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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 16-11 [Park View Community Partners and
District of Columbia - Consolidated PUD and Related
Map Amendment at Square 2890, Part of Lot 849.]

6:29 p.m. to 7:54 p.m.

Thursday, December 8, 2016

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 JOEL LAWSON

14 STEPHEN MORDFIN

15

16 Department of Transportation:

17 JONATHAN ROGERS

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19

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21

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P R O C E E D I N G S

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2 CHAIRPERSON HOOD: My name is Anthony Hood.
3 Joining me are Vice Chair Miller, Commissioner
4 Turnbull, Commissioner Shapiro, and Commissioner May.
5 Also, the Office of Zoning staff, Ms. Sharon
6 Schellin, as well as the Office of Planning, Ms.
7 Steingasser and Mr. Lawson, Mr. Mordfin, and the
8 District Department of Transportation, Mr. Rogers.

9 We are reconvening the Zoning Commission Case
10 No. 16-11, and, Ms. Schellin, I'm going to ask that
11 the opening and everything be incorporated into this
12 reconvening of this meeting, so I will forego that.

13 Okay. Colleagues, I think where we left off
14 at was rebuttal and closing by Mr. Freeman. So,
15 let's get right into it.

16 MR. FREEMAN: Good evening. For the record
17 my name is Kyrus Freeman. I'm an attorney at Holland
18 and Knight, here on behalf of the plaintiff.

19 As you indicated, we do have some rebuttal
20 and closing on a couple of points that were raised
21 last night. We gave you a handout which are some
22 slides, and we will start with Sarah, who will kind
23 of go through those slides to rebut and talk about
24 some of the comments that you heard about height and
25 massing.

1 CHAIRMAN HOOD: Let me ask this, Mr. Freeman,
2 about how much time do you think you'll need in
3 rebuttal?

4 MR. FREEMAN: We don't need 45 minutes. We
5 could probably get through this in 20.

6 CHAIRMAN HOOD: Okay. that's good. Thank
7 you.

8 MS. ALEXANDER: Good evening, Commissioners.
9 Nice to see you again. Sarah Alexander with Torti
10 Gallas.

11 So, we have a few things prepared to show you
12 today, the first of which is really in response to
13 some of the concerns we heard about shadows and
14 casting shadows on adjacent properties.

15 First, we wanted to formally show you some of
16 the setbacks we've provided as part of our plan. We
17 are 60 feet away from the townhouse to our west, so
18 there's 60 feet distance separating us from the
19 townhouse to our west, and then there's a 60-foot
20 right of way as part of Irving Street to our north.
21 But in addition to that, the houses are set back
22 approximately 20 feet and we have pulled back our
23 taller building, our 90-foot tall building, another
24 eight feet.

25 So, essentially, we're approximately 90-feet

1 away from those homes at a 90-foot tall building, or
2 almost one-to-one setback. If it was a setback.

3 We've also done some shadow studies to share
4 with you. Here you can see three times of year,
5 three times of day. The first is for June, so June
6 at 10:00 a.m., June at noon, and then June at 3:00.
7 You can see very minimal impact on any adjacent
8 buildings at all in summer, not to be surprising.

9 And March, additionally, is also very
10 favorable to our context. March at 10:00 a.m. really
11 just almost at the face of the building, is not quite
12 there. March, September at noon, not touching
13 anybody with our shadows. And then at 3:00 p.m.,
14 again no adjacent homes are affected by the shadows.

15 Not unexpectedly December is, you know,
16 winter time. There are more shadows, that time of
17 year, and we do cast some shadows on the buildings
18 directly across the street. But even at noon you can
19 see a majority of those residential homes have no
20 impact. And then by 3:00 p.m. we're really not
21 touching many -- I think there's maybe one home
22 affected in the winter time.

23 And it was intentional, some of our carving
24 and massing views to try and mitigate those shadows
25 on our -- on the homes affected.

1 The next slide really just illustrates how
2 the massing and the moves that were creating the
3 heights that we've -- the 90-foot to height that
4 we've made for the buildings, again stepping down to
5 60 feet at the senior building, is consistent with
6 the other approved and constructed buildings in the
7 area, and would be consistent with the shadows which
8 they produced as well.

9 We also wanted to talk a little bit through
10 the community process we went through. I think there
11 were a lot of comments and disappointingly so that
12 the process wasn't maybe as open as transparent as we
13 felt that it was.

14 We had four meetings. They did span over
15 four months, in addition to many meetings previous to
16 that. These are the four workshops I'm speaking
17 about specifically. One of which you can see some
18 photos here, very well attended. We actually had
19 building blocks in which people could build with
20 different various size and scale blocks and really
21 locate the housing on each site as they deemed
22 appropriate. And in that presentation we chronolized
23 that both in a narrative, based on the conversation
24 we heard, but also in photo form, and used those as a
25 response to generate some of the schemes that we saw

1 coming out of that.

2 Here are -- so, we looked at a number of
3 options with the community and DMPED, in terms of how
4 to divide the portion of land to be conveyed, and
5 developed by the applicant, and the portion of land
6 to remain with DMPED for park and open space
7 purposes, which is part of the slides you see before
8 you.

9 After multiple studies as shown on this
10 slide, we determined, after working with the
11 community, participants, and stakeholders, that the
12 best and most feasible way to provide a substantial
13 amount of land is open space, while also meeting the
14 important need for housing was to locate the main
15 density on Irving Street, and to preserve the open
16 spaces to have the needed residential use.

17 For example, with respect to scheme one you
18 see here, the one on the left, this scheme did not
19 work because all of the density was located on the
20 west -- the eastern side of the site on Georgia
21 Avenue. Almost where you would initially think it
22 should go. And this was resoundingly not supported
23 by the community because they lost the visual
24 connection from Georgia to the park. And that was
25 very important to everyone, I think, that we spoke

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1 with.

2 It also made the park seem more private,
3 because it was behind the building. The second
4 scheme, middle-top, was -- did not work because it
5 pulled the density off of Georgia, so the higher red
6 bar portion, the taller 90-foot portion was more into
7 the neighborhood, would cast more shadows on to the
8 adjacent homes, and also felt that that privatized --
9 it made it more like a front yard for the building,
10 and not so much a public park in some comments that
11 we heard.

12 The third scheme, lower-middle scheme, put
13 the building on the southern side. This was not seen
14 favorably because in contrast to the scheme we ended
15 up with, there is no street to separate the shadow
16 from the use. So, the shadow from that building
17 would have set directly on to the park. You didn't
18 have the benefit of having a street to separate it
19 from any other use.

20 The fourth scheme did not work. Again, there
21 was no visual connection to Georgia Avenue, so that
22 was not seen as a favorable scheme to the community.
23 And then the final scheme, we thought this was a kind
24 of creative scheme, how you could sort of wrap the
25 building around the park. But that was seen as much

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1 too private and owned by the building and not open to
2 -- really open to Georgia Avenue or to the community.

3 So, although the proposed new development is
4 denser than what is currently at the site, based on
5 our experience we believe that when you read the comp
6 plan as a whole, look at the other approved and
7 construction projects in the area, and balance the
8 competing needs for housing and open space, the
9 proposed site plan, density, and massing is the best
10 way to achieve as many applicably goals of the comp
11 plan as possible for this site, and redevelopment.

12 And that's where we came to our final and
13 proposed design for you that we presented.

14 MR. FREEMAN: So, next I'd like to have Mr.
15 Dettman, and just for your reference, I don't want to
16 -- in the record we have a number of exhibits that go
17 through in much greater detail how we comply with the
18 comp plan in terms of height, density, mass, stories,
19 et cetera. But I would like Mr. Dettman to spend a
20 little time talking through our comp plan analysis
21 and walk us through is slides and answer some of the
22 questions we heard the other night.

23 MR. DETTMAN: Good evening, Mr. Chairman,
24 Members of the Commission.

25 Before jumping into some comments about the

1 comprehensive plan, I just wanted to address some of
2 the comments that we heard on Monday regarding the
3 relationship of some of the previously approved
4 projects on the corridor in its relationship to and
5 their location to the Georgia Avenue Overlay. We
6 heard testimony that the height and density obtained
7 by those other projects along the corridor was a
8 result of their location within the overlay and that
9 this project being outside the overlay any -- and the
10 proposed height and density would be inappropriate.

11 I just wanted to clarify for the Commission
12 that the provisions in the overlay district actually
13 do not provide that additional density that you'll
14 see up and down the corridor today, the height
15 ranging between 87 and 90 feet, and those FARs. In
16 fact, the only provisions that pertain to a PUD in
17 the Georgia Avenue Overlay really pertain to just
18 special use and design requirements for any project,
19 and those that do relate to a PUD talk about that any
20 additional density gained through the PUD process
21 shall be devoted to residential use and that it also
22 reduces the minimum lot area for a PUD in that
23 particular area done at 10,000 square feet.

24 So, it really was through the PUD process
25 that those projects that we've referred to in our

1 submissions, it was through the PUD process where
2 that additional height and density was obtained.

3 So, specifically looking at the comprehensive
4 plan, we're looking at a map of the proposed PUD in
5 relation to the future land use map, and as we've
6 discussed very briefly on Monday, the majority of the
7 subject property is designated on the future land use
8 map as local public facility with the southwestern
9 portion being designated moderate density
10 residential.

11 And as we discussed on Monday, the future
12 land use map and the framework element do not
13 specifically define intensities and densities for the
14 local public facility land use designation, but
15 rather it gives you some guidance in terms of how you
16 go about analyzing the proposed PUD with the local
17 public facilities designation.

18 And since it says, "If a future change in use
19 occurs on these types of sites, such as a school
20 becoming surplus or is redeveloped, the new
21 designation should be comparable in density and
22 intensity to the uses and the buildings in the
23 vicinity."

24 The guidance that's provided in the framework
25 element also, and you've heard this I'm sure, before,

1 the future land use map is not a zoning map, it's
2 intended to be interpreted broadly. The densities on
3 any given area that are stated in the land use map
4 are intended to describe the densities of the
5 contiguous properties on the block.

6 And that granting of density bonuses through
7 the PUD process may result in heights that exceed the
8 typical ranges that are cited in the land use
9 category descriptions.

10 So, looking at the proposed map amendment in
11 relation to the future land use map, the local public
12 facilities designation in looking at the densities
13 and intensities of the surrounding context, what is
14 being proposed by the applicant is to rezone the site
15 from R-4 C-2-A, to C-2-B, R-5-B. And if we look at
16 the surrounding context, the land use designation of
17 the properties to the north and to the east along the
18 Georgia Avenue corridor are designated as moderate
19 density commercial and medium density residential.

20 You'll also notice that that designation
21 stops at the north boundary of the subject property,
22 but along the east side of the corridor it extends
23 down to directly across the street from the subject
24 property. So, it would not be unreasonable to
25 suggest that had it not been for the local public

1 facilities and the existence of the former elementary
2 school, that that land use designation would be
3 carried down along the subject property as well.

4 The C-2-B and the R-5-B zoning designations
5 that are proposed by the applicant are consistent
6 with that mixed use, land use designation on the
7 northern portion of the corridor and along to the
8 east.

9 The proposed R-5-B map amendment as well is
10 consistent with the mixed-use designation along the
11 corridor as well as in certain locations with the
12 moderate density residential that exists to the north
13 and to the west.

14 Looking at the generalized policy map you'll
15 see that the eastern portion of the site is
16 designated as a main street mixed use corridor, on
17 the policy map. And on the west side is the
18 neighborhood conservation area and the proposed PUD
19 is consistent with the generalized policy map that we
20 stated in our filings as well.

21 The mixed use main street corridor is
22 considered to be representative of traditional
23 commercial business corridor. It's pedestrian
24 oriented, has older store fronts at the street.
25 Often times has upper level retail and residential,

1 and the proposed PUD is consistent with that.

2 The proposed PUD is also consistent with the
3 guiding philosophy of the neighborhood conservation
4 area on the west side of the site, which seeks to
5 conserve and enhance established neighborhoods by
6 maintaining it and enhancing established
7 neighborhoods, density of land uses, building types,
8 and you'll see as the PUD progresses to the west the
9 buildings step down, and then on the far western
10 portion of the site where the townhouses are
11 proposed, on the west side of the new street it
12 relates to the existing townhouse development that
13 exists to the west.

14 We've already given you an exhaustive
15 analysis of the consistency of the project with the
16 policies and the comprehensive plan, but there were a
17 lot of comments on Monday about the consistency of
18 the project with the policies of the mid-city
19 element, area element of the comprehensive plan. So,
20 I just wanted to touch upon that briefly.

21 We heard a lot of comments about the project
22 being inconsistent with the policies in the mid-city
23 element about the dearth of park space in the mid-
24 city area. But I just wanted to put on the record
25 that the mid-city element actually has 11 planning

1 and development priorities as part of that area
2 element. And the proposed project touches upon and
3 positively advances seven of those 11 priorities.
4 They have to do with maintaining neighborhood
5 diversity and increasing housing opportunities.
6 We've talked a lot about what this project is going
7 to do for additional housing opportunities,
8 replacement public housing units, as well as
9 affordable housing units devoted to 60 percent MFI
10 households.

11 It talks about new development along
12 corridors near transit. We've talked about the
13 proximity of this project to Metro rail, lots of bus
14 lines, improvements to the pedestrian circulation
15 along the corridor and through the site.

16 Preservation of the row house character, the
17 architect has done a great job of responding to the
18 surrounding context and stepping down the buildings
19 and proposing town houses along the west hand.

20 The mid-city element does talk about the
21 dearth of park space in this particular area. But I
22 thought what was worth noting was, it talks about the
23 need for larger parks. It also talks about the need
24 for smaller parks. And particularly along the
25 corridor where it talks about incorporating plazas

1 and pocket parks into developments of large sites.
2 This one acre park that will eventually, not part of
3 the PUD, but will eventually come at some point in
4 time in the near future, goes beyond just a pocket
5 park in a plaza. It's a one-acre park, so, that's a
6 substantial green space.

7 And the mid-city element also talks about
8 sustainability and if we take a look at, quickly,
9 there were some questions about what used to be there
10 prior to the interim park that's there today, and
11 what the former school looked like. and so, we were
12 able to go online and find some images around the
13 site from 2007/2008, to give you a look at what the
14 former school building looked like, and actually what
15 the actual entire site looked like.

16 And as you can see in the aerial photo, this
17 site was largely occupied by a three-story, not very
18 well designed elementary school building that was
19 right up to the corridor, and the remainder of the
20 site was largely impervious surface. It was surface
21 parking, it was some recreation space. And then you
22 can also notice the substantial grades on that site.

23 And we'll just take a look around. This is
24 looking at Columbia Road. This is looking on Irving.
25 What I thought was worth noting is the relationship

1 of a former building that was on the school site
2 here, along Irving and its relationship to the
3 existing two-story row houses. What's being proposed
4 actually has substantially more separation from the
5 existing row houses to the west than what was the
6 previous condition.

7 And this is just looking along Georgia
8 Avenue. So, to -- as my final point I wanted to talk
9 about this, what the comprehensive plan talks a lot
10 about is balancing competing priorities of the
11 comprehensive plan. And as the commission is well
12 aware, the comprehensive plan contains numerous
13 policies and goals which on occasion may compete with
14 one another. And in those instances, the Commission
15 has to balance those competing priorities to
16 determine whether or not the PUD is on balance, or as
17 a whole, consistent with the comprehensive plan.

18 And I think what the guidance in terms of how
19 you go about balancing those priorities is provided
20 in the land use element, which is considered the
21 cornerstone of the comprehensive plan, because it
22 does integrate all of the policies of the element.
23 And because of that the comprehensive plan says that
24 the land use element should be given greater weight
25 than the other polices in -- or the other elements in

1 the comprehensive plan.

2 And so, the land use element does contain a
3 few policies that specifically address the
4 redevelopment of large in-fill sites, and the
5 importance of balancing the competing priorities, say
6 the preservation of open space, or the provision of
7 open space, and the provision of additional
8 affordable housing.

9 There's the reuse of large publicly owned
10 sites policy that talks about, that recognizes the
11 potential of large government owned sites for its
12 potential to supply community services, create local
13 housing, provide parks and open space.

14 There is the public benefit use on large
15 sites, the policy that talks about the significant
16 leverage the District has in redeveloping the
17 properties that it owns in terms of being able to
18 provide parks and open space, affordable housing, new
19 open spaces.

20 And then finally the conserving, enhancing,
21 and revitalizing neighborhoods that talks about
22 recognizing the importance of balancing goals to
23 increase the housing supply, restore the environment,
24 as well as accomplish some other goals that the
25 comprehensive plan sets out to achieve.

1 So, based on that I believe the PUD is
2 effective at balancing the dual priorities of
3 providing housing, especially in affordable housing
4 and preserving open space. All in a manner that's
5 context sensitive, increases connectivity, promotes
6 the use of transit, improves the quality environment
7 around the site.

8 And so, to that end I believe the proposed
9 PUD and related map amendment is not inconsistent
10 with the comprehensive plan including its designation
11 on the future land use map and the generalized policy
12 map.

13 MR. FREEMAN: There was a lot of testimony
14 about the park and whether it was ever intended to be
15 temporary or permanent. Just as a reminder, the park
16 is not a part of the PUD, nor is it controlled by the
17 applicant in this case.

18 But we did want to submit a couple of
19 additional pieces of information for you. The first,
20 which is already in the record, to demonstrate that
21 it was always intended to be a temporary park. So,
22 this is your Exhibit 196. There's a building permit
23 for the park, which calls it, interim park, on the
24 building permit. There is a, behind that -- again,
25 this is in the record, there is a contract award to

1 the construction company to do the work which calls
2 it an interim park. And we'd also like to submit,
3 Ms. Bloomfield will submit, when she can, three
4 things.

5 One, there's a blog post from Greater Greater
6 Washington from 2010 which says, refers to interim
7 use of the property as a park, the interim park.
8 This RFP makes it clear the park isn't permanent.

9 So, to the extent that there was substantial
10 information out there demonstrating that the park was
11 always intended to be a short-term use.

12 We're also giving to you -- that being said,
13 DMPED is committed to ensuring that it will be
14 developed as a park. So, the second attachment there
15 is a letter from the deputy mayor for Planning and
16 Economic Development, reiterating the city's
17 commitment to develop that site as a park, as well as
18 a letter that they sent out to all residents dated
19 November 28th, 23rd. It's an open letter to all
20 residents reiterating the city's commitment to
21 dedicate the remaining portion as a park.

22 So, I think there's a lot of information
23 again, confirming that was always intended to be
24 interim, and that it will be developed by the city
25 and its partners in the future.

1 With that, I'd like to turn it over to Ms.
2 Rogers to talk a little bit more about DMPED's
3 process and how we got to where we are today.

4 MS. ROGERS: Sure. And I will first focus my
5 comments just on sort of clarifying our process for
6 surplus and disposition of properties. And just want
7 to iterate or reiterate that the fact that the parcel
8 is in DMPED's portfolio in the first place means that
9 it's slated for private development. So, that is one
10 of DMPED's major roles. We hold these parcels in
11 order to dispose of them for private development.

12 The parcel went through after the school was
13 torn down. The mandatory -- the process mandated by
14 the Langer Act (phonetic) to request proposals for
15 another school use. There were no schools proposed
16 and then there were no other government uses proposed
17 for that site. And so, that's why the parcel has
18 been in DMPED's portfolio.

19 If it had been, if DPR at the time had both
20 intent and resources to build a permanent park in
21 that space, then it would have gone to DPR's
22 portfolio and not DMPED's portfolio.

23 So, nonetheless, as Mr. Freeman indicated
24 DMPED is committed to creating a permanent park on
25 that space because it's connected to an NCI

1 development. We have the opportunity to use NCI
2 capital funds to create a quality permanent park for
3 that space.

4 I also want to touch on a number of comments,
5 I think that were made about the community engagement
6 around this process and maybe provide a little bit
7 more information about what the arc of that
8 engagement was.

9 So, I assumed the position as Director of NCI
10 in May 2015, and I think probably almost immediately
11 I started going out to different community groups to
12 talk about the Park Morton redevelopment plan and our
13 need to identify Build First sites in order to
14 facilitate that plan in the way that we wanted to see
15 the property be redeveloped.

16 A lot of the groups that I think are still at
17 the table today, and a lot of the representatives
18 that are still at the table today were involved in
19 those conversations that started earlier last year.
20 So, we were talking to representatives from both
21 ANCs, 1A and 1B, folks from the different civic and
22 neighborhood associations, so Park View UNC, LaRay
23 Warder, Pleasant Plains, the Georgia Avenue Community
24 Development Task Force. Those were all groups that
25 we were engaging spring 2015 to talk about options

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1 for the Park Morton redevelopment.

2 I lay that out to say that if you are a
3 community member who sort of joined the conversation
4 about this, in October or November of last year, then
5 it may have come across to you that this is a
6 foregone conclusion and you didn't get my input. I
7 think there were a lot of people who missed those
8 months of conversation that we had prior to that
9 about our search for a Build First site.

10 And we were transparent with the community
11 about the criteria that we were going to use to
12 select a site. One of the things that we did not do
13 was list four people the sites -- the exact sites
14 that we were looking at, and some of those sites were
15 private sites, proprietary information, and we knew
16 that we were, at some point, going to end up in
17 negotiation phase.

18 So, but we were transparent about our desire
19 to find a Build First site and exactly the criteria
20 that we were using to judge sites.

21 There was some testimony on Monday night
22 about the principle from Chavez Prep middle school,
23 opposing the project since their students use the
24 park for recess. And I want to clarify that we've
25 confirmed with the school that they actually don't

1 have recess, and so students do not use the park for
2 recess. Nevertheless, I want to go back to, we are
3 planning to create a quality park on this site that
4 hopefully folks from the school will use.

5 I think when we communicated with folks over
6 at the school, they were very interested in the park
7 design process that we have upcoming at the beginning
8 of next year and plan to participate in that process.
9 And so hopefully there will be some uses that come
10 out of the permanent park that would be useful to the
11 school as well.

12 One other thing that they were interested in
13 were the affordable units that are going to be
14 created on the property. And so, we've agreed that
15 we would be very interested in coming to talk to
16 groups of their parents who might be interested in
17 how they can access some of the affordable units.

18 Finally, I'll just repeat Mr. Freeman's note
19 about the letter from the deputy mayor. So, the
20 original letter he was referring to is a letter, an
21 open letter to the community that the deputy mayor
22 did in November of 2015, committing to a permanent
23 park on this space. And then there's a recent letter
24 from this week recommitting to that permanent park
25 and noting that the legislation that's currently

1 before council also takes that space, and the park
2 space into account.

3 MR. FREEMAN: So, could you go to the civil
4 sheet? Quickly, there was some testimony about the
5 project causing flooding and adversely impacting some
6 residents' homes. So, I'd like to have our civil
7 engineers just talk quickly about our storm water
8 management program and how water actually flows at
9 the site.

10 MR. LOPEZ: Hi. Good evening, Commissioners,
11 and Members of the Commission. My name is Marcelo
12 Lopez, Walsh Minch (phonetic) Corporation, civil
13 engineer.

14 So, basically the right now, existing
15 condition, the majority of the Bruce Monroe site
16 currently drains to the southwest. Upon the
17 development of the project storm water runoff will be
18 significantly reduced because the site will be the
19 subject of the 2013 storm water management
20 regulations, which is more stringent than the old
21 regulations. So, the regulations speaks for
22 retaining 1.2 inches of rainfall on site. So,
23 basically, if you were to capture storm water runoff
24 on site, therefore anything that flooding or water
25 damage from the site itself will naturally flow

1 opposite direction from the neighborhoods.

2 So, if you look at the diagram right there,
3 so, we're providing a green roof and a deep planter
4 courtyard, in the courtyard area for the private
5 space. We're providing also a rain garden and
6 permeable pavement for the sidewalks and roadways so
7 we can capture all the runoff on site.

8 So, that's how we're going to mitigate storm
9 water -- impervious runoff that will be captures on
10 site itself.

11 MR. FREEMAN: I did just have a couple
12 clarification points. We heard a lot about traffic
13 and parking. Again, we are exceeding the current
14 parking requirements. Seventy-nine are required,
15 we're providing 119. DDOT confirmed that we have
16 sufficient parking, and frankly there has been no
17 evidence, to the contrary, about the adverse impacts.

18 You heard a lot already about the community
19 engagement efforts. I think there was a misstatement
20 about the actual ANC vote. ANC 1A voted seven to
21 zero to support the PUD, and that's Exhibit 28. ANC
22 1A voted 10 to zero to support. That's Exhibit 32.
23 There's a lot of conversation about Commissioner
24 Brown, the ANC commissioner for the site, not kind of
25 doing her job, but if you watch the election she was

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1 just reelected with 56 percent of the vote.

2 So, there's been a lot of engagement as you
3 know. You heard a lot of testimony from residents,
4 neighbors, and business owners on Monday night.
5 There was some conversation or statement by one of
6 the opponents that we were somehow shifting all of
7 the affordable housing from the Park Morton site to
8 the Bruce Monroe site. That is not true.

9 But the first and most important distinction
10 is that the Park Morton site has a lesser zone
11 designation, so you can't build as much there, just
12 because of the comp plan designation. So, we're
13 moving the 90 in order -- to the Bruce Monroe, in
14 order to accelerate the placement of those units.
15 And just as a percentage basis, there are 90 public
16 housing replacement units at Bruce Monroe, which is
17 approximately 33 percent of the total. There are 57
18 public housing replacement units at Park Morton,
19 which is approximately 30 percent of the total. So,
20 they're roughly proportional in terms of the amount
21 of public housing at each site.

22 Public benefits and amenities, I think there
23 was a statement that we were only doing like two or
24 three things. That's clearly not the case. In the
25 record we document all of our public benefits and

1 amenities, most significantly of which is affordable
2 housing. So, that's it for rebuttal. We would like
3 to, at some point submit, we do have reports from
4 D.C. Water indicating that they've reviewed the
5 project and have no issues with it. DOEE indicating
6 that they reviewed the project and have no issues
7 with it. DHCD indicating that they've reviewed the
8 project and have no issues and that it's not going to
9 result in gentrification.

10 The fire department indicating that they have
11 no issues with it, and we have an executed First
12 Source employment agreement and executed CBE
13 agreement. So, all of those agencies and
14 commitments, all of those agency reports and
15 commitments, we'd like to make sure that's in the
16 record. So, that concludes our rebuttal.

17 CHAIRMAN HOOD: Thank you all for giving us
18 some rebuttal. But let me go straight to a point you
19 just made, Mr. Freeman. The employment.

20 You just mentioned that you have an
21 agreement. What assurances do you have from me that
22 it's going to work?

23 MR. FREEMAN: Well, it's fully executed and -
24 -

25 CHAIRMAN HOOD: Executed means it's just

1 signed, right?

2 MR. FREEMAN: Means it's signed by both the -
3 - by the applicant and by the Department of
4 Employment Services.

5 CHAIRMAN HOOD: Who signed it at the
6 Department of Employment Services?

7 MR. FREEMAN: I can look at it.

8 CHAIRMAN HOOD: Yeah, let me know who signed
9 it. Okay.

10 MR. FREEMAN: Annetta Graham, who is the
11 supervisor of the First Source program.

12 CHAIRMAN HOOD: Ms. Schellin, have you ever
13 heard that name before? Can you take that name down
14 for me?

15 MR. FREEMAN: I'm going to submit it for the
16 record, so you'll --

17 CHAIRMAN HOOD: But I want it for another
18 reason too.

19 MS. SCHELLIN: What was the name again?

20 CHAIRMAN HOOD: A-N-E-T-T-A, Graham, G-R-A-H-
21 A-M. She is the supervisor of the First Source
22 program.

23 CHAIRMAN HOOD: And when did she -- what date
24 did she sign it?

25 MR. FREEMAN: The transmittal is dated August

1 19th, 2016. So, it's been signed for, for a few
2 months now.

3 CHAIRMAN HOOD: We're going to put that in
4 the parking lot. At least I am for this case,
5 because I don't believe that it's -- it may be
6 executed, may be signed, but I don't believe it's
7 functionable. In the meetings, I've had in other
8 cases, I found out that that's not even functional.
9 It doesn't even work. And I have issues.

10 And I'm not getting on you, Mr. Freeman, I'm
11 getting on the process. It's bigger than you because
12 I've set up some meetings to try to get that moving.
13 Come down here and tell us these things work, and it
14 doesn't work. And I know that for a fact because
15 I've just met with -- we talked about it last week, I
16 think it was. But hopefully, maybe the mayor's
17 office, hopefully things will start moving. But I
18 can tell you right now, never sign doesn't work. I
19 already know that.

20 The other thing is, what I would like to see
21 is, I heard a lot about Bruce Monroe Park. And I'm
22 going first, colleagues, because this has been
23 bothering me since Monday.

24 Bruce Monroe park residents who were
25 represented by Tanya Williams. That came across loud

1 to me. I'm not going to get into the ANC. I know
2 ANCs in this city all run differently. SMDs all run
3 differently. Some functional, some not. I'm not
4 going to get into any of that. I appreciate the work
5 that commissioners and ANC volunteered, because
6 they're volunteers. I appreciate that work.

7 But, I'm going to ask that the applicant
8 continue to have discussions with that particular
9 group under the leadership, I think, of Tanya
10 Williams. I don't see her here tonight. She can't
11 do that because of work. Okay.

12 What's your name?

13 [No audible response.]

14 CHAIRMAN HOOD: Okay. Mr. Badger, and Mr.
15 Freeman, and to this applicant, I want you all to
16 continue to have conversations. Not that you're
17 going to agree. But I think at the end of the day
18 what came over loud and clear to me was that the
19 people most affected -- and I understand. I don't
20 think anybody at the table lives in the neighborhood.
21 I may be wrong. If I'm wrong, correct me.

22 But I think that Mr. Badger and Ms. Williams
23 and others are going to be most affected by what goes
24 on. I'm not saying you're going to come to some
25 agreements but I still think that those discussions

1 need to be had, and may be able to close some of the
2 gaps of some of the issues. So, that's one of the
3 things, and I don't know if my colleagues concur with
4 me. I hope they would. But that's one of the things
5 that I'm looking for. And I want a report back from
6 both the applicant as well as from Mr. Badger and Ms.
7 Williams on the progress of how things are.

8 It doesn't have to be lengthy. You don't
9 have to agree. But I want to make sure that you all
10 have conversations because when this is built, or if
11 it's built, and it's all said and gone, Mr. Badger
12 and others will be the ones who have to endure our
13 decision.

14 Okay. Let me open it up, colleagues. Vice
15 Chair.

16 MR. MILLER: Thank you, Mr. Chairman. Yeah,
17 I would concur with your comments, and would join you
18 in asking for that additional information and dialog.
19 And on the -- well, before I go on to what I'd like
20 to see as part of a post-hearing submission, let me
21 comment generally that I appreciate all of the time
22 and effort that so many people have put into bringing
23 this forth to the Commission, both opponents and
24 proponents. Both those in the administration and
25 those in the private sector partners. And the ANC,

1 the work of the ANC, particularly Chairman Boese.

2 And so, and let me -- and also, just I would
3 comment that I've seen a lot of various
4 implementations of the New Communities initiative
5 that several mayors ago, Anthony Williams,
6 articulated. And I think this is the one I think
7 that almost comes closest to those guiding
8 principles. I think I said that the other night, in
9 terms of the Build First, no displacement, the true
10 mixed income community of replacement, public
11 housing, the one third, one third, one third. One
12 third replacement, one third below 60 percent AMI,
13 one third market rate.

14 So, the right to return, and the fact that
15 the public housing residents are -- I'm sort of moved
16 by their testimony that they -- it's a long awaited
17 and long promised plan for them, but the fact that
18 they are supportive, which we haven't always seen.
19 There's been a division. There's been so much
20 mistrust in that community. Obviously, there's
21 mistrust in the neighborhood, or division in the
22 neighborhood, in the Bruce Monroe neighborhood, but I
23 think that it's a positive thing that the Public
24 Housing Residents Council in Park Morton is so
25 supportive in looking forward to this.

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1 Having said all that, what I would like to
2 see in addition to what the Chairman has articulated
3 in terms of post-hearing submission, are several
4 things. And one of them was alluded to by
5 Commissioner May early on in Monday night's hearing.
6 Which is -- and I guess it would be consistent with
7 what Deputy Mayor Kenner has presented in the letter
8 that you've given us tonight on the park, on Bruce
9 Monroe Park.

10 That that park needs to be, in my view, or
11 you need to address in the post-hearing submission,
12 how it can be a condition of this zoning order in
13 this case, if it's a public benefit, a public
14 amenity. It's being proffered as part of this
15 development, even though it's not necessarily part of
16 the PUD and you don't control -- the applicant
17 doesn't control that site. But it's such a major
18 public benefit that's being proffered that it needs -
19 - I think it needs to be a condition of the order and
20 you know, it's the standard kind of language that we
21 see when we get to that stage is the, you know, prior
22 to the C of O for the first building, that the park
23 shall have been completed.

24 And with as much specifics in there, I
25 realize that there's still a community engagement

1 process to go through. But you have identified it.
2 It's going to be one acre. It's going to be located
3 where it's going to be located, at Georgia and
4 Columbia. I think there's probably consensus on at
5 least some of the components that should be part of
6 the park. At least in my mind, the children's
7 playground, the community garden, some kind of
8 athletic playing court and green space, and pathways,
9 and benches and security and lighting. As specific
10 as it can be, I think it needs to be part of what we
11 approve somehow. And so, I'd like a post-hearing
12 submission to address that. That's one thing.

13 The second thing is the housing affordability
14 period, there was some testimony from the opponents
15 that it wasn't really for the life of the project,
16 that it may only be 40 years. I think I've seen LDA
17 draft documents that say that it is the life of the
18 project. Maybe you can clarify that right now for
19 the record.

20 MR. FREEMAN: It's 99 years, which is
21 essentially --

22 MR. MILLER: Ninety-nine years. Life of the
23 project.

24 MR. FREEMAN: -- the life of the project.

25 MR. MILLER: Okay. That's good. That's

1 important.

2 Some of the supporters of the application
3 referred to a D.C. Housing Authority resolution 16-
4 06, this right to return resolution. That isn't
5 something, necessarily that we can enforce or
6 control, or as it relates to zoning. We've been told
7 that by counsel in various other cases. But I think
8 that needs to be acknowledged, like we acknowledge
9 construction management plans that we also don't
10 enforce, but that are -- in this case it's a city
11 policy. So, if we can somehow have that to be when
12 you get to the point, which I think -- I should say
13 if and when, but I think it will be when you get to
14 the point of doing draft findings of fact and
15 conclusions of law, I think it needs to be in there
16 that that right to return that's in that D.C. Housing
17 Authority resolution is acknowledged, since that was
18 a lot of the proponents acknowledged it and thought
19 it was an important component of this project.

20 On the First Source employment that the
21 Chairman raised, I guess I would just also ask, I
22 didn't see anything about -- which we've seen in some
23 -- well, not some, a few other cases that there was a
24 commitment to training or employment of those in the
25 neighborhood or the ward. If there is any such

1 commitment that's being provided, or if it can't be
2 provided here, I'd just like to know why.

3 The neighbors didn't raise it, but I think a
4 construction -- I just raised it a minute ago. The
5 construction management plan, I would think that that
6 should be something that the ANC didn't raise it. I
7 would think it might be something that is typically
8 done. It's also something that we don't make as a
9 condition of our order because it's not enforceable,
10 enforceable by zoning. But it should be acknowledged
11 and I would think that that's something that those on
12 Columbia and Irving Road would be very much
13 interested in seeing, having that reassurance that
14 their lives aren't going to be disrupted during the
15 construction, or that there's going to be some
16 predictability to it.

17 I asked the question the other night about
18 the -- the applicant said that they were going to be
19 responsible for the maintenance of the street, the
20 snow removal, the trash collection, the parking
21 management. I don't know if we had something in
22 writing that says that. If we don't, if you could
23 provide something in writing that just, that provides
24 that?

25 And then finally, the phasing. This may be

1 something also you may have already provided. I know
2 this is phase 1 of the whole Park Morton. Park
3 Morton is phase 2 and 3, but in this phase, 1, what
4 comes first? I heard testimony that the park is
5 going to come first, and then the -- is it the senior
6 building, and then is it the multi-family building,
7 and then the townhouses? If you could just provide
8 something that shows what the phasing of construction
9 is on the Bruce Monroe site.

10 And then back to the park. I'm a little
11 confused. Is this going to be a DPR park or not?
12 It's in DMPED's inventory. You got money for it in
13 the New Communities initiative to develop it. What
14 is it?

15 MS. ROGERS: So, we are working that out with
16 both DGS and DPR right now. What we think the
17 outcome is likely to be is some sort of tri-party
18 agreement between DPR, DGS, and the development team
19 to maintain the park long-term, the pieces of it that
20 make sense for them to maintain.

21 So, for example, if there's playground
22 equipment at the park and it makes sense for DPR to
23 maintain that, they would maintain that. Utilities
24 and lighting, it would make sense for DGS to maintain
25 that over time. And for the applicant -- for the

1 development team, particularly because they will have
2 building that they're operating right next door, that
3 it would make sense for them to do trash pickup, more
4 sort of janitorial maintenance. So, that's what
5 we're looking toward now. But frankly, we are in the
6 middle of this discussion with DPR and DGS, and
7 trying to look at some other models of public parks
8 that have been privately built and privately
9 maintained around the city to figure out what's the
10 agreement that we're going to strike here.

11 MR. MILLER: So, to the extent that these
12 specifics get worked out, both intergovernmentally,
13 and with the community engagement, before our final
14 decision I think we need to have as much information
15 so we can incorporate that into our final decision.

16 MS. ROGERS: Absolutely.

17 MR. MILLER: Thank you. Thank you, Mr.
18 Chair.

19 CHAIRMAN HOOD: Okay. Thank you, Vice Chair.
20 Commissioner Shapiro.

21 MR. SHAPIRO: Thank you, Mr. Chair. Just a
22 few additional questions and some things that were
23 referenced in your rebuttal. First one is, if we
24 could look at that scheme comparison again, this
25 sheet from the community meetings. I didn't quite

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1 understand -- and not at length, but just in a minute
2 or two, I didn't quite understand what, why the
3 current scheme, as opposed to what you describe in
4 the sheet as scheme four, the bottom middle one.

5 So, in other words, the flip of the property.
6 You said something and I didn't understand why it
7 didn't work this way.

8 MS. ALEXANDER: I think there were two main
9 reasons why this was not the favored scheme. In this
10 particular outcome of height, which I did not go into
11 previously, it was a consistent height for that
12 building. Perhaps we could have studied it to your
13 system, but the areas we studied in this scheme, it
14 was a consistent height and it brought not enough
15 density at that height, and if we were to do the
16 taller height, it would have been too tall for how
17 far it went into the neighborhood. So, it didn't
18 work given that --

19 MR. SHAPIRO: How far it went into the
20 neighborhood, how far west it went.

21 MS. ALEXANDER: Correct.

22 MR. SHAPIRO: Okay.

23 MS. ALEXANDER: Correct. And the second
24 scheme, the one what was -- I heard from many
25 community members was that again, that the shade from

1 the building would have shaded the park. And as
2 opposed to where our building is located on the
3 northern half of the park, the park gets sunlight.
4 And while our building of course still does cast a
5 shadow, it casts a shadow primarily on the street,
6 across the street from it, and not on any public park
7 space.

8 MR. SHAPIRO: Okay. Thank you. Thank you.
9 Also, related to the run-off, I appreciated that you
10 were talking about 100 percent capture. What happens
11 now?

12 MR. LOPEZ: So, right now?

13 MR. SHAPIRO: Yes.

14 MR. LOPEZ: So, basically when it rains it
15 goes directly to the storm structure. And it drains
16 through the city sewer.

17 MR. SHAPIRO: So, is there runoff now that is
18 at least by your estimation, you determined, is
19 affecting some of the neighboring properties?

20 MR. LOPEZ: Well, I am not sure but I think
21 it would, but I'm not sure.

22 MR. SHAPIRO: Any sense from the drawings of
23 which way it's going?

24 MR. LOPEZ: So, the run off goes from -- the
25 low point is on the southwest corner of the property.

1 But I'm pretty sure it stays --

2 MR. SHAPIRO: Can we pull up the other one
3 just so I can look at that?

4 MR. LOPEZ: Without the other half. Yes,
5 right there.

6 So, it stays in the southwest corner of the
7 property, but I don't know what does it do with the
8 neighborhood. So, you know, like, I don't know if
9 just like it's a stagnant water in some vicinities.
10 It's not really affecting the neighborhood itself.
11 But the only thing that I could tell you is the --

12 MR. TURNBULL: Just to help clarify, you're
13 talking about where my dot is, that's the southwest?

14 MR. SHAPIRO: And down lower, even.

15 MR. TURNBULL: And down there too.

16 MR. SHAPIRO: I'm just trying to make sense
17 of it because as I'm understanding what you're saying
18 currently the run off is going to be heading from
19 Georgia west, mostly southwest, and that will all
20 stop.

21 MR. LOPEZ: Uh-huh. That's right. So, when
22 you build the building itself, you know, everything
23 will be captured on site and it will never --

24 MR. SHAPIRO: Got you. I'm with you.

25 MR. LOPEZ: -- leave off site.

1 MR. SHAPIRO: Okay. Thank you for that.

2 MR. LOPEZ: You're welcome.

3 MR. SHAPIRO: And just a couple things that
4 you all brought up. And Commissioner Miller
5 mentioned this, and I had a similar understanding to
6 what I think I heard you say, which is that you have
7 a 99-year lease. But I thought that the affordable
8 housing piece was only for 40 years.

9 MR. FREEMAN: Let me reconfirm that. I
10 missed that part of the hearing, so we can reconfirm
11 that in our post-hearing submission.

12 MR. SHAPIRO: Thank you. And, I would also
13 just agree strongly that any piece of the park that
14 you feel certain about that can be included into this
15 agreement is going to be helpful for us. Whatever --
16 similar to what Commissioner Miller said, any kind of
17 parameters that you can lay out, you know the size of
18 the park. You -- if you can give us some sense of
19 what some of the uses might be, it's, I mean, it's
20 clearly a concern of the community but I think you're
21 hearing it from us, from the Commission as well.

22 And I have no other questions, Mr. Chair.

23 CHAIRMAN HOOD: Okay. Thank you.
24 Commissioner Turnbull.

25 MR. TURNBULL: Thank you, Mr. Chair. I would

1 agree with my previous fellow commissioners who have
2 all spoken on their issues and what their -- in the
3 points that they brought out. I think getting back
4 to the community engagement, I mean, I guess you show
5 that wonderful picture where everybody is standing
6 around this, I'm not sure where that was. Was that
7 in one of the local community buildings?

8 MS. ALEXANDER: It is in the new Bruce Monroe
9 school.

10 MR. TURNBULL: That is in the new Bruce
11 Monroe school. And you all have little name tags,
12 and I think you said you have what, four meetings?

13 MS. ALEXANDER: Correct. Four workshops,
14 design workshops.

15 MR. TURNBULL: Four workshop design, all
16 playing with the little building blocks and moving
17 things around and --

18 MS. ALEXANDER: Not at every meeting.

19 MR. TURNBULL: Not every meeting.

20 MS. ALEXANDER: Some meetings we're more
21 different types -- we had like, we pinned up boards
22 that they could stick stickers to for things they
23 liked and didn't like, and what things they wanted to
24 see in the park, what things they didn't want to see
25 in the park. All sorts of things like that.

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1 MR. TURNBULL: And I guess you had sign-in
2 sheets for everything, people. I mean, do you know
3 if the people on Columbia Road and Irving were there?

4 MS. ALEXANDER: I spoke with some people who
5 lived on both streets while we were doing the
6 workshops, yes.

7 MR. TURNBULL: Okay. I mean, and I guess
8 getting back to what the chair was saying, I mean, we
9 don't want to get involved in the local ANC issues,
10 but it sounded like there was the recusal of the one
11 member who was there and the people who lived in that
12 neighborhood felt that they were being left out of
13 the loop, not being communicated with, with the rest
14 of the ANC.

15 So, I think this whole -- the community
16 engagement thing is a big issue. I mean, in one
17 case, in one way, this is a lot different than other.
18 Here, as the Vice Chair said, you've got the
19 residents totally on board with this. And we've had
20 other cases where the residents have not been totally
21 on board. So, this, in this case, we're very unique
22 in that we've got support of all of the residents who
23 are going to be -- get new homes out of this.

24 And I think that is a great benefit. But, on
25 the other hand now, we've got a case where the

1 neighborhood around where the new project is going to
2 be is concern that they have not been engaged as
3 much. So, I think both the chair and the Vice Chair
4 brought that out so I think we'd still need some more
5 engagement back on that. And I think that's going to
6 be a very serious issue as we go forward.

7 I guess the only -- when we're looking at the
8 90-story building, did you look at setbacks on
9 Irving? Did you look at bringing it back further to
10 minimum the overall height as it reaches to the -- I
11 mean, you said we're 90-feet away, but it's still a
12 very -- if I look at a section it's still a very
13 stark change.

14 MS. ALEXANDER: So, we did do two things. At
15 the northwest and southwest corners of the 90-foot
16 building, we did create terraces that drop down to
17 70-feet to help mitigate that corner, and that edge,
18 and help step the building down to the 60-foot
19 building next to it.

20 And secondly, we did do the bays, which
21 lowered the apparent height by dropping down to a
22 lower height for those as well.

23 MR. TURNBULL: I guess one of the other
24 issues is that the residents who currently live at
25 Park Morton, I mean, they're used to living in three

1 and a half story, four-story building. Now, they're
2 going to -- at least I guess we can get it. There
3 are 273 units at Park Morton, am I correct on that?

4 MR. FREEMAN: No, there's 170 -- do you mean
5 existing? There are 174 existing at Park Morton.
6 There are 273 proposed.

7 MR. TURNBULL: Well, I guess I read somewhere
8 there was 183 there. Is that -- am I wrong? Maybe
9 I'm wrong.

10 MR. FREEMAN: Let me be clear. Do you mean
11 existing or proposed?

12 MR. TURNBULL: Existing units.

13 MR. FREEMAN: 174.

14 MR. TURNBULL: There's 174. And out of that,
15 94 units are coming here?

16 MR. FREEMAN: Nine, zero. Ninety.

17 MR. TURNBULL: All right. Well, some of the
18 documents I thought said 94. You're saying 90 are
19 coming, because I had down in my notes 38 were going
20 to the senior building, 53 were going to the family
21 building, and three were going to townhouses.

22 Now, maybe the numbers have changed.

23 MR. FREEMAN: So, we can make sure we're all
24 clear, there is a sheet in our booklet.

25 MR. TURNBULL: Well, okay, I --

1 MR. FREEMAN: That has it. But the numbers I
2 have are 30 -- let me just double-check here, because
3 this is -- I have 33 in the senior building, 54 in
4 the apartments, and three in the towns.

5 MR. TURNBULL: All right. Well, I guess I --
6 we look at original exhibits which come in from you,
7 and then you update them. So, there's going to be a
8 continual change in numbers as we go forward here.
9 So, if we could have a more consistent look.

10 MR. FREEMAN: So, that's confirm the number
11 of replacement units in both projects.

12 MR. TURNBULL: Yeah. And so, if there's 174
13 now, you're going to move 90, and that would leave 84
14 units left?

15 MR. FREEMAN: Yeah. Yes, sir. So, there's -
16 -

17 MR. TURNBULL: Some people are shaking their
18 head no.

19 MR. FREEMAN: Sorry. There is 174. Twenty-
20 seven are already at the avenue.

21 MR. TURNBULL: Oh, 27. Right. Okay. I
22 remember that. The 27.

23 MR. FREEMAN: Ninety at Bruce Monroe, 57 at
24 Park Morton.

25 MR. TURNBULL: So, there's 54 -- 57 left.

1 MR. FREEMAN: Yes.

2 MR. TURNBULL: Okay. And they're going to go
3 back into phase 2? I mean --

4 MR. FREEMAN: Park Morton, yes.

5 MR. TURNBULL: Park Morton. They're going to
6 go into the apartment building?

7 MR. FREEMAN: We'll have a hearing on Park
8 Morton on that so we can --

9 MR. TURNBULL: Okay. Okay. All right.
10 We'll get into that.

11 One of the things that we look at the
12 original buildings, the low-rise buildings, it's a
13 different -- I mean, it's a different character. Now
14 we're going to be putting in on high rise buildings,
15 in a larger taller building.

16 One of the things that they had in the low-
17 rise buildings were the balconies. And I think the
18 Vice Chair brought that out before. I think most of
19 the units had balconies.

20 Now, a lot of the units in this new building,
21 the multi-family, don't have balconies, especially on
22 Georgia Avenue. I mean, we're looking at a different
23 -- a change of lifestyle and it's going to be
24 different character, families going into a taller
25 building and I wonder, have you looked at that and

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1 carefully analyzed the lifestyle of people going from
2 a low-rise building to a building such as this.

3 MS. ALEXANDER: Do you want me to answer
4 that? So, there's two things. The existing units
5 are only two bedrooms, so we actually are going to
6 have three-bedroom units in our building as well.

7 MR. TURNBULL: In the multi-family?

8 MS. ALEXANDER: There's one in the multi-
9 family in the townhouses as well, which the
10 townhouses are --

11 MR. TURNBULL: Well, the townhouses are all
12 three.

13 MS. ALEXANDER: Correct. And then we have
14 balconies all of our facades, other than Georgia
15 Avenue. And we can add them on Georgia Avenue. It
16 was really just felt like that wasn't the most
17 appropriate place to locate balconies. So, we have
18 tried to give as many balconies to the units as we
19 could in the multi-family building.

20 MR. TURNBULL: Well, I would take another
21 look at it. I think the Vice Chair was --

22 MS. ALEXANDER: No problem.

23 MR. TURNBULL: I mean, I think we've had
24 balconies before on major streets. I don't think
25 we've had a big issue about doing that.

1 MS. ALEXANDER: No problem.

2 MR. TURNBULL: I'm just -- something to think
3 about. I'm just concerned that people are used to a
4 certain lifestyle and being able to do things and the
5 flexibility, and then going to a place that's totally
6 a little bit different. So, I think it's this whole
7 lifestyle of making a change, it's going to be a
8 benefit, there's going to be a newer building, it's
9 going to be more amenities to it and everything else.
10 But I think lifestyle and how you live in that
11 building is going to be very important.

12 Mr. Dettman, you said that, when we talk
13 about Georgia Avenue, C-2-A, primarily?

14 MR. DETTMAN: C-2 -- yes. North of the
15 subject property is C-2-A.

16 MR. TURNBULL: So, how far do you have to go
17 north to find a C-2-B, which is what you want this
18 at?

19 MR. DETTMAN: I can check our -- I can check
20 the plans to see if there's a map there that shows
21 the ZR-58 zoning.

22 MR. TURNBULL: I mean C-2-A is moderate.

23 MR. FREEMAN: You don't have to go far. If
24 you look at G3, you go one block up. If you pull up
25 sheet G3. That building, number 1, which is in the

1 next block, is C-2-B. The building number 2, C-2-B.

2 MR. TURNBULL: What sheet was that?

3 MR. FREEMAN: G3. G03.

4 MR. TURNBULL: Yeah.

5 MR. FREEMAN: The PUD. So, it's just feet
6 away.

7 MR. TURNBULL: Where is that? I'm looking at

8 --

9 MR. FREEMAN: It's hard to see, but the
10 Monopoly buildings, the pink and red buildings,
11 number 1.

12 MR. TURNBULL: This?

13 MR. FREEMAN: You don't even have to go that
14 far. Come back down. All of those are at C-2-B.

15 MR. TURNBULL: That's C-2-B. Well, C-2-B is
16 really medium residential.

17 MR. DETTMAN: C-2-B I think is one of those
18 zones that falls within -- you know, there are zoning
19 designations that fall between future land use map
20 designations, C-2-B, as I described it in my
21 testimony, falls within the moderate density
22 commercial.

23 MR. TURNBULL: Moderate density commercial.

24 MR. DETTMAN: It's consistent with the future
25 land use map designation to the north of the subject

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1 property.

2 MR. TURNBULL: But medium residential.

3 MR. DETTMAN: Correct.

4 MR. TURNBULL: Okay. Okay. Thank you.

5 CHAIRMAN HOOD: Okay. Commissioner May.

6 MR. MAY: Okay. So, while we have that slide
7 up, there was a lot of testimony about the height of
8 buildings, and how what you're representing this
9 building to be is not accurate or not, you know,
10 doesn't compare precisely to the buildings that
11 you're showing there. So, can you -- and that has to
12 do, in some cases, with the depiction of -- or rather
13 the existence of penthouse structures.

14 Can you clarify for me along, you know, among
15 the ones that are in the, you know, the 85 to 90-foot
16 range, and there are three of them there, the dark
17 red ones, I guess. Do they all have penthouses?

18 MR. FREEMAN: Yes.

19 MR. MAY: And are they all in the 18 to 20
20 range?

21 MR. FREEMAN: Yes, and we could --

22 MR. MAY: Are any of them occupied?

23 MR. FREEMAN: Those are all approved prior to
24 -- they do have terraces and access out there.

25 MR. MAY: Right.

1 MR. FREEMAN: But not habitable space. But
2 they all have --

3 MR. MAY: Right. Either community room or
4 access point. Okay.

5 MR. FREEMAN: And just to that point, I heard
6 three different heights. I heard 120, I heard 100 --
7 our building is 90 feet.

8 MR. MAY: I understand that, but 90-feet is
9 measured at the mid-point of the block along --

10 MR. FREEMAN: Right.

11 MR. MAY: -- Irving, right?

12 MR. FREEMAN: Right.

13 MR. MAY: And so it's taller at the --

14 MR. FREEMAN: Correct. But I heard --

15 MR. MAY: I understand. We, you know, we
16 tend to look at the drawings rather than what people
17 say in testimony about the height of the building.

18 So, there were also statements that at some
19 point the neighborhood was promised that the park
20 would take up at least 50 percent of the site. Is
21 that accurate? Was there a promise at some point?

22 MS. ROGERS: So, that was you know, what our
23 talking points were early on. We really didn't have
24 a sense of what the real size of the site was and we
25 were sort of basing it on --

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1 MR. MAY: So, the answer is yes. Early on
2 you said you were expecting it to be 50 percent.

3 MS. ROGERS: Yes, and after we --

4 MR. MAY: But it turned out to be what? How
5 much?

6 MS. ROGERS: It turned out to be about 40
7 percent.

8 MR. MAY: About 40.

9 MS. ROGERS: Uh-huh.

10 MR. MAY: And that's exclusive of like the
11 street space and stuff like that, right?

12 MS. ROGERS: Yes.

13 MR. MAY: It's just the park proper.

14 MS. ROGERS: Yes.

15 MR. MAY: Okay. So, I mean, I would just
16 note that Mr. Freeman pointed out that the park is
17 not within the PUD, but frankly, I think that's one
18 of the problems that you have in winning public
19 support is that it's not included in the project and
20 developed along with the project. And so, there's a
21 little bit of uncertainty with it, and so, I mean, I
22 think that's one of the reasons why we want to have
23 greater documentation of what's -- what will be
24 occurring here. I mean, ideally I'd actually like it
25 to be part of the PUD, but you know, that's going to

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1 slow you down because you have to stop and design it
2 and show us what the design is. So, that's not
3 practical at this moment.

4 So, the best thing that you can do short of
5 that is describe what you intend to do and the
6 timeline in which you intend to do it, and your
7 commitment with regard to the timeline. I think
8 that's -- and we've made that point, I think,
9 earlier.

10 On the storm water question, so you explained
11 the capture but you didn't tell us where the water
12 will actually go. Is there going to be a sand filter
13 or a structure on site that's going to hold water,
14 and is that all under the apartment building? Or,
15 where is it?

16 MR. LOPEZ: Yeah. So, what's going to happen
17 is basically you're going to capture it through green
18 roof, and then it's going to be an enviro
19 transportation (sic), so basically, it's going to be
20 going up --

21 MR. MAY: So, you're going to meet your 1.2 -
22 -

23 MR. LOPEZ: Yeah.

24 MR. MAY: -- inches, just with the green
25 roof?

1 MR. LOPEZ: Green roof and the planter
2 courtyard.

3 MR. MAY: That's the entirety of it?

4 MR. LOPEZ: Yes.

5 MR. MAY: You're going to be meet all of your
6 1.2 for the --

7 MR. LOPEZ: On private space.

8 MR. MAY: Understand. And that includes the
9 road.

10 MR. LOPEZ: The roadway has a rain garden and
11 permeable pavement.

12 MR. MAY: So, the road will be built with
13 permeable pavement and where --

14 MR. LOPEZ: And the rain garden.

15 MR. MAY: Yeah, okay. And where is the rain
16 garden? Where is the rain garden? Is it in the
17 street right of way?

18 MR. LOPEZ: Yeah, so the three areas right
19 there, so D.C. itself --

20 MR. MAY: No, I don't -- I'm not seeing three
21 areas.

22 MR. TURNBULL: Maybe you can bring up a
23 current plan. Are there a proposed plan for the --

24 [Discussion off the record.]

25 MR. MAY: Yeah, no. Just point to it on

1 that.

2 MR. LOPEZ: So, basically --

3 MR. MAY: You can't talk and be out there.
4 You can point to it, but you can't talk.

5 CHAIRMAN HOOD: You getting a whole lot of
6 instruction, aren't you?

7 MR. LOPEZ: That's okay. I love it.

8 CHAIRMAN HOOD: Boy.

9 MR. MAY: We're all trying to help.

10 MR. LOPEZ: All right. So basically,
11 everything that will fall on to private space will
12 fall into green roof and some --

13 MR. MAY: I got that. The question --

14 MR. LOPEZ: Okay.

15 MR. MAY: The only question I have remaining
16 is where is the --

17 MR. LOPEZ: So, for the roadway --

18 MR. MAY: Yeah, where is it?

19 MR. LOPEZ: Mr. May.

20 MR. MAY: Yeah.

21 MR. LOPEZ: So, for the roadway itself, so
22 basically this is going to be the high point of the
23 roadway itself. So, the runoff will go to this curb
24 with open curbs.

25 MR. MAY: Right.

1 MR. LOPEZ: And they're going to go into the
2 rain garden itself, along with tree pits areas.

3 MR. MAY: So, it will be in the tree pits?

4 MR. LOPEZ: Yes, sir.

5 MR. MAY: Okay.

6 MR. LOPEZ: Yeah. So, basically just --

7 MR. MAY: And it's going to be that way all
8 the way down the stretch, the full stretch of it.

9 MR. LOPEZ: That is correct, because that's
10 also --

11 MR. MAY: Okay. And that's engineered to
12 handle 1.2 inches of rain that falls on that street.

13 MR. LOPEZ: That's correct.

14 MR. MAY: And there's no crown to the road,
15 or is it going to be on both sides?

16 MR. LOPEZ: No, there's going to be a crown
17 to the road.

18 MR. MAY: So, they're going to have them on
19 both sides?

20 MR. LOPEZ: Yes.

21 MR. MAY: Okay.

22 MR. LOPEZ: That's correct.

23 MR. MAY: All right. That's it for my storm
24 water questions.

25 MR. LOPEZ: All right. Thank you.

1 MR. MAY: So, Mr. Freeman, you said at some
2 point that there's some documentation that indicates
3 that this project will not cause gentrification. Did
4 I hear that correctly?

5 MR. FREEMAN: Yeah.

6 MR. MAY: You have a report from somebody
7 that says it's not going to --

8 MR. FREEMAN: That in their view they don't
9 view that as a --

10 MR. MAY: I'm sorry, whose view?

11 MR. FREEMAN: DHCD.

12 MR. MAY: DHCD. It's not going to cause
13 gentrification?

14 MR. FREEMAN: Yes.

15 MR. MAY: Wow, they know a lot about
16 gentrification if they can make that prediction. I'm
17 rather surprised. I mean, it seems to me that
18 gentrification is already happening in that
19 neighborhood.

20 Yeah. So, can you tell me, are any of these
21 -- we usually ask this question and I've tried to get
22 this to be part of everybody's statement. Maybe you
23 put it into your statement, but is the building going
24 to be eligible for residential parking permits?

25 MR. FREEMAN: As of now we intend for it to

1 be. We haven't talked about removing it. As of now
2 it would be if it were eligible.

3 MR. MAY: Both of the large buildings. What
4 about the apartment -- I mean, the townhouses?

5 MR. FREEMAN: They likely would not have a
6 Georgia --

7 MR. MAY: Yeah, because they don't have a --
8 they're on a private street, right?

9 MR. FREEMAN: Correct.

10 MR. MAY: Okay. Well, I think you have to
11 give some thought to that, not that we got a whole
12 lot of testimony about parking, but I think there was
13 some concern about parking. So, you might need to
14 think about that.

15 The only other comment I have, and this was
16 saved over from the other night, which was, I was a
17 little puzzled by, you know, with the very stark
18 modern townhouses, that the sample of fiber cement
19 siding that you gave us was showing the woodgrain
20 siding. Are you really going to use a woodgrain
21 siding with all that sleek modern material?

22 MS. ALEXANDER: No, we should have put a
23 disclaimer. It was for color and material.

24 MR. MAY: Good. Okay.

25 MS. ALEXANDER: Not texture.

1 MR. MAY: Yeah, all right. So, you'll
2 probably want to clarify that as you show us more
3 detail on how that -- on that design in your post-
4 hearing submission. That's it.

5 CHAIRMAN HOOD: Okay. Let's see. Does the
6 Chairman Boese, do you have any cross on rebuttal?

7 [No audible response.]

8 CHAIRMAN HOOD: Okay. Anyone from ANC 1B? I
9 don't see Chairman Turner. Bruce Monroe residents,
10 Tanya Williams, you all have any cross on rebuttal?

11 UNIDENTIFIED SPEAKER: [Speaking off mic.]

12 CHAIRMAN HOOD: Talk to Ms. Schellin. Okay.
13 As far as this record, the record in this case is
14 closed. So, that was the question. That's rebuttal.
15 That's totally different. I closed the record on
16 Monday night. Okay. I was about to say Tuesday
17 night, but I wasn't here through Monday. Except for
18 things that we asked for and things on rebuttal, the
19 record is closed. So, I answered your question.
20 That's one.

21 Let's see, Park Morton Council? I don't see
22 any cross on rebuttal. Any cross on rebuttal? Okay.
23 All right.

24 So, Mr. Freeman, we don't really need a lot
25 of closing. Can you give us a two-minute closing

1 because you know, this Commission is a bad judge of
2 time because I don't know why they thought it was
3 only going to take 30 minutes.

4 MR. FREEMAN: I will keep it close to say I
5 think the record clearly indicates that we meet all
6 of the standards for approval. We're 100 percent
7 consistent with the comprehensive plan, we meet all
8 of the zoning regulations, we've documented and
9 demonstrated that there would be no adverse impacts
10 with respect to traffic.

11 We, again, like to leave the record open to
12 submit some additional agency reports. So, we
13 request that you approve our project as expeditiously
14 as possible so that we can get started on this
15 important project, which you've heard substantial
16 amount of testimony on Monday night about how
17 important it is. So, that's it. Thank you for your
18 time.

19 CHAIRMAN HOOD: And again, clarification.
20 The record is left open for things that we've asked
21 for. Okay. Just wanted to make sure that's clear
22 because sometimes that gets confusing.

23 Right quick, Ms. Schellin, can we go down the
24 list, right quick? Do we need to do that?

25 MS. SCHELLIN: Do we need to do that?

1 MR. FREEMAN: I have a list. I'm happy to go
2 through the list. It's a long list.

3 Information about development of the park,
4 redrawing the PUD boundary lines so that make it
5 clear whether the park is included or not, provide an
6 explanation why residential is appropriate given the
7 site's designation on the land use map, review the
8 architectural drawings and updates so they are
9 entirely consistent, submit a statement regarding how
10 the affordable units will be distributed, study ways
11 to make the townhomes fit better with in the
12 architectural context, further develop the design of
13 the rooftop amenity space, provide close up views of
14 the courtyards fences, provide close up views of the
15 balconies, provide detail on the brise soleil showing
16 that it's functional and not aesthetic. We take a
17 lot of detailed notes. Study the material colors and
18 look at perhaps warming up the pallet, provide some
19 information regarding where the signs will be
20 signage, location, height, placement, document the
21 flexibility requests regarding the compact spaces,
22 provide information about how trash will be
23 collected, provide images of the Bruce Monroe school
24 before it was demolished. We did that tonight but
25 we're happy to include that again. Provide

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1 renderings of the project within its existing and --
2 existing context and streetscape.

3 And could go through the stuff from tonight.
4 Provide a report regarding further communications
5 with Mr. Abner and Ms. Wellings, would like to see
6 what additional information we can get regarding a
7 park and any type of detailing that could be included
8 in this case, additional -- confirm the housing
9 affordability period, a copy of the DCHA resolution,
10 and acknowledgement as part of the order.

11 There was a question about whether there was
12 any commitment beyond First Source employment
13 agreement, so we can document. We are doing Section
14 3, so we can describe that. A construction
15 management plan, put in writing that the applicant is
16 responsible for street maintenance, the phasing of
17 construction of Bruce Monroe, operation maintenance
18 of the park, again with respect to the park, confirm
19 number of replacement units for both projects, add
20 balconies on Georgia Avenue. And I think there was
21 one more thing. Give some thought to removing the
22 building from RPP and confirm that the material
23 samples were reflective of color and/or detail and
24 make sure that's clear.

25 So, those couple things, we're ready to go.

1 CHAIRMAN HOOD: Let me just say that I also
2 want a report from the Bruce Monroe residents in the
3 collaboration with the meeting. I'm getting one from
4 you all. I'll also want one from --

5 MR. FREEMAN: Oh, okay.

6 CHAIRMAN HOOD: So, I'm asking for that, so
7 you can submit that too.

8 Okay. I wanted to make sure that was clear.
9 Anything else?

10 MR. MAY: Yes.

11 MR. FREEMAN: And if we could just, we would
12 like to make sure we submit some of the additional
13 utility reports that we get between now and proposed
14 action just to make sure you have substantial
15 evidence from --

16 MR. MAY: Okay.

17 MR. FREEMAN: -- as many reports as we can
18 get.

19 CHAIRMAN HOOD: Commissioner May.

20 MR. MAY: Yeah. Just to clarify, you
21 mentioned the phasing issue and that should be
22 inclusive of the development of the park and what
23 your commitment is in terms of when that will get
24 opened.

25 CHAIRMAN HOOD: Ms. Schellin, anything else?

1 MS. SCHELLIN: I did have something from
2 Commissioner Miller. I wasn't sure. Maybe that goes
3 along with what Commissioner May said. The phase 1,
4 what comes first, provide something that shows the
5 phasing of the site. Did you say that already?
6 Okay.

7 And you're going to provide the uses of the
8 park, what uses are going to be --

9 MR. FREEMAN: So, we're going to provide as
10 much detail as we can on the phasing of the park and
11 the uses and the design and the timing and the
12 maintenance. Whatever we can.

13 MS. SCHELLIN: You're going to confirm the
14 number of the replacement units for both projects?

15 MR. FREEMAN: Yes.

16 MS. SCHELLIN: And Commissioner Turnbull's
17 comment about the lifestyle changes for the tenants
18 that are going to be moving to a different type of
19 building.

20 MR. FREEMAN: I think that was to add more
21 balconies.

22 MS. SCHELLIN: Yes.

23 MR. FREEMAN: Is what it -- yeah.

24 MS. SCHELLIN: And, just go back to the first
25 night. Commissioner May had made a comment about why

1 wouldn't DDOT just do the striping instead of leaving
2 it to the applicant. Maybe that falls in with the --

3 MR. MAY: That was just an aside.

4 MS. SCHELLIN: Okay.

5 MR. MAY: I'm not expecting the applicant to
6 do anything about that.

7 MS. SCHELLIN: The lack in the detail and
8 touch of typical townhouses. I think that goes with
9 looking at the change in the townhouses. Did you
10 have the rooftop Commissioner May had asked about the
11 amenity space? He needed to see a plan on that.

12 MR. MAY: They got that.

13 MS. SCHELLIN: They got that? A good view
14 into the courtyard?

15 MR. MAY: I'm pretty sure they got all of my
16 points.

17 MS. SCHELLIN: The guardrails.

18 MR. MAY: Yeah, like the first 10 were mine.

19 MS. SCHELLIN: Okay. All right. So, the
20 first 10 were yours. We'll skip you.

21 CHAIRMAN HOOD: Now, I know why we're here
22 until 11:00. What time is it?

23 MR. FREEMAN: I would like to --

24 MS. SCHELLIN: Commissioner Turnbull did make
25 mention of, he thought it was too much white brick.

1 Did you --

2 MR. FREEMAN: That was the warming of the
3 pallet.

4 MS. SCHELLIN: Warming it up?

5 MR. FREEMAN: Yeah.

6 MS. SCHELLIN: Okay. You talked about the
7 signage. Mr. Shapiro wanted to know about the height
8 of the school and maybe you already hit that.

9 I heard you mention the renderings that
10 Commissioner Hood wanted and the conversations. I
11 think that's it.

12 MR. FREEMAN: Commissioner Turnbull asked
13 today about some of the community meetings, whether
14 we had sign-in sheets. So, if okay we'd like to
15 submit some of the information from those meetings --

16 MR. TURNBULL: Yeah.

17 MR. FREEMAN: -- and the sign-in sheets.
18 We're happy to provide that.

19 MR. TURNBULL: That would be good.

20 CHAIRMAN HOOD: Okay. Anything else, Ms.
21 Schellin?

22 MS. SCHELLIN: That's it.

23 CHAIRMAN HOOD: Okay.

24 MR. TURNBULL: Did we talk about solar
25 collectors? Did that come up at all? Wasn't that an

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1 issue by DOEE? I believe.

2 MR. FREEMAN: We are looking at adding those,
3 so --

4 MR. TURNBULL: Okay.

5 CHAIRMAN HOOD: DOEE also, and our former
6 colleague also mentioned it at set down. So.

7 MR. TURNBULL: That's what I thought. Okay.

8 CHAIRMAN HOOD: Yeah. That was mentioned.
9 You had a question?

10 MR. BADGER: This is premature but, as far as
11 post-hearing submissions is there -- I know they're
12 going to do a post-hearing submission, and then do we
13 get to reply to that or are we done until the
14 proposed findings of fact?

15 CHAIRMAN HOOD: No, only thing you're going
16 to do, you're going to give me -- yeah, you can do
17 proposed findings. But you're going to give me what
18 I asked for. That's what you're going to give me
19 because we're doing proposed.

20 Do we need to do some dates?

21 MS. SCHELLIN: Yes, we do.

22 CHAIRMAN HOOD: She's going to help you with
23 some dates right now. Once we do that we're going to
24 get to the next case, and those who are here for the
25 next case, which probably most of us, just forgive

1 us. Again, this Commission is a bad judge of time.
2 I'm going to blame it on them, not myself.

3 MS. SCHELLIN: Yes. So, I'll give you the
4 dates so everybody will get the dates.

5 So, looking at the applicant, how much time
6 do you think you guys need for --

7 MR. FREEMAN: We believe we could -- we'd
8 like to try to get on the June 30th for proposed
9 action.

10 MS. SCHELLIN: June 30th, we can definitely
11 meet that.

12 MR. FREEMAN: I'm sorry. January.
13 Definitely not June 30th. January 30th, we'd like.
14 I know you have a proposed action date. So, if we
15 could -- I think we could get our stuff in early
16 January, approximately January 10th.

17 MS. SCHELLIN: Okay.

18 MR. FREEMAN: Eleventh. In that range.

19 MS. SCHELLIN: January 10th. Okay. Okay.
20 That works. So, if working from that date the
21 applicant would make their submission by January
22 10th, and also the party that was in opposition, the
23 Bruce Monroe Park residence, the one item that they
24 asked for you guys to submit, which was a follow-up
25 letter regarding the meeting with the applicant, you

1 would submit that by January 10th, 3:00 p.m. for all
2 submissions.

3 And then by 3:00 p.m., since the 16th is a
4 holiday for the District, would give you until 3:00
5 p.m. January 18th. That's when all parties only will
6 be able to respond to the submissions that were made
7 on January 10th. That would be the ANC, the party in
8 support, and then the applicant would have an
9 opportunity to respond to the letter submitted by the
10 party in opposition. The party in opposition has an
11 opportunity to respond to the post-hearing
12 submissions.

13 And if any party wants to submit draft
14 findings of fact, conclusions of law, they would also
15 be due by 3:00 p.m. on January 18th. And we can put
16 this on the January 30th public meeting for
17 consideration of proposed action.

18 CHAIRMAN HOOD: Okay. Are we all on the same
19 page?

20 MS. SCHELLIN: Yes, I think so.

21 CHAIRMAN HOOD: Okay. Great. All right.
22 Let's go right into the next hearing.

23 [Hearing adjourned at 7:54 p.m.]

24

25