is making, especially  
7 I know in my neighborhood. We're pricing residents out of the  
8 chance to live in the neighborhood and find somewhere to live in  
9 this neighborhood.

10           We're also asking, I do want to put this on the record,  
11 most rental applications are asking renters to pay -- to make,  
12 I'm sorry, to earn five times the monthly rent. Most people in  
13 the leasing offices of every building down here in Navy Yard are  
14 not making five times that monthly rent. This was brought to  
15 light, I believe it was Maxwell Frost, a new congressman here in  
16 the District, who put something on social media to kind of  
17 highlight that. We had folks from around the country magnifying  
18 D.C. asking wait, what is this, you're asking for renters to make  
19 five times the monthly rent when the folks in the leasing office  
20 that are attracting these potential renters aren't even making  
21 that themselves. So we have a significant problem here. I know  
22 that design review does not include affordable housing, but this  
23 has to be something, these D-5 zones, it has to be addressed at  
24 some point because we're finding that we're in the situation  
25 where only a small percentage of residents can sustain themselves

1 in these units and it's unfortunate that residents' quality of  
2 life is being affected by these types of projects. It would be  
3 great if the developers could find some way of including some  
4 sort of affordable housing in the projects. Unfortunately, this  
5 Applicant hasn't, and that's just a huge red flag for myself  
6 personally and the thousands of residents that I represent down  
7 here in Navy Yard. Our only concern, our main concern here, is  
8 the lack of affordable housing.

9 I do also want to point out again, I'm appreciative  
10 that DDOT decided to accept, I guess, the loading zone space at  
11 the lobby, and I know that DDOT mentioned earlier that streets  
12 change. I do want to point out that the lobbies don't change.  
13 The lobby of a building, the loading dock, those don't change.  
14 So DDOT has to take careful consideration as to what changes they  
15 make to the streetscapes when they do decide to put in  
16 infrastructure that's going to create pedestrian safety issues.  
17 So we do want to make sure that if DDOT says that this is going  
18 to be a dedicated PU/DO and loading zone, that that is the case  
19 and that it remains that way. So that's my only, that's our only  
20 report here from ANC 8F. And we do ask that the Commission take  
21 those comments carefully as you make your decision on this  
22 project.

23 CHAIRPERSON HOOD: Okay. Again, I want to thank you  
24 both, Chair Kramer and Chairperson Daniels. Let me ask you both  
25 this right quick. I'm sure you have -- both ANCs have been in

1 constant dialog with the Office of Planning and the policymakers.  
2 Have you all, excluding IZ, because IZ is just a piece of it,  
3 and I don't think we really achieve what we're trying to do in  
4 any zone for the most part, even though it's better than what we  
5 have, especially in a D zone right now for IZ. That's why we  
6 took -- I took -- was one of those who took the position we did  
7 recently.

8 I know there may be some other ways and talking with  
9 maybe council members and housing groups here in the city as well  
10 as the Office of Planning of how we can exactly get to, Chair  
11 Daniels, as you mentioned as well, how we can exactly get to  
12 where it's affordable because we're basically putting ourselves  
13 sometimes on promised land and in false outcomes where we think  
14 some of the things we're doing are really actually getting to the  
15 people, you have some details about housing here in the city --  
16 but let me back up. I was around when there wasn't a lot going  
17 on in Southwest. And I know that some of the people who preceded  
18 you all, and I'm not blaming them because we got exactly what we  
19 want, but it started taking a leg of its own. And you know, some  
20 of the commissioners, we were pushing for this and pushing for  
21 that, one in Southwest, (indiscernible) Southwest. And now I  
22 think it's getting to the point that we're getting exactly some  
23 of what we asked for; the problem is we didn't ask for it to get  
24 out of our pocket range.

25 So are the ANCs 8F and 6D -- not putting any more work

1 on you because I appreciate what you all do, you spend a lot of  
2 time as it is -- have you had conversations with the Office of  
3 Planning thinking outside the box of how we can exactly achieve  
4 some of these things, not necessarily including IZ, but another  
5 way to try to find our way to make things affordable or where  
6 developers when they come and develop in this area can offer  
7 something that is, as we call it, well, as we say is affordable,  
8 but I don't think it is, but where we can get lower incomes?  
9 I'll just leave it at that.

10           ANC COMMISSIONER KRAMER: Let me take first crack and  
11 then I think Commissioner Daniels will say more and maybe I'll  
12 come back. I think there are a lot of different ways into this.  
13 I think, first of all, I wouldn't discount IZ. I think we are  
14 about to have conversations at the council level to see what we  
15 can do, what makes sense to change the IZ. We have a rather  
16 conservative, I'm putting that politely, we have a conservative  
17 IZ law in the District and it's not getting us where we want to  
18 be. So I think there's a legislative -- there's a discussion of  
19 legislative change as well. I think that the way we define the  
20 targets that we want to look at, it's not just rent level, it's,  
21 you know, it's been said different ways, but it's actually the  
22 configuration of housing units. We don't -- we talk about well,  
23 we'll have, you know, we'll have three-bedroom units, I mean,  
24 it's a token of nothing. We don't have a sense of how to really  
25 create a profile of demographic diversity on all of its

1 dimensions.

2           I think also we don't look at -- we look at these --  
3 and we're doing this on the ANC, the we'll come back to you with  
4 some real information I hope relatively soon -- I don't think -  
5 - we look at each one of these projects individually and sort of  
6 bemoan what each individual project doesn't have, and then we are  
7 confronted by sort of a black box of what the developer thinks  
8 they can afford. We don't know -- we have no idea what their  
9 business model is or how that's being presented. But what we  
10 could do and what we will start to do from our vantage point is  
11 we are going to create a profile of the entire community that  
12 we're cre- -- we never look at that. So it doesn't -- it's not  
13 just looking at, you know, at building X that's in front of us  
14 now, we have to look at exactly what we've done in the last --  
15 with the last half dozen developments or dozen developments in  
16 an area and see what that does.

17           We also don't -- I'm answering off the top of my head,  
18 but we do think about a fair amount and agonize about it. We  
19 have tremendous conflicts in the way -- in our planning documents.  
20 So on the one hand, everything's sort of supposed to be  
21 consistent, but we have a small are plan, which is very explicit  
22 about what it wants, what it's supposed to achieve. And we just  
23 -- we have two developments which your -- they haven't come back  
24 to us yet, to the public yet, but we just argued with you on two  
25 recent developments, to the Zoning Commission, that they were in

1 contradiction to our small area plan. And the problem with that  
2 contradiction is it opened up a can of wo- -- it opened up a  
3 vulnerability on all kinds of other properties that could be  
4 immediately transformed in a negative way for the community. So  
5 there's a whole bunch of this -- there's more data that we don't  
6 look at and we should present to you. There's a more sense --  
7 there's a better -- a needed better sense of the targets that  
8 we're looking at. And there are a variety of inconsistencies in  
9 the way we make the laws work or not work or mesh or not mesh  
10 against each other. And I think those are all very important.  
11 And that's -- I hope that's what we'll come back to you with sort  
12 of in the next time and times around so that you have something  
13 to deal with instead of just a plaint that, you know, here we go  
14 again. But I, personally, and ANC 6D, is absolutely grateful for  
15 your very serious -- the concern that you're expressing that this  
16 has to be looked at a different way and we have to find different  
17 mechanisms for it.

18 I'll say one last thing that we actually also looked  
19 at some mechanisms, some rent mechanisms, for some other projects  
20 that we were looking at and we may be able to come back with that  
21 as just, I mean, that's a little bit more gimmicky and it has to  
22 be worked -- it has to be developed more clearly. But anyway,  
23 we hope we're going to come back to you with a much more robust  
24 argument that -- from both sides, from your side and our side we  
25 won't just be in pain. And thanks. Thanks for your conc- --

1 your deep concern.

2 CHAIRPERSON HOOD: So thank you. And before I go to  
3 Chair Daniels, and I'm going to let others get in there, to me  
4 it's more than just coming -- the way our regulations are written,  
5 you can come to us and we're bound by the regulations to a point.  
6 And yes, we should probably relook at some. And I know where  
7 others are, especially when it comes to D zones, but I just want  
8 to make sure that we're looking at other avenues, Chair Kramer,  
9 as well. And I need you all to start having those discussions.  
10 And I cannot stress how much I appreciate what you all do free.  
11 But I mean, you all have helped me with those conversations with  
12 the Office of Planning and others, and let's think outside -- I'm  
13 going to do it from my end, I'm going to ask, because I need a  
14 refresher of why we even did some of the things we've done and -  
15 - because we do a lot. But I need you all to start helping us  
16 think outside the box because IZ -- and right now I know, IZ  
17 didn't always have to be the end all, that's not the whole thing.  
18 There are other ways of doing things to be able to accomplish,  
19 like I think one of my colleagues mentioned voluntary affordable,  
20 but voluntary, that interpretation of voluntary affordable is not  
21 necessarily the voluntary affordable that I see, that I think we  
22 need to try to get to. And if I had 200 units, I should be able  
23 to come up with four or five, regardless of the regulations,  
24 regardless of what's required by me, I should be able to come up  
25 with four or five, period. I mean, you know, and still have a



1 profit in what I'm doing. So and I'm not just picking on this  
2 developer. Yes, I know that this developer has done a lot of  
3 affordable housing in other places in the city, but what we're  
4 trying to do is get a mixture on the waterfront. Everybody want  
5 to say I may only make \$29,000 a year, but I'd like to be on the  
6 waterfront too. So that's kind of where I am going.

7           And Chair Daniels, I don't know if you had a response.  
8 But I need -- what I need both ANCs to do to help us is to have  
9 that -- I don't know, you probably have -- you may have already  
10 done it, I don't know, but I'm asking to have that out of the  
11 box thinking with the Office of Planning and see what other tools  
12 that we can do to try to get, because if not everything we have  
13 -- and I looked at this on Friday -- everything that we have in  
14 this area, we're going to pretty much skirt and end up with some  
15 of the same results because of our regulations. And we need to  
16 figure out a way and how to get beyond that. So Chair Daniels,  
17 I don't know if you have anything you want to add.

18           ANC COMMISSIONER DANIELS: I do and thank you, Chair.  
19 And I just want to say, I got a little -- when you began after  
20 the Applicant opened and you mentioned affordable housing, I  
21 don't want to say I got emotional, I just got chills because I  
22 just want the city to know, Office of Planning, the Mayor's  
23 office, to understand what residents are going through when 12  
24 percent of renters are behind on their monthly rent. And I'm  
25 talking about renters who can meet that threshold, I make five

1 times the monthly rent, and they're falling behind, not just  
2 because of where we came from over the past three years, but  
3 things are getting increasingly more difficult to afford in D.C.

4 I am an artist. I run an entertainment company. I'm  
5 currently producing events in other cities. When I go to Los  
6 Angeles and Chicago and I'm able to rent spaces significantly  
7 less than in D.C., and I know that they have some more land, and  
8 they're not land locked, and they have higher buildings and more  
9 density to work with, but it's just discouraging, as a D.C.  
10 resident of 20 years building a company here, and I'm suddenly  
11 at this point where I personally feel that I am spending all my  
12 time and energy trying to pay the rent. And most residents that  
13 live here in Navy Yard feel the same.

14 I do want to point out that some developers have come  
15 to us, and they say oh, you know, we would love to sit down with  
16 you to tell you what our business model is and what we need in  
17 order to make it work, what kind of subsidies we need in order  
18 to make it work. We haven't -- I haven't personally had any  
19 meetings with those developers. Most of them do point out how  
20 much affordable housing they put out in their portfolio to the  
21 rest of the District and other parts of the region, which is  
22 great, but when we're in a time of crises I do believe that  
23 legislatively we need some sort of legislation that says no matter  
24 what you paid for your property in that D-5 zone, in a time of  
25 crisis, you have to put in some affordable housing. I don't know

1 what that looks like or what the numbers look like economically.  
2 But it's just a slap in the face when I also remember what this  
3 area and my neighborhood looked like 20 years ago when there were  
4 empty lots and warehouse clubs, I would much rather see a lot  
5 sit empty than a developer take it and turn it into 500 units  
6 with one-bedroom starting at \$2,700 a month, with penthouses  
7 starting at 10,000 a month. Unfortunately, we have residents  
8 that when the lights go on in these buildings and there are  
9 \$10,000 penthouses, they are -- the lights are on, they're sold.  
10 And that demand is what keeps driving the rent up. And I keep  
11 stressing that whenever residents figure out and they find out  
12 you know what, this doesn't make sense, I can't sustain myself,  
13 down here in the yards, in Navy Yard, so many folks -- I've met  
14 so many folks that have moved out, and I'll ask hey, why you  
15 moving away, they say oh, we're going to buy in Arlington, we're  
16 going to buy in Loudin County, we don't know why we're spending  
17 this kind of money here in the District when we can go buy  
18 elsewhere. So it's a problem. And I think it's a problem that  
19 the Office of Planning has to address and the Mayor's office to  
20 figure out how to get us -- ourselves out of this situation, and  
21 how we got here in the first place, as you said, because I, again,  
22 I would rather see a lot sit empty than it be built out and make  
23 it unaffordable, except for a certain percentage of the  
24 population. And the folks that move in, as I said, they are here  
25 for a year, they move away because they've realized hey, this

1 isn't sustainable. So I usually like to come to the table with  
2 an answer, but this is one of those that I'm just perplexed by.  
3 But to Commissioner Kramer's point, it would be very helpful to  
4 understand the developer's business model of what they're working  
5 with and what they need as a subsidy to make affordable housing  
6 a reality.

7 CHAIRPERSON HOOD: Okay. I'm not going to belabor it.  
8 I thank you both. I just -- and when I was reading over this,  
9 I'll be frank and honest, I just -- I said this at many hearings  
10 in this area, especially at 6D and now 8F, I just see us always  
11 getting to the same problem. We got to get over the same problem.  
12 We always come to the same issue, the same point. So anyway,  
13 that's enough said on that for me. Thank you both. Let's see  
14 what we can do, have that convers- -- I'm asking both ANCs to  
15 have that conversation with OP, I'm also going to have it at our  
16 next meeting and let them know kind of what I'm thinking, and  
17 see where my colleagues are on it.

18 Commissioner May, any questions or comments?

19 I think you said no, but I didn't hear any sound.

20 COMMISSIONER MAY: No, I have no comments. Thank you.

21 CHAIRPERSON HOOD: Okay.

22 Commissioner Imamura?

23 COMMISSIONER IMAMURA: No questions. Thank you.

24 CHAIRPERSON HOOD: And Vice Chair Miller?

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

1 And thank you, Chair Kramer and Chair Daniels, for your testimony  
2 this evening, for your comments in the record and for all of your  
3 work in your communities. I share, I think this Commission  
4 shares, a lot of the concerns and frustrations that you have  
5 expressed here this evening. Let me ask one question, I guess,  
6 Chair Daniels. I don't expect you to actually have an answer to  
7 this, but you made reference a couple of times to people not  
8 being able to afford the market rate units that they purchased  
9 in Navy Yard, particularly your old SMD, including this part of  
10 Southwest, and moving out after. Do you have any -- and maybe  
11 the Applicant might have some, although it's not really  
12 necessarily relevant to this case, but in terms of the overall  
13 picture that we're talking about -- do you have any information  
14 on the vacancy rate for the market rate units that have come  
15 online in Navy Yard and Southwest in the past five years? Do  
16 you have any vac- -- I'm assuming that they're fully occupied.  
17 And you've mentioned that others come in when the others leave  
18 because they realize they can get a lot more for their buck in  
19 the suburbs until the next group learns that lesson. Are there  
20 any specific vacancy rate data available for those market rate  
21 units that we've approved up and down the line throughout this  
22 neighborhood?

23 ANC COMMISSIONER DANIELS: Thank you for that. That's  
24 a great question. I'm pretty sure I could get that data. I know  
25 personally during COVID, we had so many buildings down here that

1 were offering -- Covid was different, people were moving and  
2 coming in or staying put or doing different things. We have a  
3 brand new building called The Estate that has a private Parisian  
4 spa, and it's a spa themed, Parisian themed project. They were  
5 offering three months free rent because they lost so many  
6 residents that were moving out during COVID. My building here,  
7 I live in Insignia at the Metro here in Navy Yard, we have a --  
8 on my floor, I know of four or five empty units because so many  
9 folks have moved out because their rent went up by 350 across  
10 the board basically, about 350 per unit. There are tons of  
11 vacancies here. And everyone that I ask, everyone that I ask -  
12 - I'm very involved as a commissioner, I want to be that person  
13 who can help my neighbors through whatever it is they're going  
14 through. Everyone that moves out, they say this is not  
15 sustainable, I can live elsewhere for a better quality of life,  
16 better financial quality of life, why am I here, why am I paying  
17 this. And again, I keep referencing the yard. The yards is  
18 where Harris Teeter is here in Navy Yard. The residents that  
19 move out of those beautiful buildings, they all are heading out  
20 of the District to buy or to raise a family because they can't  
21 afford a three-bedroom rental. So yeah, most of the units, there  
22 are tons of vacancies data. I'm pretty sure that's easy to find  
23 out what the vacancy is.

24           ANC COMMISSIONER KRAMER: It is easy to find out. And  
25 we -- and it's on our list of the -- what I talked about

1 understanding the profile of what we're actually doing. That's  
2 one of the items that need to look at. But that's a -- be careful  
3 with that because clearly the developers are not losing money.  
4 They're continuing to do -- you know, this is a continuing to be  
5 an attractive area to develop at. The question is not whether  
6 you're producing too many vacancies, because as Chair Daniels has  
7 just said, somebody will take their place, whoever moves out,  
8 somebody will take their place. It is easy -- there are lots of  
9 vacancies, he just said, in the sense that you can find housing.  
10 It's not like it's an extremely tight market. But the issue is  
11 what are you trying to -- what are you trying to build, are you  
12 trying to build an exclusive city -- sort of citywide, what's  
13 sort of your ethical target of what -- and what's your -- the  
14 culture, I don't know how to say it, the homogeneity that you  
15 want to achieve because that's what makes a great city. And  
16 we've seen that, you know, so you don't want a city that's simply  
17 exclusionary -- is simply exclusive because with that exclusivity  
18 comes a sort of collapse in the kind of int- -- in the  
19 cosmopolitan, the kind of interest that you have. So it's not  
20 just -- it's not a sympathy -- it's not just a sympathy move.  
21 It's actually what the kind of city that you're trying to build.  
22 And yes, we should look at that. And we will. I mean, it's on  
23 our -- we want to come back to you with something that's a little  
24 bit more informative and, as Chair Hood has said, that takes you  
25 to another level of strategy to fix this problem.

1           ANC COMMISSIONER DANIELS: And Mr. Miller -- and thank  
2 you Commissioner Kramer, I'm sorry, I just have to say too, a  
3 lot of the residents that live here in Navy Yard, Navy Yard's a  
4 great place to live, but it is -- it has become a new city within  
5 the city. The number of residents that I talk to that do live  
6 here and that live in the penthouses or that can easily afford  
7 8,000 for a two-bedroom, I've talked to so many residents that  
8 where this is their play space. I mean, I've talked to so many  
9 residents that have multiple units of housing where they own  
10 elsewhere, and they want to live in a trendy neighborhood, which  
11 is Navy Yard, and this is their play space. They have a penthouse  
12 in Navy Yard, and they own elsewhere, they're renting out their  
13 properties elsewhere. Not everyone can afford to do that.

14           I asked one of the developers once, I said hey, what  
15 if you opened this new project, you're new (audio blank) possible.  
16 The response from -- sorry, can you hear me? Okay. The response  
17 from the developer was that oh, no, the demand in D.C. is such  
18 that it will fill up because we also have lots of contractors,  
19 government contractors, and military folk that are not paying the  
20 bills themselves, so they're not paying their rent. There are a  
21 lot of military people in my building as well that aren't forking  
22 out that kind of money themselves. So those folks that are  
23 meeting that -- these high thresholds of rent are affecting the  
24 market for the rest of our residents that can't afford or aren't  
25 making a salary of 157 or can't, you know, come up with that five



1 times the monthly rent when they apply for these units. So those  
2 -- that has to be factored in as well.

3 VICE CHAIR MILLER: I appreciate your comments, Chair  
4 Daniels and Chair Kramer's, and I appreciate the work that you're  
5 doing, Chair Kramer, to try to get to a more holistic view of  
6 what's happening in the neighborhood as the Office of Planning,  
7 I think it's also the Mayor, is trying to do, and we're trying  
8 to do as well with our overall regulations. But as we see these  
9 cases come up on a case-by-case basis, I want to do what I can  
10 on a case-by-case basis incrementally, even though it's never  
11 enough, to do whatever I can to try to make it a better community  
12 for those that currently live there and who will be living there.  
13 So thank you. Thank you again for all your work.

14 CHAIRPERSON HOOD: And Ms. Kramer, tell my friend Mr.  
15 Collins I want to see him one day to come down and present.  
16 Anyway, just a joke, just a joke. He's a good man, good man.

17 ANC COMMISSIONER KRAMER: He is a very good man and a  
18 very good colleague. Thank you.

19 CHAIRPERSON HOOD: Okay

20 ANC COMMISSIONER KRAMER: I'll tell him you said that.

21 CHAIRPERSON HOOD: Okay. Before y'all go though, I'm  
22 going to be messing around, let me see, Ms. Batties, do you have  
23 any questions of either of the ANC chairs?

24 MS. BATTIES: No, I do not. Thank you.

25 CHAIRPERSON HOOD: Okay. All right. Thank you.

1           And thank you both. And thank you for all the work you  
2 all continue to do. Thank you.

3           ANC COMMISSIONER DANIELS: Thank you.

4           ANC COMMISSIONER KRAMER: Thank you.

5           CHAIRPERSON HOOD: All right. Ms. Schellin, I think  
6 we're going to persons in support?

7           MS. SCHELLIN: We are, and actually I don't think  
8 there's anyone to testify in any category, but let me double  
9 check and see. Let me refresh the screen just to double check.

10          That is correct, there's no one else to testify in this  
11 case this evening in any category.

12          CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.

13          Ms. Batties, do you have any rebuttal or any closing?

14          MS. BATTIES: I just have a few points I want to make  
15 on closing. First, I wanted to read, because this property is  
16 located within the lower Anacostia waterfront near Southwest  
17 planning area, and I'm reading directly from the Mayor's comeback  
18 plan about the affordable housing in this particular planning  
19 area. And it reads, "As of September 2022, the lower Anacostia  
20 waterfront near Southwest planning area had produced 7,708 total  
21 housing units since 2019, close to meeting its 2025 goal of 7,960  
22 units. As of January 2023, the planning area has achieved 51.6  
23 percent of its affordable housing production goal and is  
24 estimated to reach 161 percent of that goal by 2025. This is  
25 well over the overall goal first established in the 2019 housing

1 equity report." So I just -- I provide that to give you a little  
2 bit of context about the Office of Planning's goals for affordable  
3 housing in this particular planning area.

4           The other thing I just want to note from Commissioner  
5 Kramer's testimony, again reiterate that the owners of the hotel  
6 are supportive of the project design, and we've submitted that  
7 letter into the record. As it relates to transportation and  
8 parking, we have been working with DDOT to provide enhanced TDM  
9 measures, but I also would like to note that the -- Commissioner  
10 Kramer talked about how the developers for the 5 M building and  
11 1301 South Capitol worked closely with them, I do want to note  
12 that notwithstanding the ANC 6D did not support those projects  
13 and were very critical of the project design.

14           And then also in the ANC 6D report for 1301 South  
15 Capitol Street, the ANC noted that they were concerned that no  
16 parking was proposed and that the impact that not having parking  
17 would have on neighboring properties. And we are aware of the  
18 demand for on-street parking and that's one of the primary reasons  
19 that the developer has provided parking, sufficient parking, for  
20 this project.

21           So again, the Office of Planning has, as noted in its  
22 report, that the Applicant satisfies the criteria for design  
23 review and as that being the case, given that there are no  
24 objections by DDOT, we respectfully request the Commission's  
25 approval of the application. Thank you.

1           CHAIRPERSON HOOD:   Okay.   Thank you, Ms. Batties.

2           Commissioners, I don't know if you've asked for  
3 anything, but I will certainly not be doing any bench decisions,  
4 at least I'm not in favor of doing one, and I have to think on  
5 this whole situation. Let me hear from others. Did you ask for  
6 anything or do you have any closing comments on this?

7           COMMISSIONER MAY:   I didn't request anything, but  
8 (audio blank) to have another look at the colors.

9           CHAIRPERSON HOOD:   I didn't catch all that,  
10 Commissioner May.

11          COMMISSIONER MAY:   I didn't ask for anything. But I  
12 think you all asked for a further study of colors.

13          CHAIRPERSON HOOD:   Okay. We did. Maybe I just about  
14 gave up on colors after what Mr. Cochran said.

15          Commissioner Imamura?

16          COMMISSIONER IMAMURA: You know, I think I'm ready --  
17 I'm prepared to move forward. I don't think -- the color  
18 refinement is just a small part, and I don't think the Commission  
19 should hold up this project because of it. I think they've heard  
20 our concerns and I'm sure they'll address it. And I think the  
21 color as is is sufficient enough to move forward.

22          CHAIRPERSON HOOD:   Okay.

23          And Vice Chair Miller?

24          VICE CHAIR MILLER:   I'm not sure I have any further  
25 questions or comments beyond what I've said here tonight, Mr.

1 Chairman. Thank you.

2 CHAIRPERSON HOOD: Okay. So I'm not going to belabor  
3 the point, but I don't take the opposition lightly. We do have  
4 regulations, but -- so if somebody wants to make a motion to move  
5 forward, we can. If not, I will govern myself accordingly.

6 Somebody like to make a motion or do we need more time?  
7 I know Commissioner May doesn't.

8 COMMISSIONER MAY: Yeah, I'm prepared to move forward  
9 tonight, but I don't really want to press forward tonight if the  
10 members of the Commission would rather take a little more time  
11 (audio blank) before we make a decision.

12 VICE CHAIR MILLER: What was the last thing you said,  
13 Commissioner May, I missed the last part?

14 COMMISSIONER MAY: If you all want to move -- you know,  
15 wait until the next meeting to take up this matter, I don't have  
16 any problem with that. I mean, I think the record is pretty  
17 complete. And unless you guys want something more on color, I  
18 don't think there's much more that we need.

19 COMMISSIONER IMAMURA: I'm of the similar opinion. I  
20 mean, it is a design review. I think it's sufficient to move  
21 forward. But if we are going to (audio blank) decision is to  
22 wait a bit longer, then I don't see why we couldn't ask for  
23 another rendering of that color, but I don't think -- again,  
24 that's not something that's going to hold me up to move forward.

25 CHAIRPERSON HOOD: Okay. Vice Chair Miller?

1           VICE CHAIR MILLER: Okay. You're forcing me to say  
2 something, so I'll say something. Yeah, I would like a  
3 reconsideration of no voluntary affordable housing on this  
4 project. I would like to see as long -- if there aren't three  
5 votes to move forward, a better rendering of the hues, whether  
6 it's the dark and the white that Commissioner May suggested or  
7 the darkening of the red that others of us have suggested,  
8 although I think we all can understand how that can work in this  
9 neighborhood.

10           And in terms of that design, whether their -- the design  
11 overall, which is what this case is supposed to be all about,  
12 whether there can be any further nod to -- nod or nod might not  
13 be the right word, acknowledgment of the 75-foot height that  
14 this, the red -- the top of the red frame, which is three -- is  
15 almost three floors above, if there could be any nod in the design  
16 to that to acknowledge the design compatibility in the  
17 neighborhood, recognizing all the very positive design elements  
18 that do exist and use elements that exist with this project. So  
19 that's where I am. I would prefer not to vote tonight and would  
20 like to see if there can be some sort of refinements.

21           CHAIRPERSON HOOD: Okay. Well, in that case, we don't  
22 have enough votes to move forward tonight. I just need some time  
23 to think.

24           MS. BATTIES: Mr. Chair, I'm sorry. As it relates to  
25 the color, I think the -- I don't know that the renderings -- I

1 mean, again, however they present on the renderings is -- depends  
2 on a number of things. I would think it might be helpful if we  
3 have -- if we can describe in writing maybe the color or palette  
4 or palette's hues or whatever, the colors that are -- that we're  
5 attempting to achieve. I think the description may be a little  
6 bit more helpful than the rendering. I just want to make sure  
7 we're providing something that addresses the Commission's  
8 concern, and if it's describing it in written form is helpful,  
9 we're prepared to do that, but if not, I mean I don't --VICE  
10 CHAIR MILLER: I think that might be helpful, Ms. Batties,  
11 personally, but I don't know if my other commissioners need that.  
12 And if you could also -- if we wait, if you could provide the  
13 market rate vacancy in this neighborhood, your neighborhood, both  
14 the side of South Capitol and the Navy Yard side of South Capitol,  
15 I'd be interested in seeing that. Not that it -- a decision is  
16 based on that, but that was an open question in my mind. But  
17 I'd be -- I would take you up on your offer of a narrative for a  
18 few weeks' time.

19 CHAIRPERSON HOOD: If you want to come back with  
20 something else, I know you all are going with the -- you know,  
21 you can volunteer anything, if you want to do that, we will leave  
22 that open as well, for me. Any time I ask for affordable housing  
23 at the waterfront, you know I'm going to ask for it elsewhere.  
24 And I know what the regulations say, I know, I was here. You  
25 don't need to tell me what the regulations say, I already know

1 that, so. And if -- silence is golden for me, if you come back  
2 without that, then I'll understand it, so. But I would like to  
3 see something like that.

4 All right. Anything else?

5 COMMISSIONER MAY: Yeah, I would just say, you know,  
6 if you're going to -- I mean, I would -- I guess a narrative is  
7 okay. I mean, I don't think I need that as much. But I think  
8 that, you know, when I think about the colors, what's most helpful  
9 to me is seeing the photograph, the sample board, where it shows  
10 the concrete to be a very bright white, the red to be more of a  
11 fire engine red than we're seeing in the renderings. And not  
12 that I have any problem with fire engine red, I mean, it's close  
13 to the fire engine repair facility around the corner, you know,  
14 it's right down there on Half Street. So a lot of fire engines  
15 around. But no, but seriously, you know, if you wanted to look  
16 at some different metal panels and concrete samples, I think that  
17 might be helpful. If you don't want to do it, just give us the  
18 narrative, you know, that's okay. It --

19 MS. BATTIES: We can't send anything to you, right?

20 COMMISSIONER MAY: No, but you sent -- you provided a  
21 photograph, which I actually thought was pretty helpful, of the  
22 materials board. So I mean, for me, you know, it's whenever  
23 anyone starts talking about like writing about these things, it  
24 reminds me of this quote that I don't fully understand and I  
25 can't remember who said it, but it's like the quote was "Writing



1 about art is like dancing about architecture." I don't know what  
2 to make of it. I just don't know what to make of it.

3 CHAIRPERSON HOOD: So also what you can do, Ms. Batties,  
4 to help us, if you could find a color scheme and just in your  
5 narrative just tell us if it's PMS 351 or --

6 MS. BATTIES: Right. The name and number of the  
7 material and color.

8 CHAIRPERSON HOOD: Right. And then -- but I would  
9 suggest that you use something on the screen so we can get as  
10 close as possible because if you use it off the screen on a PMS  
11 chart and you come in here on the screen, it may differ. So find  
12 something as close as you can on the screen, because we could  
13 just look at it and go to that number and we can see it. And I  
14 think that will help a lot of us.

15 MS. BATTIES: Okay. So we'll submit this as a post-  
16 hearing submission. What would be the date of -- oh, sorry,  
17 Commissioner.

18 COMMISSIONER IMAMURA: No, that's all right. If I  
19 could add, I don't mean to interject here, Ms. Batties, but this  
20 is becoming a science project and certainly not intended for  
21 that, not around color. But I certainly would support  
22 Commissioner May. I think a photograph of the sample would  
23 probably be most helpful. That's where you actually -- rather  
24 than what might be rendered, and I think just sort of offering.  
25 I'm quite certain Mr. Stadler has an approach already in mind to

1 either take a look at something that's richer and darker where  
2 it recedes, or much lighter on the red where it's a little softer  
3 on the skyline. So I have every confidence that they will find  
4 the right resolution. I'm not convinced that a narrative would  
5 necessarily describe it because it is -- color is visual, it just  
6 is. So there, yep, snap a photo of it and everybody has the  
7 same image on their phone.

8 CHAIRPERSON HOOD: I would suggest -- you heard the  
9 different ways. Everybody has one vote. Everybody who said they  
10 wanted it a different way has one vote. I would suggest you  
11 address all of them and leave it at that. Okay.

12 All right. Commissioner May and Commissioner Imamura  
13 want a picture. Vice Chair Miller wants a narrative.

14 MR. STADLER: So I'm sorry. If I could just --

15 CHAIRPERSON HOOD: Oh, let me finish. Let me finish.  
16 And I want what I asked for, a swatch, so I can go look at it on  
17 the screen because it's a difference in a picture and on the  
18 screen.

19 Okay. You can go right ahead.

20 MR. STADLER: The material board that was submitted was  
21 an actual picture of the color. So I'm not certain how I can -  
22 - other ways that I can convey that other than a physical sample.  
23 And I can give you a color chip number, but I mean, what is in  
24 this material board and what was presented is an actual photograph  
25 of the color.

1 COMMISSIONER MAY: Right. I think the question --

2 CHAIRPERSON HOOD: Then give me that chip number. Give  
3 me the chip -- give me the chip number and I'll take it from  
4 there.

5 COMMISSIONER MAY: Yeah. The Chairman wants the chip  
6 number. I think that some of the other commissioners wanted to  
7 see some other variations on those. So if you could, you know,  
8 get some other metal samples, some other concrete samples and  
9 take photos for them if only to demonstrate that you've made the  
10 right choice. Right? Sometimes you don't know you made the  
11 right choice until you look at some other versions that are close  
12 to it, they're not quite right, so.

13 MS. SCHELLIN: Or taking it out in natural light,  
14 sometimes taking a picture outside versus inside.

15 COMMISSIONER MAY: That's true. That's a good point.

16 CHAIRPERSON HOOD: Or send it in and the commissioners  
17 can come down there and visually look at it in the Office of  
18 Zoning's office.

19 MS. SCHELLIN: I don't think that's going to happen.

20 MR. STADLER: I mean, I think that's the best way  
21 because every computer screen shows color differently. So it's,  
22 I don't know. I mean, I can --

23 MS. SCHELLIN: We're not going to take the samples. We  
24 -- I mean, they're not going to come down and look at it.

25 CHAIRPERSON HOOD: All right. Do the best you can. Do

1 the best you can. We're spending too much time on a color just  
2 like we do on the color of bricks. So we appreciate whatever  
3 you come back with, we will work with it. But I would come back  
4 with all three. That's just me.

5 MS. BATTIES: And Commissioner Miller, you wanted the  
6 vacancy rates for the market rate?

7 VICE CHAIR MILLER: If you know -- if it's readily  
8 available, yeah.

9 MR. STADLER: Six percent.

10 MS BATTIES: Six percent, I'm told, but we have to  
11 provide the citations with that.

12 VICE CHAIR MILLER: And that's in this --

13 MS. BATTIES: I don't know. I'd need --

14 VICE CHAIR MILLER: -- this general area at 6 percent.  
15 That's good to know. Thank you.

16 CHAIRPERSON HOOD: Okay. Okay. So Ms. Schellin, do  
17 you have dates? I don't think we need to prolong this too much  
18 longer.

19 MS. SCHELLIN: Yeah, how much time do you need, Ms.  
20 Batties?

21 MS. BATTIES: One week.

22 MS. SCHELLIN: A week. Okay. And then the ANCs get a  
23 week to respond if they choose to do so. Let me look at my next  
24 agenda, two, three, four, so that would give you until 3 p.m. on  
25 the 17th, which is not a holiday for you guys, correct?

1 MS. BATTIES: Not that holiday, no.

2 MS. SCHELLIN: That's the holiday f- -- okay. That's  
3 Emancipation Day. I take it Holland & Knight is not giving you  
4 guys that.

5 MS. BATTIES: We're not emancipated over here, Ms.  
6 Schellin.

7 MS. SCHELLIN: That's what I thought. They haven't  
8 released you guys yet.

9 MS. BATTIES: No.

10 MR. STADLER: No.

11 MS. SCHELLIN: Three p.m. on the 17th. And because  
12 this is filed electronically and IZIS is open 24/7, you'll be  
13 able to submit on that day, April 17th. Then the ANC, if it  
14 chooses to respond to those submissions, which it sounds like  
15 it's just the coloring, that's the only thing, that and the  
16 vacancy, that's the only thing they would be responding to is  
17 what you submit, they would have until 3 p.m. on the 24th, and  
18 we can put this on for the 27th at 4 p.m. If you could also  
19 submit a draft order, draft findings of facts and conclusions of  
20 law by the 24th, that would be great.

21 CHAIRPERSON HOOD: Are we all on the same page? All  
22 right. So before I --

23 MS. SCHELLIN: Yes.

24 CHAIRPERSON HOOD: Thank you.

25 Before I close out, the Zoning Commission will meet

1 again April 13th at 4 p.m. on these same platforms and this will  
2 be our regular meeting. We'll have various cases on the agenda  
3 for that day. You can follow that by going online or calling  
4 the office. I want to thank everyone for their participation  
5 tonight. And as stated, we will be taking this up at the April  
6 27th meeting, I think Ms. Schellin said or whatever date, was  
7 that the 27th, you said?

8 MS. SCHELLIN: Yes.

9 CHAIRPERSON HOOD: Okay. So with that, I want to thank  
10 everyone for their participation tonight and with that this  
11 hearing is adjourned. Goodnight, everyone.

12 (Whereupon, the above-entitled hearing was adjourned.)  
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## C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: ZC

Date: 03-10-2023

Place: Teleconference

was duly recorded and accurately transcribed under my  
direction; further, that said transcript is a true and accurate

record of the proceedings.

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Chris Hofer