

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :

Office of Planning - Text :

Amendment to Subtitle K :

to Add a New Chapter 10 :

to Create the Northern :

Howard Road [NHR] Zone :

and : Case Nos.

: 18-18

: 18-19

Poplar Point RBBR, LLC :

d/b/a Columbian Quarter :

Holdings - Zoning Map :

Amendment @ Squares :

5860 & 5861 [Howard :

Road, S.E.] :

----- :

Thursday,
March 14, 2019

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 18-18 and Case No. 18-19 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from
the Public Hearing held on March 14, 2019.

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

(6:36 p.m.)

1
2
3 CHAIRMAN HOOD: Good evening, ladies and
4 gentlemen. This is a public hearing of the Zoning Commission
5 for the District of Columbia.

6 Today's date is March the 14th, 2019. My name is
7 Anthony Hood. We're located in the Jerrily R. Kress Memorial
8 Hearing Room.

9 Joining me this evening are Vice Chair Miller,
10 Commissioner Turnbull, Commissioner May, and Commissioner
11 Shapiro, as well as the Office of Zoning Staff Ms. Sharon
12 Schellin, to my left, as well as Mr. Max Tondro, Office of
13 Attorney General, Office of Planning, Ms. Steingasser and Mr.
14 Jesick.

15 This proceeding is being recorded by a court
16 reporter. It's also webcast live. Accordingly, we must ask
17 you refrain from any disruptive noises or actions in the
18 hearing room, including the display of any signs or objects.

19 Notice of today's hearing was published in the
20 D.C. Register, and copies of that announcement are over to
21 the left, on the wall near the door.

22 The hearing will be conducted in accordance with
23 provisions of 11Z DCMR, Chapter 5 as follows. Tonight, we
24 have two cases, both are rulemakings.

25 The first case, and I'm going to call it in the

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1 order that we will hear it, is Case Number 18-18, Office of
2 Planning Text Amendment to Subtitle K, to create the Northern
3 Howard Road Zone. That's going to be our first case.

4 Second case is Case Number 18-19 Poplar Point
5 RBBR, LLC d/b/a Columbia Quarter Holdings, Zoning Map
6 Amendment at Square 5860, Lots 97, 1025, 1031, 1036, 1037,
7 and Square 5861, Lots 991 and 89, which would be our second
8 case.

9 The hearing will be conducted in accordance --
10 both hearings will be conducted in accordance with provisions
11 of 11 DCMR, Chapter 5 as follows. Preliminary matters.

12 The first case, presentation by the Office of
13 Planning, report of the ANC, organization of persons in
14 support, organizations of persons in opposition,
15 organizations of persons who are undeclared.

16 The following time constraints will be maintained
17 in this meeting. Petitioner, which is the Office of Planning
18 in the first, has 60 minutes, organizations five minutes,
19 individuals three minutes.

20 I believe that we can do this shorter than our 60
21 minutes. I think we can start up 15, which is on the clock
22 at this point.

23 The Commission intends to inhibit time limits as
24 strictly as possible in order to hit a case in a reasonable
25 period of time.

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1 All persons wishing to testify before the
2 Commission in these hearings are asked to register at the
3 witness kiosk to my left, and fill out two witness cards.
4 These cards are located to my left on the table near the
5 door.

6 Upon coming forward to speak to the Commission,
7 please give both cards to the reporter sitting to my right
8 before taking a seat at the table.

9 When presenting information to the Commission,
10 please turn on and speak into your microphone, first stating
11 your name and home address. When we are finished speaking,
12 please turn your microphone off so that your microphone is
13 no longer picking up sound or background noise.

14 The staff will be available throughout the hearing
15 to discuss procedural questions.

16 Please turn off all electronic devices at this
17 time so not to disrupt these proceedings.

18 At this time, the Commission will consider any
19 preliminary matters. Does the staff have any preliminary
20 matters?

21 MS. SCHELLIN: Yes, sir. There was a joint letter
22 filed by ANCs 8A and 8C requesting a 60 day postponement,
23 actually for both cases, in their letter.

24 They actually reference Subtitle Z, Section 304.3,
25 but it's actually Subtitle X, 304.3, which is actually the

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1 plan unit development section of Subtitle X that they've
2 referenced in their letter.

3 And they state that they want to work with the
4 Petitioner in the second case, with regard to a community
5 benefits agreement and some other issues as far as, I believe
6 amenities and so on.

7 So, they just ask the Commission, at least in this
8 first case, about a 60 day postponement of Case Number 18-18.
9 Although the letter is in both cases, and they're asking for
10 postponement for both cases.

11 I don't know if you want to take it up for both
12 cases or just this first one?

13 CHAIRMAN HOOD: Let's make sure the record is
14 clear and straightforward. I would like for us to deal with
15 the first request for 18-18 and then we will come back later
16 and deal with the second request, as stated.

17 Anything else on the --

18 MS. SCHELLIN: That's it.

19 CHAIRMAN HOOD: Okay. Commissioners, as always,
20 I am always inclined, or appreciate when communities in the
21 ANCs do work because as we all know, ANCs do not get paid.
22 They are front line folks who represent the residents of the
23 city. So, I think it's very important that we hear from
24 them.

25 But I think in this case, because this is a

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1 rulemaking, when I read the letter, actually amenities and
2 some of those things are not necessarily a part of our
3 process, but what I would like to see is, obviously from what
4 I've heard from Redbrick previously, to continue to work with
5 the ANCs.

6 And I don't believe we will have, did any final
7 approvals here until we get a report on how those
8 conversations going. This isn't an ask, this is not a
9 requirement, because in the regulations it does not say that
10 amenities are within a rulemaking.

11 This is a rulemaking, which separates us. It's
12 not a PUD as was stated. So I would always push for the
13 Applicant to work, continue to with the two ANCs and see what
14 kind of agreements you have.

15 Now, for our process, I believe this is a
16 rulemaking and we can go ahead and have our process. But I
17 would also like to see, concurrently, how both of those
18 operations are working.

19 So I am not in favor of postponement. What I am
20 in favor of is to make sure that all the good things that I
21 heard about certain developers in the city, and this being
22 one of them, that they continue to work with Mr. Austin and
23 Mr. Prestwood.

24 So, I will be looking forward to seeing some
25 results. I'm ready to move forward with the case tonight,

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1 leaving the caveat for updates of what both commissions have
2 worked out, and whatever you all are working out for your
3 processes.

4 So, anyone that wants to add to that? Anyone
5 disagree? Anyone want to add something, take something away?
6 I'm opening the floor up. What's your move?

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
8 concur with your position on that and think there is time for
9 that community benefits agreement, or whatever they're
10 working on, to be worked out.

11 It seems from everything we've gotten that they're
12 making progress and there is time, there's time for that to
13 be worked on.

14 CHAIRMAN HOOD: Anything else? Do I need to take
15 a vote?

16 Okay. I don't think we need to vote on that. No,
17 just general consensus, okay.

18 All right, anything else, Ms. Schellin?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: And I probably will save time
21 because I'm going to ditto that for the next case, but I'll
22 just ditto it, okay?

23 MS. SCHELLIN: Okay.

24 CHAIRMAN HOOD: All right. I'm going to turn it
25 over to Mr. Jesick.

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1 MR. JESICK: Thank you, Mr. Chairman and Members
2 of the Commission. The Office of Planning recommends
3 approval of the text amendment as shown in our public hearing
4 report.

5 The new zone would help to implement the
6 comprehensive plan, which calls for high density mixed-use
7 in the area of Howard Road, described in the report. And for
8 a full analysis of the comprehensive plan, as it relates to
9 this proposal, you can refer to our set down report, which
10 looks at both the land use maps and the written policies of
11 the comprehensive plan.

12 I would like to point out two small changes we
13 would like to make to the text. Both in the sustainability
14 section.

15 The first one we would simply like to state that
16 any development must achieve at least LEED Gold. So we would
17 just add the words at least to the first paragraph of Section
18 1010. We don't want to limit it to LEED Gold of course.

19 And in the second paragraph, we want to change the
20 word, receipt of a certificate of occupancy, to issuance of
21 a certificate of occupancy.

22 And then finally, we would just like to ask for
23 flexibility to continue to work with OAG to adjust the text,
24 if we encounter any other technical errors along those lines.
25 Thank you, and I'd be happy to take any questions.

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1 CHAIRMAN HOOD: Okay, thank you, Mr. Jesick.
2 Let's see if we have any questions or comments. Commissioner
3 May?

4 COMMISSIONER MAY: I just have one small comment.
5 Or question.

6 As I recall, the text refers to the North Howard
7 Road Zone, that we're trying to define a zone for this but
8 there may be other zones in the future, along those same
9 lines. And I'm wondering if we should be calling this NHR
10 1 rather than just NHR? Because almost every other zone has
11 a number after it.

12 MR. JESICK: Well, I think given the significant
13 amount of land in that area that, such as Poplar Point, that
14 is not yet planned for, we left open the possibility that
15 there could be other zones which could be wrapped up into
16 Northern Howard Road.

17 At this point we don't foresee any zone in the
18 immediate future, so we just left it simple.

19 COMMISSIONER MAY: Okay, but think about it in the
20 future if you wind up wanting to do a second one, you're
21 going to have to rename this one as NHR 1 and then add the
22 next one as NHR 2 for consistency of nomenclature.

23 I mean, I don't think it's really likely because
24 I think if we come back with Poplar Point, we're going to
25 have a PP zone, which will be fun.

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1 (Laughter.)

2 MR. JESICK: We'd be happy to make that change.

3 COMMISSIONER MAY: I just, I mean, it's just a
4 minor practical consideration.

5 CHAIRMAN HOOD: All right, any other questions,
6 comments? Commissioner Turnbull.

7 COMMISSIONER TURNBULL: Yes, I just had, you're
8 saying here the maximum height is 130 feet. Now, with a
9 planned unit development notwithstanding anything, 130 feet,
10 that's a --

11 MR. JESICK: The table in Section 1001.11 does
12 give a range of heights based on the right of way of any
13 adjacent roadway.

14 Now, I believe Howard Road, I'm blanking on the
15 actual width of Howard Road, but I remember the PUD was able
16 to achieve a width of 130 feet. I think that was actually
17 because the properties fronted on Suitland Parkway/South
18 Capitol Street. So, they were able to draw their height from
19 those roadways.

20 COMMISSIONER TURNBULL: Now, there's no setback
21 requirements or anything?

22 Sort of like M Street, South Capitol Street,
23 you're setting up, you could have 130 feet all the way down
24 this street?

25 MR. JESICK: I guess technically you could, but

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1 we did want to provide the opportunity for the Commission to
2 have a design review process.

3 COMMISSIONER TURNBULL: Does that give us the
4 flexibility to request setbacks?

5 MR. JESICK: Yes. I think it gives you total
6 flexibility for any design features that you would like to
7 see.

8 COMMISSIONER TURNBULL: Yes, I'm just concerned
9 and that's why in the Capitol, on M Street and South Capitol
10 where we had those setbacks, because of views, I'm just
11 worried that you get a canyon effect, there should be some
12 kind of a, I mean, we want this to be a pedestrian friendly
13 street and I'm just worried that it's going to become a big
14 canyon.

15 So, I mean, that's my only concern is that if we
16 have the flexibility to make those kinds of changes okay.
17 But I don't know whether you have to be more explicit in
18 citing that, I don't know.

19 MR. JESICK: I think when we drafted the zone we
20 were looking mostly at areas like downtown, which share a
21 similar comp plan designation. So we didn't necessarily
22 contemplate setbacks. But certainly, if the Commission would
23 like us to be more explicit we can look into that.

24 COMMISSIONER TURNBULL: Okay. All right, any
25 other questions or comments?

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1 VICE CHAIR MILLER: Yes.

2 CHAIRMAN HOOD: Vice Chair Miller.

3 VICE CHAIR MILLER: Thank you, Mr. Chairman and
4 thank you for, Mr. Jesick, for your report and for the Office
5 of Planning report.

6 So, this is a text amendment that's establishing
7 a new zone and its site specific, the zone. Their boundaries
8 to the zone. Is that correct?

9 MR. JESICK: That's not correct, we're just
10 establishing the text at this point. And then seen on Case
11 18-19, individual property owners could come forward and
12 request the zone on their property.

13 VICE CHAIR MILLER: Individual properties within
14 certain boundaries though?

15 MR. JESICK: No.

16 VICE CHAIR MILLER: No?

17 MR. JESICK: We did not set up specific
18 boundaries. We envisioned that it would apply to the area
19 shown on the comprehensive plan for high-density mixed-use.

20 VICE CHAIR MILLER: So that is where I was
21 actually going. Why is it called the Northern Howard Zone
22 instead of like high-density mixed-use zone that might be
23 able to be mapped elsewhere?

24 You just don't see the need elsewhere, downtown
25 is already spoken for in the downtown element?

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1 I meant, did you all look at that issue that,
2 well, did you look at that issue and are you saying that
3 since it doesn't have boundaries in the text of this zone,
4 that anywhere in the city, potentially if it was higher
5 density mixed-use near a metro rail site it might be able to
6 apply for a map amendment to be part of this zone?

7 MR. JESICK: Well I think in the text, section
8 1000.1, we did set out sort of general guidelines of where
9 we anticipated the zone would be applied. And we talk about
10 portions of squares, 5860 and 5861 north of Interstate 295.

11 We didn't set out specific lots where it may go,
12 but certainly our intention was that this specific set of
13 regulations would apply to a general geographic area around
14 this portion of Howard Road. That's why we actually crafted
15 it as a special purpose zone in Subtitle K that has its own
16 set of rules and regulations, which would only apply in this
17 area, and its unique circumstances.

18 VICE CHAIR MILLER: So, it does have boundaries?

19 Or it has a generalized area that it's, a general
20 area that it's applicable to?

21 MR. JESICK: Yes, I think that's a fair statement.

22 VICE CHAIR MILLER: But going back to my other
23 question, is there any value to making it more applicable
24 city-wide or looking at, in the future, this type of zone,
25 maybe not exactly the same, but with all the requirements you

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1 have for greater amounts of inclusionary zoning and deeper
2 levels of inclusionary zoning and certain uses and certain
3 mixes of uses and streetscape and design standards.

4 Would there be any value in your office at some
5 point looking at this type of zone for higher density, mixed-
6 use development around metro stations --

7 MS. STEINGASSER: Yes are --

8 VICE CHAIR MILLER: -- and then people come
9 forward with map amendments and argue the merits, or not
10 merits, of applying something similar to --

11 MS. STEINGASSER: Yes, Commissioner Miller, we are
12 currently assessing new zoning tools that can be used in
13 certain areas that would create an enhanced type of
14 regulation. So whether it results in more IZ or more
15 sustainability, infrastructure, green infrastructure,
16 different types of high priority issues, both to the
17 administration, the city and the zoning commission.

18 And as we look at those, currently through the
19 lens of the comprehensive plan, we're looking at how those
20 might be implemented through these kinds of variable tools.

21 This particular zone is focused on this particular
22 geographic area, and it's defined in there.

23 But we did use this as a, we are using it as a
24 mental template as we start to look through, how can we apply
25 these to other areas because there are other large areas

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1 covered by small area plans that need to be implemented,
2 there are small desperate areas that have also the same level
3 of importance but might not be this large, and how can we
4 incentivize the small area plans that either cover them or
5 the, I guess it were to enhance incentives to get what the
6 city is after in terms of the different types of priority
7 development.

8 VICE CHAIR MILLER: Well, I'm --

9 MS. STEINGASSER: Short answer, yes.

10 VICE CHAIR MILLER: Yes. I'm glad to hear that.
11 Because I think, I mean, a lot of work has gone in here and
12 I think it could prove valuable for other areas around the
13 city where we want to see higher density around metro
14 stations, but we don't, we want to get something in return.

15 And you have all the stuff here. The enhanced IZ,
16 the LEED Gold, the development streetscape and design
17 standards. So I think, I'm glad to hear that you are looking
18 at that and look forward to maybe seeing the template being
19 applied city-wide.

20 MS. STEINGASSER: Okay.

21 CHAIRMAN HOOD: Anybody else?

22 COMMISSIONER SHAPIRO: No, sir.

23 CHAIRMAN HOOD: All right. Let's go to the other
24 government reports. Do we have anything other -- okay, I
25 didn't see anything. Okay, let's go to the report of ANC.

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1 I'm going to ask Chairman Prestwood, Chairman Austin, and I
2 saw Tyon Jones's name on the letter, on the letter as well,
3 so maybe if Commissioner Jones is here.

4 Everybody who is involved, Chairman Prestwood,
5 Chairman Austin, and is it Tyon Jones?

6 MR. JONES: Tyon Jones.

7 CHAIRMAN HOOD: Tyon Jones, okay. Tyon, oh,
8 forgive me. That's what happens when I don't look at, when
9 I try to go by my memory I get in trouble. And are you
10 representing Chairman Austin?

11 Oh, 8A is only here. Okay. You know what, let
12 me be quiet and let you all do your, first let me just,
13 again, commend you publicly on your big debut on CNN. You
14 look very well, and you represented the city well. We
15 appreciate all your work.

16 MR. PRESTWOOD: Hey, I appreciate that,
17 Commissioner, thank you. I can begin and then, as you see,
18 I'm joined here by my colleague Commissioner Tyon Jones. And
19 he will, I think, provide some additional comments, some,
20 after I'm done.

21 So I'll read my testimony as prepared. Good
22 evening Chairman Hood and Members of the Zoning Commission,
23 I am Troy Dante Prestwood, Chairperson of the Advisory
24 Neighborhood Commission 8A.

25 And I'm here today to once again ask for a

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1 postponement in this zoning case due to the continuing and
2 lingering concerns regarding the impact of such a large-scale
3 project on our community.

4 As was already stated, ANC 8A and ANC 8C are
5 working together, as well as the effective SMD commissioners,
6 in this request because we believe that we need more time to
7 handle the issues that are impacting both commissions.

8 Today we stand by that request. We have submitted
9 a rebuttal to the Applicant's March 4th letter to this body,
10 in which they identified that a map amendment is based solely
11 on the comprehensive plan.

12 But they overlooked Section 100.1 of Title 11 of
13 the same comprehensive plan, which requires that an
14 application for a map amendment meet the requirements of
15 Subtitle X, thank you for the correction on the caption,
16 Section 304.3, in which pertinent parts states that the
17 Zoning Commission, that's you, shall judge, balance and
18 reconcile the relative value of the public benefits project
19 and the amenities offered, the degree of development
20 incentives requested.

21 So the Applicants neglected to mention in the
22 letter that the Commissions have also expressed many times
23 our concerns about the size, scale, scope and density of this
24 project. And the amenities offered.

25 The Commission have found that the amenities

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1 offered thus far are insufficient for development of this
2 massive scale. And we have repeatedly expressed this to the
3 Applicant to no avail.

4 Again, in their March 4th letter, the Applicant
5 says that you should move forward with approving this map
6 amendment case because they have agreed to continue working
7 with our commissions to finalize a community amenities
8 agreement.

9 Well, if that's the case, why not allow more time
10 to do just that, work with our commissions.

11 Our offer for additional amenities have not been
12 unusual or outlandish. We have not asked for anything that
13 our community doesn't deserve.

14 After all, the Applicant is asking us to go along
15 with approving a project that will go from MU14 zoning that
16 permits high-density mixed-use development up to 90 feet in
17 height. And they want us to change that to the Northern
18 Howard Road Zone, which will permit mixed-use development up
19 to 130 feet in height.

20 We believe there should be an opportunity for Ward
21 8 residents to benefit from this drastic change in the rules
22 that allow this level of density. Also, for our child,
23 family, schools, existing businesses, because of the
24 massiveness of this project.

25 I understand, and I know that Commissioner,

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1 Chairman Austin cannot be, is not here at this time, but he
2 conveyed to me that the Applicant joined ANC 8C for their
3 regularly scheduled monthly meeting and presented on the map
4 amendment case.

5 He said, constituents expressed concerns with the
6 number of affordable housing units in the development and
7 echoed many concerns regarding the offered amenities, as
8 described in the joint commission letter that we previously
9 sent you.

10 So, I've also had several discussions with Dr.
11 Henderson, who is the founder and principle of Cedar Tree
12 Academy, who has expressed support for the project, since the
13 Applicant has agreed to build them a brand new school in
14 exchange for their property.

15 However, in my conversations with her, even she
16 agrees that the Applicant should return to the community and
17 complete the amenities agreement. I believe she called the
18 Applicant as well to express this to them.

19 So, Mr. Chairman, our commissions are united. We
20 are working diligently to resolve the remaining concerns
21 with, around density of this project, as well as address a
22 joint community benefits agreement that's appropriate for
23 affordability, as well as other community concerns.

24 We believe, we still believe, although I know that
25 the Commission has moved forward, but we still believe that

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1 a 60 day extension or postpone will help us further get
2 inputs from residents and the commissions. There's no such
3 thing as too much engagement on a project of this magnitude,
4 and so we believe we need more engagement.

5 We've remained committed to working in good faith,
6 at arriving to a resolution that is both consistent with the
7 comprehensive plan and is equitable to residents of the joint
8 effected commissions. I'm happy to take any questions.

9 CHAIRMAN HOOD: Thank you. You can hold your
10 seat, you'll hear from you, Mr. Jones.

11 MR. JONES: So, my name is Tyon Jones, a new ANC
12 commissioner for 8A06. And me and Troy and Commissioner
13 Austin worked diligently on that letter and response back.

14 I'll just add that as we talk about having
15 negotiations and continue negotiations with the Petitioner,
16 it's really difficult as a new commissioner to have
17 negotiations when emails for information regarding the CBA
18 to be looked over and itemized and sent back to me, have not
19 been responded to.

20 And so, I am not so supportive of the current CBA,
21 but also the, sorry. So I don't believe that the Petitioner
22 will continue to work with us in negotiating and so, as Troy
23 said, support the 60 day extension.

24 CHAIRMAN HOOD: Okay. Let me see. Let me ask
25 this. Has the Office of Planning been out to talk to you all

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1 about this process?

2 MR. PRESTWOOD: I don't think I've ever seen the
3 Office of Planning in Ward 8.

4 MR. JESICK: No.

5 CHAIRMAN HOOD: No, okay. I don't want -- you let
6 me know when the next meeting, and I'll come out there.

7 But I want to talk about this. Let me just say
8 this. And I'm sure they've probably been, Chairman
9 Prestwood, they probably have.

10 MR. PRESTWOOD: And I'm sorry, I should be more
11 specific, to 8A.

12 CHAIRMAN HOOD: Oh, okay.

13 MR. PRESTWOOD: Yes.

14 CHAIRMAN HOOD: So, I guess the reason I'm asking
15 is because I'm hearing some things that are not necessarily
16 germane to our process here, because this is not a PUD,
17 you're talking about a CBA. I am going to push the
18 Applicant, because I know that we come a different way from
19 a PUD to where we are right now.

20 But I will tell you that I do want to make sure
21 that ANC 8A and 8C have the time that they need to continue
22 to work with Redbrick. So, even those rulemaking, I want to
23 make sure that a time is allotted.

24 I'm hoping that you all will continue to work.
25 And I'm hoping, Commissioner Jones, that your, you get your

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1 responses. And I actually want to get a report on some of
2 that. I just want to know.

3 Now, I'm not saying what, from our process that
4 we have to deal with amenities, because that's involved with
5 our process.

6 And the reason why I ask that, Chairman Prestwood,
7 because I wanted somebody to come out and explain what the
8 process is, and I know that you all have started doing, you
9 start going down a road and you all obviously, from your
10 letter, the joint letter that you all have done, it looks
11 like there's some opportunities and possibility to make some
12 headway, just need to have some more conversation.

13 And I want to make sure that I'm letting the
14 Applicant, I'm saying this really, I'm talking to you but I'm
15 really saying this to the Applicant and letting my colleagues
16 know where I am, I want to make sure that time is allowed.
17 And hopefully we don't, if it's not 60 days I understand
18 that, but to me 60 would be the max for me.

19 And the reason I'm putting it like that because
20 at some point in time we got to end this. We need to know
21 what your processes is, how much time you have.

22 We can go to next year, but I think though to move
23 this along, I want to make sure that the ANC commissioners,
24 who are our front-line workers, who work for us for free and
25 volunteer your time, are heard.

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1 And I'm saying this so that the Applicant knows
2 where, I think you knew this through the last process, I
3 heard all these great things and now here we are today doing
4 something different. I'm hearing a little something
5 different.

6 So hopefully that your responses will be responded
7 to. Or whatever your questions are. And then we understand
8 the process. Because this is a rulemaking.

9 I hear you talking about, see, this is not a PUD
10 for us. So we're kind of constrained, kind of confined to
11 a certain point.

12 But the ask, doesn't mean I can't make the ask.
13 Because I ask a lot down here sometime which is out of the
14 scope. And I will admit that.

15 But I think when you're a good neighbor, you want
16 to do the good neighbor policy, I think that some of those
17 things can be worked out. So that's my two cents worth, my
18 five minute spiel.

19 And I'm going to be looking forward to seeing how
20 this Applicant work with our volunteer workers. And we
21 appreciate your service. Let me see if my colleagues have
22 anything.

23 COMMISSIONER SHAPIRO: Mr. Chairman?

24 CHAIRMAN HOOD: Commissioner Shapiro.

25 COMMISSIONER SHAPIRO: I just concur. I

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1 appreciate the work that you've done. I hear the
2 frustration.

3 There's a process laid out before us and I think
4 I would echo the words of the Chair which is, despite the
5 formality of the process, there is still work that could be
6 done with the developer and the community. I think they're
7 hearing that from us.

8 And so, I concur. I join with you, Mr. Chair.

9 CHAIRMAN HOOD: Any other comments up here? Okay.
10 That's right, this is a rulemaking, so thank you very much,
11 we appreciate your testimony.

12 MR. PRESTWOOD: Thank you.

13 CHAIRMAN HOOD: All right. Do we have any
14 organizations or persons who would like to testify? Who are
15 here would like to testify in support. Come forward.

16 Anybody else? Testifying, anybody who wants to,
17 organizations or persons who would like to testify in
18 support, come forward.

19 Yes. Yes, this is about, and I thank my
20 colleague, this is about the establishment of the zone, okay.

21 Right now, we're not talking about any specific
22 projects, so if we can just keep it germane to the status of
23 the zone. Okay.

24 If you don't, I ain't going to cut you off but
25 you're going to come down here every week. Because I do have

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1 a button up here but I'm hoping I don't have to use it
2 tonight. Okay.

3 All right, we're going to start from my left.
4 Hold on one second please.

5 So, let me just say this. Chairman Prestwood and
6 Commissioner Jones, before you leave tonight, are you all
7 going to stay with us through the whole thing?

8 MR. PRESTWOOD: Depends on how long you go.

9 CHAIRMAN HOOD: So you all heard the Chairman, he
10 said it depends on how long we go. So before you leave, I
11 would like you to go down and have a conversation with Ms.
12 Schellin, because I want to make sure you have the right
13 statute.

14 Because it looks like we're mixing up the
15 regulations with the statute, and I want to make sure when
16 leave to go back and continue to have those conversations,
17 that we're operating on the right page.

18 Okay. All right, thank you. Ms. Schellin, I'm
19 going to give this to you so you can work with it. I think
20 that may be more expedient. Okay.

21 All right, you may begin. Oh, you all switched
22 up because you were sitting there.

23 MR. SAVAGE: No, we didn't switch up, you --

24 CHAIRMAN HOOD: Oh, okay, so something is wrong
25 with me, okay. All right, you may begin.

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1 MR. SAVAGE: Okay. I'm Frederick Savage, I'm the
2 owner of Savage Technical Services. We're located at 1227
3 Good Hope Road Southeast. We're located in Ward 8,
4 Anacostia.

5 We've been in business located in Ward 8,
6 Anacostia for about eight years. We currently employ ten
7 D.C. residents, of which four are apprentices, second year
8 apprentices.

9 We've had a business relation with Redbrick for
10 over three years now. Which includes about 400,000 in
11 contract work, which has had a positive impact on our small
12 electrical contracting business.

13 I endorse and I fully support Redbrick efforts to
14 proceed with this development. At this point, I'm going to
15 turn it over to project manager, Larry Greenhill, who also
16 runs our apprenticeship program.

17 MR. GREENHILL: Yes, thank you, Mr. Savage. I
18 just want to pretty much dovetail off of what Mr. Savage is
19 saying.

20 You know, Mr. Dubin and Mr. Rodiger and Mr.
21 Skinner, who are all here today, have actually reached out
22 to our small Ward 8 business. And like Mr. Savage said,
23 we're located at the Anacostia Business Center.

24 And they've actually been in support of our
25 apprenticeship program and they know what we're trying to do

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1 to help develop our young people that actually live in the
2 Ward 8 community. Three of which who are here today sitting
3 in the back.

4 And so, we're very proud of what, they're support
5 and what we're doing in the community. And so, projects like
6 this Howard Road project, for us, as an electrical
7 contractor, as we're trying to develop capacity and grow, are
8 very important to us. So we want to be a part of the
9 community.

10 And we're also, I want to say too that, as I
11 listen to the ANC Commissioners too as well, I'm in support,
12 we're in support of the ANC Commissioners and we want to work
13 with them and we want to work with everyone to make sure that
14 this project is done the right way.

15 But speaking specifically for Savage Technical
16 Services, I like to tell the Commission that Redbrick has
17 actually reached out to us and we've actually been fortunate
18 enough to do good business with Redbrick. So they've more
19 than lived up to their commitment to us, that we can
20 specifically say, and to our apprentices that went out to
21 their properties and actually done electrical work.

22 So we're definitely here in support of Redbrick
23 and moving forward with this Howard Road project. Thank you.

24 CHAIRMAN HOOD: Thank you. Next.

25 MR. JOHNSON: My name is David Johnson. I live

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1 a couple blocks from the new Howard Road Zone. Thanks for
2 hearing my testimony.

3 My concern is, or my support for the project
4 concerns the increase in price in Anacostia over the past,
5 I think it was the past five years, D.C. Urban Turf local
6 blog reported that prices on single family homes increased
7 by 195 percent.

8 I think we're all familiar, Anacostia has become
9 the hot neighborhood. And so, I'm in support of the project
10 because we believe, I believe that we need more housing in
11 the District.

12 The Mayor, in her second inaugural address, said
13 we need 36,000 units to meet the demand of the people here
14 and the people who want to move here, by 2025. So this
15 increased density is a big part of that process, along with
16 other PUDs.

17 Otherwise, the prices I believe will continue to
18 rise and we're going to push people out of the neighborhood.
19 Which has already happened to a large extent.

20 I've only lived in Anacostia for three years, so
21 I'm a fairly new resident. I live in the Sheridan Station
22 mixed income community, which is a proven model, by some
23 reports, for increasing opportunity for all the residents and
24 reducing segregation by income, which is a huge problem in
25 D.C.

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1 There is also a significant amount of affordable
2 housing under construction, delivering in 2019. WC Smith has
3 59 units in the same neighborhood coming online, I think in
4 the fall.

5 And then Martha's Table just opened their
6 headquarters down the street about a mile, maybe two miles,
7 south of Redbrick's property. And that's bringing 120 units.

8 And all those units, both from WC Smith and from
9 Martha's Table, are at 60 percent AMI or lower.

10 So, I think that Redbrick is bringing a mixed
11 income community on a micro level and that they have, of
12 course, met the inclusionary zoning requirements.

13 And on a macro level, because we know that a lot
14 of the affordable housing is concentrated east of the river
15 in D.C. And so, to bring more market rate units I think will
16 increase opportunities. Particularly jobs, professional
17 office jobs, for people east of the river. That's my
18 testimony.

19 CHAIRMAN HOOD: Okay, I want to thank you three.
20 Let me just ask Mr. Johnson first.

21 Sheridan Station, how do you like, how do you live
22 living there?

23 MR. JOHNSON: It's been a positive experience,
24 except for Suitland Parkway, which is very loud.

25 CHAIRMAN HOOD: Okay. All right. You're doing

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1 all right then.

2 MR. JOHNSON: Hindsight is 20/20.

3 CHAIRMAN HOOD: Okay. Some of us weren't around
4 for that so we're just curious. Sometimes we don't get a
5 whole lot of feedback.

6 MR. JOHNSON: No, I would say mostly positive.

7 CHAIRMAN HOOD: Okay.

8 MR. JOHNSON: WC Smith was good, they stuck to
9 their project.

10 CHAIRMAN HOOD: Okay. Mr. Greenhill, it's good
11 to hear, and I think I've heard this in the previous case
12 about how you all have been working, but I appreciate your
13 comments because you included, you heard the ANC's position
14 about continuing to work.

15 While you were very supportive, you were very
16 inclusive, both of you were very inclusive of our front work
17 with the ANC so I'm hoping that you'll one of the people that
18 will help facilitate and make sure that all of that happens.
19 So I appreciate your comments, okay?

20 MR. GREENHILL: Yes, thank you.

21 MR. SAVAGE: We'll help wherever we can.

22 CHAIRMAN HOOD: Good. And one thing about it is
23 I'm always telling my peers we may not always agree, but I
24 think everybody's input makes a better outcome.

25 And we do have a lot of -- one of the things

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1 that's troubling to me, we have a lot of affordable units in
2 the pipeline in the city, but because of the stalemate and
3 where they are is actually having the reverse effect on the
4 residents in the city and we are the ones who are the ones
5 who are having the problems. And it's coming back to
6 eventually haunt us. So that's my two cents.

7 So, I want you all to continue to work with the
8 ANC and all the parties and let's make it work.

9 MR. SAVAGE: Okay, thank you.

10 CHAIRMAN HOOD: Thank you. Oh, wait a minute.
11 Any questions up here? Okay. All right, thank you all.

12 All right, any organizations and person in
13 opposition? Okay, come forward.

14 Do we have any organizations or person who are
15 here undeclared?

16 Is there anybody else who just wants to testify?
17 All right.

18 All right, I think Ms. Ford, is that you, Ms.
19 Ford?

20 MS. FORD: Yes.

21 CHAIRMAN HOOD: We're going to start with you.

22 MS. FORD: Thank you so much for everything.

23 CHAIRMAN HOOD: Turn your mic on, identify
24 yourself and we can go forward.

25 MS. FORD: Hello everyone, my name is Aiyi'nah

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1 Ford, I'm a resident of 3008 Stanton Road Southeast, that's
2 8B04.

3 And I work at 1304 Talbert Court, which is in 8C06
4 represented by Commissioner Jones, who was just speaking.

5 I've submitted written testimony that speaks to
6 who I feel as an individual regarding this, and I am in
7 strong opposition. But my work at the Future Foundation has
8 me in direct communication with residents and youth who have
9 a feeling for this.

10 And so what I'd like to read in my remaining two
11 minutes is statements from youth and families who will be
12 directly impacted by this. And it states as such.

13 Dear Zoning Commissioners, re: ZC Case Number 18-
14 18 and Case Number 18-19. I'm a student at Ballou STAY
15 Opportunity Academy in ANC 8C.

16 During my participation in the Future Foundations
17 political education program offered at my school, I was made
18 aware of your decision to change current zoning for Square
19 5860 and 5861 in the NHR zone.

20 I was disappointed to learn that this decision has
21 already been made without the opportunity for the community's
22 input. I may be a high school student, but I've learned how
23 development can positively or negatively impact my future.

24 Please do not carry out the map amendment as
25 you've planned. My future relies on your decision for this

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1 process to be done as a PUD related mapping amendment and not
2 a rulemaking map amendment and text amendment.

3 Sidebar, you've said that a number of times today.

4 With my classmates, we've created this letter
5 hoping you will consider who our households will be hurt.
6 Envision the young people you are related to or just care
7 about.

8 They may go to your church or play on a team with
9 your own child. Please make this decision as though it would
10 impact them.

11 This is not the first time that Redbrick
12 Developers have tried this. Reference ZC Case Number 16-29.

13 Yes, this land belongs to Redbrick and this is
14 private. When Redbrick purchased the land, the sites use
15 intensity was outlined by existing zoning laws. If you
16 change those laws you create public land entitlements worth
17 tens of millions of dollars to Redbrick and come at a cost
18 to me.

19 As zoning increases rent and directly contributes
20 to resident displacement. As land prices respond to up-
21 zoning before production of any affordable housing.

22 They have a footnote for that research that you
23 can see in the written submission.

24 There's a process to grant these sort of public
25 land entitlements, it's called a PUD process. Just because

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1 something is called rulemaking does not make it equitable or
2 official rulemaking.

3 We know that money is really what matters. It
4 hurts these decisions are made even though they're
5 technically illegal.

6 We do not have the money Redbrick has used to get
7 their way repeatedly. Please accept our symbolic money in
8 addition to our testimony.

9 This money represents the immeasurable value this
10 community has to us. If you look in the detail of each
11 dollar's art work, you will see things that you may never
12 learn during this hearing.

13 We've included characteristics that you do not see
14 while you are in this city.

15 I hope there will be further action if this
16 proposed rulemaking becomes final. We have every reason to
17 believe that Redbrick's real money be enough to eliminate our
18 opportunity to serve us in the commissions we live in and
19 learn in.

20 Neither ANC 8A nor ANC 8C, where our school is
21 located, feel comfortable with the current proposal. Our
22 future foundation sessions have also taught us that ANCs
23 represent the voice of the community and are the people that
24 are elected to represent us. See footnote 2.

25 In response to two ANC Commissioner's request for

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1 stronger CBA, Redbrick stated a map amendment is solely
2 evaluated on its consistency with the comprehensive plan and
3 may not be conditional on benefits and amenities. March 4th,
4 2019 letter from Applicant.

5 Redbrick does not want to negotiate with the
6 community for tens or millions of dollars of profit they will
7 be receiving through public land entitlements resulting from
8 this map amendment. Redbrick would rather negotiate a CBA
9 based on design review, but our community is not stupid.

10 Negotiations based on a design review have less
11 of Redbrick's capital, a.k.a. money, at stake. All that is
12 subject to negotiation, and negotiations take time and legal
13 teams. This is racist and classist that the Mayor in the
14 Office of Planning is making it policy to do these sorts of
15 rulemaking proceedings in Black and transitional communities.

16 I am aware Black and Brown transitional
17 neighborhoods are the only sorts of areas these sorts of
18 rulemakings, which are a lot like PUDs, are being proposed.

19 Areas such as Chicago Street Southwest, ZC Case
20 19-03, High Street Southeast, ZC Case 18-10, K Street
21 Northeast, ZC Case 18-07, and here at Poplar Point, ZC Case
22 18-19.

23 This is theft from our communities as it takes
24 away our ability to negotiate strong CBAs with developers,
25 even as they displace residents and begin re-segregating our

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1 communities to all White ones. By approving this application
2 and others like it, the Zoning Commission is complicit in
3 stealing from our community.

4 Residents of Wards 1, 2, 3 and 6 would not
5 tolerate 25 percent increases in density and 44 percent
6 increases in height, without the opportunity to be
7 meaningfully heard.

8 As a Ward 8 student, my classmates and I will not
9 tolerate it either. We will do all we can to create a future
10 worth fighting for. If you make the right decision, you have
11 helped us.

12 There are 24 of these letters signed by youth,
13 from that Commission, and I hope that you've heard all of
14 their voices. I don't stand here alone. Thank you for your
15 time.

16 CHAIRMAN HOOD: All right, thank you. Next.

17 MR. THERESA: Thanks. My name is Aristotle
18 Theresa. When I was growing up my mother always told me that
19 when you begin to win, they'll change the rules. So here we
20 are at a rulemaking creating a PP zone. Your words, not
21 mine.

22 I represent CARE. And I'm a business owner and
23 resident in ANC 8A. It's very clear that the ANC does not
24 understand what's happening here today, yet the Commission
25 is unilaterally inclined to go forward and forever change our

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1 community.

2 The Office of Planning has not been out to our
3 community to speak to it. So, most of our community doesn't
4 really understand what's happening here today. And to go
5 forward just seems unconscionable to me.

6 Any event, this is not a rulemaking. The
7 commission can amend text and maps only when it's consistent
8 with the comp plan. This is not.

9 This project will violate active policies like the
10 D.C. Height Act, D.C. Climate Ready. And moreover, it
11 involves the rights of parties.

12 These same lots and squares are part of litigation
13 in federal court and the courts of appeal. Traditionally,
14 map amendments involve broad policy issues.

15 This map and text amendment up-zones to the same
16 level of the PUD proposed in ZC Case 16-29.

17 This Commission is legislating by pretense. We
18 believe it is illegal. This Commission allowed a rulemaking
19 for a three lot, 35-unit apartment building on K Street
20 Northeast, ZC Case 18-07.

21 The ANC is right. This and many of the recent
22 rulemakings are contest case PUDs. The upshot is obvious.
23 No negotiating power for ANCs in the community. Your urgings
24 to the developer to work with us are empty.

25 The stance taking by the Commission today will

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1 impact what communities, like mine, get out of projects like
2 this. And so, by making this case a rulemaking, you're
3 taking power out of the hands of the ANC.

4 Both ANCs have come here today asking for more
5 time, if only to understand what's happening. And so, when
6 you have leadership in our community that does not understand
7 what's happening, it shouldn't be on me to inform them.

8 The Office of Planning should be coming out into
9 these communities and informing people what is happening.
10 I've done my best, but it's very clear that there's a gap in
11 understanding here.

12 And so, for you to just go forward, you really are
13 acting unilaterally in changing our community. That is not
14 the role of the Zoning Commission. Thank you.

15 CHAIRMAN HOOD: Thank you. Next.

16 MR. MPULUBUSI: I'm Tendani --

17 CHAIRMAN HOOD: Turn your mic on.

18 MR. MPULUBUSI: Check one. Organization, five
19 minutes please. I'm Tendani, and I've been a resident of an
20 area neighboring Poplar Point for over ten years. It's real
21 close to Howard Road. It's over there by Barry Farms and the
22 condos that still remain.

23 I first was introduced the Poplar Point, when D.C.
24 United wanted to build a stadium over there. Built a
25 relationship with D.C. United, got to understand the project,

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1 got to understand development, got to understand development
2 interests.

3 And got to understand where my interest lie, and
4 my community interest lie within development.

5 So today I want to tell you straight up and
6 simple. We clearly question the legal nature of the map
7 amendment.

8 And I most definitely question the ethical nature
9 of it because it is indeed and clearly appearing to be a way
10 to maneuver around having respect, respect and respect, for
11 the process in which the community is able to demand respect
12 and equity within the project.

13 So when you support this map amendment, you're
14 supporting disrespecting our community, a longtime Ward 8
15 residents who survived the crack era, the murder era in the
16 '90s and who still exist and have children generation, who
17 are still out here living and breathing and working, and now
18 that the community is going to be on the incline, is going
19 to have some economic sustainability, they don't even get to
20 participate basically.

21 But we survived the crack era, why can't we
22 participate in the new era that's coming to D.C.

23 It's a calculated effort to push certain people
24 out. It does appear to be racist, classist and some more.

25 Furthermore, I like to say that, as a longtime

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1 resident, a man of character, who has worked in the community
2 for over 12 years, providing services to youth, not only just
3 to keep them safe and sound, mentally, emotionally,
4 physically, spiritually, intellectually, are teaching a lot
5 of young people how to make things, how to create, how to be
6 productive in the society that's destructive.

7 You know, that's my character. And I've
8 sacrificed a lot of my personal gain in order to help others.

9 I've been able to maintain and do my thing as a
10 business man too. I have a Ward 8 business that's on MLK
11 Avenue, that's right there to Howard Road, that goes right
12 Poplar Point. I can walk right there.

13 I have another business that's a non-profit. And,
14 like I said, I lived down the street for years.

15 I want to be clear, our definition of amenities
16 are not park benches and street lights and trash cans. We
17 have a population that has a very specific social and
18 economic need that should be respected and paid attention to.

19 Not only that, character. I mean, talk is cheap.

20 I was involved with Redbrick on the St. Elizabeth
21 project, and they wanted to parade around in a project. And
22 we brought 30 people to support the project at St. Elizabeth
23 East.

24 Signed agreements with them and then the next
25 thing you know, once they got what they wanted, they

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1 disappeared. Did not respond to emails, did not call.

2 And now we're not even at the table. And 8 Arts
3 a& Culture, formally the Ward 8 Arts & Culture Counsel, was
4 the first organization to ever produce any event at St.
5 Elizabeth East since it opened to the public for the first
6 time in 100 years, in 2014 under the Gray Administration.

7 We produced, facilitated, grew and incubated that
8 space. And we're not at the table now.

9 So they've already demonstrated that they don't
10 really care and they do what they want. And they have no
11 respect.

12 Second of all, I'm not just speaking for myself,
13 I'm speaking for a lot of families, a lot of entrepreneurs
14 that we've not only helped in Southeast in Ward 8 but all
15 over the city. People have come to us for advice.

16 We provide a retail opportunities, we provided,
17 we ran a make and space for three years where we allow people
18 to produce and take products to market, provide business with
19 technical assistance, a lot of other things. And we're still
20 doing it to date, without support from any public funds.

21 I also want to make it clear that the future
22 impact of a map amendment, and to do it in a historic Black
23 community, as this is a franchise, is so American. But it's
24 really, really, really, an opportunity to further
25 disenfranchise a community that's already been

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1 disenfranchised when you can also make decisions that empower
2 the community. It's a choice.

3 And there are people who deserve, deserve some
4 respect. Some people who work hard. I'm not only one of the
5 hardest working people that I know, but I know when a lot of
6 other hardworking individuals who need a fair chance.

7 When I'm saying about an organization and my track
8 record is real, it's verifiable. And not only that, this
9 whole situation with the map amendment is dangerous to the
10 people that are representing my community.

11 And I'm speaking up for them, most certainly I'm
12 speaking up for myself. You all need to really step back and
13 think before you try to support something like that. Because
14 you're pulling a trigger on a big, big gun.

15 CHAIRMAN HOOD: All right, thank you. Next.

16 MS. PATRICK: Hello, my name is Elvera Patrick.
17 I'm a Ward 8 resident. And also, I'm a senior citizen.

18 I'm here to represent the seniors. I'm Ms. Senior
19 Congress Heights 2013. And I'm just here to say I feel that
20 we, as seniors, are being forced out of our homes that we
21 have been raised in as a young child up until the day.

22 And a lot of the seniors do not understand what
23 is going on. They are really afraid. I've had a lot of
24 seniors that have come to me to ask me what is going on. And
25 me, as a senior, I still don't understand what's going on.

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1 But I do have in front of me my real estate
2 property tax bill that I received yesterday in the mail. My
3 taxes have gone up. And I also have my mortgage bill that
4 I received in the mail. And my mortgage has gone up.

5 I'm confused. And I would like to benefit from
6 the development and not be left out. Thank you for this
7 opportunity.

8 CHAIRMAN HOOD: Okay, thank you. Thank you all
9 for your testimony. Let me see if we have any follow-up
10 questions or comments. Commissioner May.

11 COMMISSIONER MAY: Mr. Tendani, you requested five
12 minutes because you're representing an organization, you
13 didn't state what organization?

14 I'm sorry?

15 MR. MPULUBUSI: 8 Arts & Culture.

16 COMMISSIONER MAY: 8 Arts & Culture, okay, thank
17 you.

18 MR. MPULUBUSI: Yes, sir. And I will clarify that
19 I'm also pro-development, I'm just not pro --

20 COMMISSIONER MAY: I understand.

21 MR. MPULUBUSI: -- getting played.

22 COMMISSIONER MAY: Yes, right. I mean, you worked
23 with them on something that, St. Elizabeth's East?

24 MR. MPULUBUSI: Yes. Yes.

25 COMMISSIONER MAY: Okay. With this developer?

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1 MR. MPULUBUSI: Yes. Redbrick LMD, yes.

2 COMMISSIONER MAY: Right. Right.

3 MR. MPULUBUSI: Yes.

4 COMMISSIONER MAY: Okay. I think we might ask
5 more questions about that if you stick around for the next
6 case.

7 MR. MPULUBUSI: Okay.

8 CHAIRMAN HOOD: Okay. Questions, follow-up?
9 Okay, thank you all very much, we appreciate it.

10 All right, anyone else? Okay. I think -- Mr.
11 Abraham I see is coming forward. Let me ask this. Are you
12 all undeclared or which one?

13 MR. ABRAHAM: We declared.

14 CHAIRMAN HOOD: You declared.

15 MR. ABRAHAM: Yes.

16 CHAIRMAN HOOD: I mean, are you in support or
17 opposition.

18 MR. ABRAHAM: Opposition.

19 CHAIRMAN HOOD: Opposition, okay.

20 MR. ABRAHAM: Yes.

21 CHAIRMAN HOOD: All right, you may begin.

22 MR. ABRAHAM: Chairman Hood, good evening. Zoning
23 Commission, my name is Jauhar Abraham. I'm a 51-year-old
24 D.C. resident living in Ward 8.

25 I'm really appalled at the position that this

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1 Commission has taken. I've took the time to come down here
2 this evening when I received the email letting me know that
3 you all have made a decision already.

4 And I don't, and to come here and to hear, as I
5 fully support the ANC Commissioners. And I'm a community
6 activist.

7 I own a business in Ward 8 as well. I've been run
8 out of business by this type of development, this type of
9 activity.

10 And for you to make the kind of decisions that you
11 all are making, and you don't spend time in our community,
12 to me it's just crazy.

13 And when I hear, and I know the pain and suffering
14 of somebody like Tendani, because I see him in the community,
15 and I'm sitting in the back looking at representatives from
16 Redbrick frowning up their face, making it like what he is
17 saying is not legitimate, it make my skin boil.

18 And so with the amount of corruption that's going
19 on in the city right now, I'm sure that -- I'm just here to
20 say that everything that I have, I'm going to fight this
21 because I watch the games that's being played.

22 I've seen the proposal that Redbrick put forward
23 and ADC put forward. And one was garbage. It wasn't even
24 the real proposal.

25 And Redbrick had a whole bunch of people, had the

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1 whole community on their proposal. And when I talked to the
2 people that's in this proposal, they have no idea what this
3 is.

4 If they can get 25 or \$50,000, like I heard the
5 brother come up here and talk about he got a \$400,000
6 contract, man, this is a \$600 million, one project is worth
7 \$600 million.

8 And so, for me it's not enough for just one of us
9 to come up here and say we doing okay because of this, but
10 the rest of the community gets sold out.

11 And, Commissioner Hood, man, you from this city.
12 I don't see you in our community, but I know you know what's
13 going on.

14 Man, I expect more from you than that when the
15 Commissioners who are on the front line right across the
16 street from where they proposing to build a \$600 million
17 project, it's shootings every single day. Kids are being
18 shot right across the street.

19 And they make promises to work with organizations
20 in the community and don't keep them, Redbrick. I've been
21 in the room, I've been a party to this over the past two
22 years.

23 So, to come in and to hear you say that the
24 amenities that the community need, the community need
25 support. Just like we going to build these edifice, these

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1 beautiful buildings, people need help as well.

2 And if they going to benefit off the property that
3 exists in this city, that a person like me have been here for
4 51 years, it don't make sense. That they shouldn't have to
5 sit down and work some stuff out before you make a decision.

6 Thank you. And you all should be asking questions
7 --

8 CHAIRMAN HOOD: Thank you.

9 MR. ABRAHAM: -- that if you're going to make this
10 decision, and people who oppose this, you not going to ask
11 them a question, you just sitting there like, like it's
12 nothing, like, that's crazy to me. People's lives are being
13 impacted.

14 CHAIRMAN HOOD: Okay, thank you. Next.

15 MR. BROWN: Hello. Can hear me? Yes, my name is
16 Demetrius Brown, I'm a lifelong resident of Southeast
17 Washington, D.C., Willow Road to be exact.

18 I'm going to be brief. Real brief. I'm going to
19 try to be as eloquent and as articulate as I possibly can be,
20 but at this point, being articulate is just thrown out the
21 window right now.

22 Simply because, one thing. Well, two things.
23 Just a reoccurring theme that I've noticed just right here,
24 just sitting in this room for the last 15, 20 minutes. That
25 the last couple of residents that came up we just didn't

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1 know. We don't know.

2 I didn't even know this bill was even passed, or
3 I didn't even know this bill was even ruled on. Nobody that
4 is in the community actually doing the work knows what's
5 going on.

6 I'm a program manager for 8 Arts and Culture. I
7 run three different programs in the city. Currently in three
8 different junior high schools and elementary schools. And
9 I teach production, music production. And I get in depth
10 with these young people.

11 And these young people always come to me and they
12 tell me about their issues and their problems. And one of
13 the biggest problems is that their families are getting
14 pushed out. Their brother is getting pushed to West
15 Virginia; their folks are out in Hagerstown.

16 They can't get in contact with their people. The
17 people that they were born and raised with in this city for
18 the last 20, 30, 40 years.

19 And when people come to the city, because we know
20 what it is, we know what this is, we know what this is all
21 about, it's about the money. And see, when you talking about
22 money and a lot of people who are uneducated about the money
23 situation, it's easy to pass things on and it's easy to just
24 brush things past people.

25 Because, like I said, the reoccurring theme was

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1 that we don't know what's going on. You got people whose
2 mortgages are being raised, taxes. My parents still live in
3 Ward 8.

4 It was a person who came to their house three days
5 in one week, trying to buy their house. And my parents are
6 senior citizens. My father is currently going through lung
7 cancer right now, mesothelioma.

8 And we're trying to do everything that we can to
9 hold on to our property and to everything that we had for the
10 last 40 years.

11 As my colleague said, we've survived the crack
12 epidemic, we've survived murders, we've survived homicides.
13 I mean, just so much negativity.

14 And for me to even make it out of that situation,
15 I've been working with this man for the last 20 years, going
16 in and out of the prison systems, doing the work. And then
17 once again, when we see people who claim that they want to
18 be part of this community, who are really transients trying
19 to make enough money that they can possibly make to make
20 generational wealth for their families, but they eliminate
21 everybody else that's underneath of them.

22 And I know what it is, it's about the money. But
23 guess what, if we not included, if there's no equity at the
24 table, including us, we're going to have some issues.

25 We're going to be marching, we're going to be at

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1 these meetings, we're going to be standing up in the schools,
2 we're going to do everything that we possibly can in our
3 power to make sure that we are respectfully included. Thank
4 you for your time.

5 CHAIRMAN HOOD: Thank you. Next.

6 MS. HUNTER: Good evening. My name is Angelis
7 Hunter, I am a resident, a member of the CARE team, teach
8 service member, graduate of D.C. public schools, and much
9 more.

10 The bottom line is our people suffer from lack of
11 knowledge on multiple levels. We are suffering from many
12 things.

13 We need to take the time to think about the next
14 decision that we make. This is absolutely critical. I am
15 in support of all of my comrades and I am in opposition of
16 the decision to go forward from this point. Thank you.

17 CHAIRMAN HOOD: Okay, thank you very much. I just
18 want to take personal privilege, and I respect Mr. Abraham
19 and I want to make sure I say that.

20 He said he never sees me. Monday and Wednesday,
21 I was here, tonight I'm here. Tuesday I was at the Century
22 Rehab Center. Where is that, Mr. Abraham?

23 MR. ABRAHAM: I don't know.

24 CHAIRMAN HOOD: It's in Ward 8. Okay?

25 MR. ABRAHAM: Some new --

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1 CHAIRMAN HOOD: I was there for four hours on
2 Tuesday night.

3 MR. ABRAHAM: Okay.

4 CHAIRMAN HOOD: So, I just want to explain to you
5 for me. And I appreciate your comments, you never see me.
6 You give me your house number, when I come over there doing
7 my rehab work at Century --

8 MR. ABRAHAM: Okay.

9 CHAIRMAN HOOD: -- I will come by your house and
10 blow the horn.

11 MR. ABRAHAM: I come and join you. If you doing
12 some stuff in the community, I'll come and join you.

13 CHAIRMAN HOOD: So I'll just -- let me just say
14 this, I'm all over the city.

15 MR. ABRAHAM: Okay.

16 CHAIRMAN HOOD: Okay. So that's where I was
17 Tuesday night. The other three nights I was down here, like
18 tonight.

19 MR. ABRAHAM: Okay.

20 CHAIRMAN HOOD: Tomorrow night I have another
21 meeting. Saturday and Sunday, I'm going to take a leave.
22 So that's my schedule for this week.

23 And seriously, I really appreciate the work that
24 you've done, but I just wanted to make sure I've responded
25 too because a number of us are working.

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1 MR. ABRAHAM: Okay.

2 CHAIRMAN HOOD: Okay. All right.

3 MR. ABRAHAM: All right.

4 CHAIRMAN HOOD: The other thing is I'm getting the
5 sense that maybe you all didn't hear me. Or maybe you were
6 thinking about me not being in Ward 8 when I was there
7 Tuesday night, but you all didn't hear me.

8 Because what I said, even though this is a
9 rulemaking and we went forward, I think I asked to make sure,
10 and I made it clear, that I wanted to continue to make sure
11 that they work with the ANC commissioners. I said it not
12 once, I said it probably three times. I said that tonight.

13 MR. ABRAHAM: But what happens if they don't?

14 You encouraging them, but you not making a
15 decision, see, I've been around 51 years, I've watched people
16 do all kind of crazy stuff. That I would never believe
17 what's going on with Jack Evans.

18 So I don't --

19 CHAIRMAN HOOD: Well, it's germane to the zoning.

20 MR. ABRAHAM: No, all of it's germane.

21 CHAIRMAN HOOD: With the zoning.

22 MR. ABRAHAM: All of it's germane. And I
23 personally have experience, the maneuvering of Redbrick, in
24 my community. So that's why I'm taking the time to come down
25 here.

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1 Now, I'm going to start organizing and making sure
2 that more people get involved because like, they don't know.
3 They don't know.

4 And they don't know that they're going to be
5 priced out and pushed out of their communities. And to me,
6 people who making these kind of decisions should be
7 concerned.

8 Like, what do you mean people are going to be
9 pushed out, give me an example. But I know that you all
10 already know.

11 MR. BROWN: It's about the money.

12 CHAIRMAN HOOD: So let me, hold on.

13 MR. BROWN: I got you, sir.

14 CHAIRMAN HOOD: We do try to do things in order,
15 but, Mr. Abraham, you and I can go back and forth all night,
16 and I have no problems in doing that but we're not going to
17 do that.

18 Let me just ask you this question. You're asking
19 me, what can be done. Have you followed some of the things
20 that we do, do down here?

21 And this is not, here's the thing, this is not my
22 first request, because it's in Ward 8. I say things from
23 Ward 5, Ward 7, Ward 4. I've been consistent. And I try to
24 run a hard line.

25 But I also have a legal requirement that I have

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1 to stay within the legal requirement. I go outside, and I'm
2 not trying to prove anything --

3 MR. ABRAHAM: Right.

4 CHAIRMAN HOOD: -- I'm just saying watch the trial
5 that we make. We are hard core on some things.

6 Yes, we get a bad rep a lot of times. But we work
7 just as hard. We love this city too. We live here too.

8 You got 52 years, I think --

9 MR. ABRAHAM: Fifty-one.

10 CHAIRMAN HOOD: -- I got 55.

11 MR. ABRAHAM: Okay.

12 CHAIRMAN HOOD: So, we also have a stake here in
13 the city. I don't come from somewhere else and show up. I
14 come straight from work and come here and continue to do
15 this.

16 So we also, I heard it loud and clear. When the
17 ANC came up, Chairman Prestwood, when he came up, I heard
18 what he said, I've read his letter.

19 Even though it's not necessarily germane to the
20 time frame that I can do, but I gave a subtle nicety to the
21 developer to let him know what I'm expecting. This ain't the
22 first time I've done it, and it won't be the last time.

23 I don't have to really prove anything, just watch
24 the actions.

25 MR. ABRAHAM: Okay.

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1 CHAIRMAN HOOD: Now, there is so much, only so
2 much we can do. I don't want to leave you out here on
3 promise land either.

4 MR. ABRAHAM: Right. No, I'm involved now.

5 CHAIRMAN HOOD: Okay.

6 MR. ABRAHAM: I'm involved. I'm fully committed
7 to this situation. And you know --

8 CHAIRMAN HOOD: I know you, yes.

9 MR. ABRAHAM: -- I'm fully committed to this.

10 CHAIRMAN HOOD: Yes, I know.

11 MR. ABRAHAM: And I'm not going away. And I just
12 want this Commission, like I said, I left the street to come
13 down here tonight so I can see it and hear it again for
14 myself.

15 I know what you've been doing. And the one issue
16 that I take, that I had, I've never seen you deny anything
17 that they come and ask for.

18 CHAIRMAN HOOD: That who came and asked for?

19 MR. ABRAHAM: These developers.

20 CHAIRMAN HOOD: You ain't been watching.

21 MR. ABRAHAM: Okay.

22 CHAIRMAN HOOD: Where you've been? I'm going to
23 give you the link and I want you to see.

24 MR. ABRAHAM: Okay.

25 CHAIRMAN HOOD: But I tell you what --

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1 MR. ABRAHAM: Because I'm going to apologize to
2 you for that. Please give me the link.

3 CHAIRMAN HOOD: No, no, I don't want you to
4 apologize.

5 MR. ABRAHAM: No, because I haven't seen --

6 (Simultaneous speaking.)

7 MR. ABRAHAM: No, because I haven't seen it. And,
8 again, I witnessed the behavior of Redbrick. And there's
9 people who look like me, who dingle dally with them and
10 pretend like they doing something different but they really
11 together. But the masters of the people are being heard,
12 that's why I'm here.

13 And I'm appealing to you, and I'm -- applaud that
14 nobody have any questions. Like, they know they haven't been
15 in this community. Who they've been in the community talking
16 to?

17 The attorney who opposed this to me, if it was in
18 good spirit, the attorney who opposed this, if they was
19 serious, they would have called them and said, let's have a
20 meeting in the community. Like, we really need to
21 understand, because I would like to come down to the zoning
22 commission with Redbrick.

23 Because we not against development, we need better
24 places to live. We need better places to shop, better places
25 to eat, better buildings for our children to go to school.

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1 But it has to be responsible.

2 And we just can't run over people because they
3 don't know better.

4 CHAIRMAN HOOD: So --

5 MR. ABRAHAM: And I think you have a bigger
6 responsibility than anybody I see up there because of your
7 55 years and you from this city. You have a bigger
8 responsibility.

9 Because the people who getting crushed don't look
10 like nobody that's up there with you. The people that's
11 being crushed look like me and you.

12 CHAIRMAN HOOD: All right. Well, thank you very
13 much, I appreciate your candidness and I'm glad we're doing
14 it publicly. And when I see you privately, we will have some
15 additional discussions. Not about the case, not about
16 Redbrick, but some different additional discussions.

17 I appreciate all the work you've done. I've been
18 following you too. I'm not going to say what you've turned
19 and what you haven't turned down, I'm not going to do that,
20 but I've been following you too.

21 But I will tell you why we didn't have any
22 questions. I see that, I think that they've been around long
23 enough, they've been around at least as long enough, why we
24 might not have any questions. We are listening to testimony.

25 Sometimes it's about hearing from the public.

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1 It's not always hearing from us, it's about hearing from the
2 public and hearing the concerns. And also working within the
3 legal requirements.

4 Now I'm stretching it because I'm -- this ain't
5 the first time, okay? So let's just see what happens.

6 MR. ABRAHAM: Okay.

7 CHAIRMAN HOOD: I ain't putting nobody on promise
8 land.

9 MR. ABRAHAM: Okay.

10 CHAIRMAN HOOD: Nobody on promise land. There are
11 a lot of things that we have to work with regulatory.

12 MR. ABRAHAM: Okay.

13 CHAIRMAN HOOD: But anyway, let me see if my
14 colleagues, Commissioner May.

15 COMMISSIONER MAY: Yes, actually I have a question
16 for Mr. Abraham.

17 MR. ABRAHAM: Yes, sir.

18 COMMISSIONER MAY: And not just because you say
19 we don't ask questions.

20 MR. ABRAHAM: You did ask a question.

21 COMMISSIONER MAY: We do try to ask questions, but
22 we also try to be respectful to people's time and not waste
23 a lot of time if things are clear.

24 But you said, when you first sat down, that you
25 were concerned about the decision that we have already made.

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1 And you're not the first person to say that night, but the
2 first time I heard that I wasn't totally sure what was being
3 said.

4 Can you explain to me what you mean by that?
5 Because this is a proceeding that would lead to a decision
6 making, it's not -- we haven't made any decisions with regard
7 to the text amendment that's before us tonight.

8 MR. ABRAHAM: So, there's been an email in text
9 messaging circulating in our community that the Zoning
10 Commission is supporting Redbrick trying to get around the
11 law in --

12 COMMISSIONER MAY: Right.

13 MR. ABRAHAM: -- terms of doing a map amendment.

14 COMMISSIONER MAY: Right.

15 MR. ABRAHAM: So that they can get what they want.

16 COMMISSIONER MAY: Right.

17 MR. ABRAHAM: And, listen, we want them to come
18 in and be of people who have that, but we want to, we just
19 want to participate. And we want the people who have been
20 here suffering through this not to be crushed in the process.

21 COMMISSIONER MAY: Right.

22 MR. ABRAHAM: And for them to refuse to do that,
23 is just alarming. And if you say that you're supporting them
24 and you believe that they, like you're encouraging them to
25 do it, but I'm with credible people.

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1 COMMISSIONER MAY: Right.

2 MR. ABRAHAM: I'm with credible people. And when
3 they say that they refuse to meet with them, the leaders, the
4 people in ANC 8A and 8C choose them. They voted for them.

5 And so, to me it's just ingenuous. Like, I wanted
6 to come see it for myself. Like, what is it going to hurt
7 to say, no, really, won't you all take two weeks. They ask
8 for 60 days.

9 What if you said, okay, let's take two weeks and
10 you all sit down and, because in our community, what we
11 talking about, responsible good neighbor developers, I want
12 to come down here with them to the Zoning Commission. And
13 I'm with you. Because we're going to do this together.

14 But when you decided that we not really that
15 important and that you can lie to us, play us against each
16 other, that's the stuff you all don't know because you all
17 are down here. But we dealing with it every day on the
18 ground.

19 And so that's why I thought it would be important
20 for me to come down here and share it with you.

21 COMMISSIONER MAY: And absolutely. And I think
22 you, one of the points you made is that we're down here,
23 well, I mean, this is where learn about the cases. We are,
24 I mean --

25 MR. ABRAHAM: But if you don't --

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1 COMMISSIONER MAY: -- we are limited in what we
2 can do.

3 MR. ABRAHAM: Okay.

4 COMMISSIONER MAY: Right? We can only pay
5 attention to what is in the record. Whether it's on paper
6 or whether it comes in the form of testimony.

7 Another, actually, can I ask you to turn off a
8 couple of the mics there because we get feedback. And maybe
9 that one too.

10 Just to clarify the way the process is. The only
11 thing that we have decided so far, with regard to this case,
12 with regard to the text amendment that creates this, North
13 Howard Road zone, was that we agreed to have hearing for
14 them.

15 We voted to set down the case for a hearing. And
16 that's why we're here tonight. And that decision was made --
17 when was that made. It was made in October.

18 After this hearing, sometime after this hearing,
19 we would take a vote. And we have two votes on a case like
20 this.

21 So, we vote on the preliminary text and then we
22 get another round of comments and then we would vote on the
23 final text. There is not predicted whether we voted up or
24 down at this moment, and that's why we're having the hearing.

25 But it does take two votes, and there is at least

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1 30 days, I think, between those two votes. So, just so you
2 understand what the process is. Because I know you don't do
3 this all the time.

4 MR. ABRAHAM: I don't.

5 COMMISSIONER MAY: We do it all the time.

6 MR. ABRAHAM: Okay.

7 COMMISSIONER MAY: And we do it all over the city
8 and in a lot of different circumstances. This is an unusual
9 case because of the history that led up to it and the past
10 PUD on the property and everything else.

11 And we're very sensitive to that. We're aware of
12 what's going on with that. That previous case. And so it's
13 very important for us to hear from everybody about it.

14 MR. ABRAHAM: Thank you.

15 COMMISSIONER MAY: Appreciate you coming down here
16 and I appreciate everybody who came down.

17 MR. ABRAHAM: Thank you.

18 CHAIRMAN HOOD: Okay. Any other questions,
19 comments up here?

20 And, Commissioner May, I want to thank you because
21 I did hear that, I just got in a conversation with my friend
22 here about me not being in Ward 8.

23 (Laughter.)

24 COMMISSIONER MAY: I appreciate you affording me
25 the opportunity to answer the question instead of covering

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1 it all yourself.

2 CHAIRMAN HOOD: Yes. Well that's true. Yes. So
3 we appreciate the testimony, and it doesn't go on deaf ears.

4 MR. ABRAHAM: Thank you.

5 CHAIRMAN HOOD: Thank you.

6 MR. ABRAHAM: All right.

7 CHAIRMAN HOOD: All right, is there anyone else
8 who would like to testify?

9 Oh, yes. Can we get witness cards filled out?

10 MR. ABRAHAM: Yes, we have them.

11 CHAIRMAN HOOD: Okay.

12 MR. ABRAHAM: We have them.

13 CHAIRMAN HOOD: All right. Anything else on this
14 case? Anyone else?

15 Okay, Ms. Schellin, is there anything else on
16 this?

17 MS. SCHELLIN: Not unless OP wanted to have any
18 final words or if the Commission wants them to follow-up on
19 anything, that would be it.

20 CHAIRMAN HOOD: So, I think, and I'm really going
21 to --

22 MS. SCHELLIN: Or if the Commission wants to do
23 action this evening on the text amendment or --

24 CHAIRMAN HOOD: Oh no.

25 MS. SCHELLIN: -- put it off for a meeting.

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1 CHAIRMAN HOOD: Yes, I am not inclined to move
2 forward on the text amendment this evening unless others feel
3 something differently.

4 I also want to make sure that we continue, and I
5 mean, I'm going to ask all those involved to continue to work
6 with the community, especially the ANC.

7 I do have something that I've given Ms. Schellin
8 for the ANC to review. And I would like to see, as I
9 requested earlier, I think there was some valid points. We
10 wanted to make sure we're on the same page because I want to
11 make sure as well that the understanding is there.

12 Because it appears to be that the understanding
13 is not there. We want to make sure that this process is
14 understood. And that missed information that gets out there,
15 for some reason, is not out there. The interpretations are
16 cleared up.

17 Are we going to get 100 percent, probably not.
18 But are we closer than where we are, probably so. Okay?

19 All right, anything else on this case?

20 MS. SCHELLIN: So, for the first, just for
21 proposed action, do you want to put these on for April 8th
22 instead of March 25th?

23 CHAIRMAN HOOD: No, I think that's too soon right
24 now. I think I want to give the ANC some time to understand
25 this text amendment. As well as the next case.

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1 They asked for 60 days but I want to give them
2 some time. And I don't know if we need to discuss that at
3 this point. What do others feel?

4 COMMISSIONER MAY: Mr. Chairman?

5 CHAIRMAN HOOD: Yes.

6 COMMISSIONER MAY: I'm not inclined to set a date
7 for this any time soon.

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER MAY: I mean at all tonight. I mean,
10 I think this is something that at an upcoming meeting we can
11 talk about when we would have, set it up for decision making.

12 CHAIRMAN HOOD: Where is Mr. Abraham?

13 COMMISSIONER MAY: I think we got to hear the
14 other case still.

15 CHAIRMAN HOOD: Hold on, I'm going to call him out
16 since he -- where is Mr. Abraham? Tell him I call him.
17 Where is he at?

18 Tell him to come here. Where is Mr. Abraham?

19 Exactly. Tell him we're making a very important
20 point.

21 MS. SCHELLIN: Here he comes.

22 CHAIRMAN HOOD: I want you, we're making a very
23 important point and I want you to hear it, but you left the
24 room.

25 Come a little -- I want you to come up and sit up

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1 in the front row when we're making a point. Commissioner
2 May. No, you don't have to sit right there. The very next
3 row.

4 MR. ABRAHAM: Okay.

5 CHAIRMAN HOOD: And I know you have to go but I
6 wanted to make sure that you hear his points.

7 MR. ABRAHAM: Okay.

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER MAY: No, I just, I think that I've
10 heard enough tonight to know that I don't, I certainly do not
11 feel comfortable setting a date for decision making on this.
12 I don't feel like I necessarily have to have more information
13 in the record.

14 I mean, certainly we want to hear the next case
15 to understand that a little bit better because we will hear
16 from Redbrick folks. But I think that we need to consider
17 this for a while before we even decide when we might take a
18 vote on it.

19 So, I mean, I think maybe we might have initial
20 deliberations set up at some point in the next couple of
21 months. But even then, I'm not sure we would be ready to
22 take a vote.

23 As I said, I'm certainly not ready to schedule a
24 vote tonight.

25 CHAIRMAN HOOD: Okay. Any others on that issue?

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1 COMMISSIONER TURNBULL: Well, if we're not going
2 to make any comments I don't know if OP is going to get any
3 direction or if we're going to, if we're not doing anything,
4 I don't know what's going to happen in two months or
5 whatever, we come back to talk about this.

6 CHAIRMAN HOOD: So if you need, let me just say
7 this, Mr. Turnbull, if you need to say something to the
8 Office of Planning, I think this is the time to do it.

9 I'm trying to be considerate, even though we are
10 limited to a point. I've made, asked at the very beginning
11 that when I heard the ANCs' concerns, and then when I heard
12 the latter concerns, I want to make sure that that is vetted,
13 that the understanding is there, that we don't rush to
14 judgment.

15 And I also want to make sure that this Applicant,
16 if you have to go back to the ANC meetings, somebody has to
17 go out there and explain what's going on. We have some
18 literature that I want to give to the Chairman of the ANC 8A,
19 and hopefully they will pass it on to 8C.

20 So if you have anything, let's ask the Office of
21 Planning.

22 COMMISSIONER TURNBULL: Well, I can put off my
23 comments. They're going to probably -- is OP going to meet
24 with the ANCs, I guess is the first question I have?

25 CHAIRMAN HOOD: I want to ask whoever the person

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1 is on this case to go out and meet with the chair, I don't
2 know if the chairs of the ANC, explain what's going on. I
3 just need somebody, and even if you call the Office of
4 Zoning, I will have the director, explain what's going on.

5 Not necessarily give direction because nobody
6 knows, the Commission makes the decision, but I want to make
7 sure that we explain, and maybe I can get my friend to also
8 be in that so we can explain what's going on. I think it
9 would be very helpful to know in our process as we move
10 forward.

11 COMMISSIONER TURNBULL: Well, you know, all I'm
12 saying is that everybody wants -- we always throughout the
13 comp plan -- everything has got to be in sync with the comp
14 plan. We all want that.

15 But at the same time, whenever a zone is changed
16 or created or there is modifications to it, it's either
17 instituted by the community. They usually are coming in to
18 talk about something that they want to, in this way, what I'm
19 hearing tonight, is that the community really didn't know
20 what was going down. And to understand what the implications
21 of that was.

22 CHAIRMAN HOOD: Okay.

23 COMMISSIONER TURNBULL: So I feel a little bit
24 like we're working, we got the cart before the horse. We're
25 not really talking about something that community knows, is

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1 involved in. And is either in support or says, gee, you got
2 to tweaked this.

3 So I'm just saying, I think somehow along the
4 line, before we can even get into more comments, I think we
5 got to know that the community knows, oh by the way, we're
6 creating a new zone in your community.

7 CHAIRMAN HOOD: So, whoever does that, whether
8 it's the Office of Planning, I volunteer to direct the Office
9 of Zoning, because I can do that, but whoever does that, I
10 would ask the Office of Planning to work with the Office of
11 Zoning. Let's get with the chair.

12 Let's make sure that the ANC, and, Mr. Abraham,
13 make sure they understand first. And the reason I called
14 him, because I know him. So let's make sure they understand
15 what's going on first.

16 And I mean, we're saying the same thing. And I'm
17 actually, even though this is a rulemaking, I'm actually
18 allowing the time. That's what I want to see. I want to see
19 the time for understanding. Because I'm in no rush. Believe
20 me.

21 And I said this Monday night about other cases in
22 other wards, I'm in no rush. Okay. Commissioner Shapiro.

23 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. So,
24 this is a bit of a quandary for me because I don't think this
25 is just an issue of lack of understanding of a process. This

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1 is happening at a context.

2 A context of a previous case, a specific site,
3 neighborhood concerns, community benefit agreements. Is
4 that, which isn't actually a part of this process, we know
5 that.

6 Whether, I don't think the success of the
7 communication is to make sure that the ANCs understand that
8 a community benefits agreement is a part of this map
9 amendment. I think we have a bigger issue that we need to
10 make sense of.

11 Which is, this is happening because there was a
12 decision made to not go down another route. Where there was
13 a community benefits agreement.

14 So I'm not sure, given this conversation, I'm not
15 sure it's going to be helpful enough just to make sure that
16 the ANC understands why there is no community benefits
17 agreement.

18 I'm not saying I have an answer to this. And to
19 pick on something that, to pick up on something that
20 Commissioner Turnbull said, as I heard it, I also don't want
21 to have this be a process with no end date.

22 I would like to see, I'd like to push this along,
23 so conversations need to happen quicker than just when they
24 get to it.

25 But I have to say, I'm a little bit unclear about

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1 how we handle this issue of amenities and community benefits.
2 Because, by the book, it's pretty straightforward.

3 Which, as you know, I think now, there are no
4 community benefits or amenities that are required through
5 this process. There aren't. So what do we do about that?

6 CHAIRMAN HOOD: Okay, again, that's why I always
7 say, there's five of us up here, I believe I said that at the
8 very beginning, whichever time that was, at 6:30, hour and
9 a half ago.

10 So, what I'm going to make sure is that before we
11 bring in all the, and I think Chairman Prestwood and
12 Commissioner Jones understand what I'm saying about that CBA.
13 But I want to make sure that that is very clear.

14 Not just to them two but also to the communities
15 they represent. And I understand about all that, but if I
16 try to solve all that problem, I'm not going to rush to solve
17 no problem tonight because I'm in no rush. That's who I am.

18 And I understand, can I answer all the questions
19 tonight, no. But can I give everybody some marching orders
20 and let's see what happens?

21 Mr. Abraham may be correct. I'd like to call you
22 Jauhar. Jauhar may be correct.

23 So, it may come back and then I'm faced with
24 something else. I deal with it then. But if I know,
25 especially the Chairman of 8A, I know them, they will work

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1 some, come up with some resolutions.

2 We all may not be happy, but you know, one thing
3 about it is, I know people all over the city, even though
4 they don't see me in Ward 8, and I'm always going to remember
5 that, but I do know people's work in this city. That's one
6 thing I do have under, I know what they do, I watch them.

7 And I understand what you're saying, Commissioner
8 Shapiro, but I think that extra time may be adventitious now.
9 Does it always work, no. Has it worked mostly, yes. And
10 that's 20 years talking now. So, that's me. Commissioner
11 May.

12 COMMISSIONER MAY: Yes. I think one of the things
13 that has become apparent is there are a couple of different
14 kinds of outreach that are needed here.

15 One is just about the process that we're going
16 through and how it differs from a PUD, but the second thing
17 is for folks to understand what is proposed in the text
18 amendment. Which is the creation of this unique zone.

19 And it is a truly unique zone. And many of the
20 things that we would ordinarily see in a community benefits
21 agreement are actually written into the text of the zone.
22 So it's required for everything that happens here, not just
23 the PUD properties that would be affected.

24 I think that's part of what everybody needs to
25 understand. Now, it may not be sufficient from a community's

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1 perspective, but I think that everybody needs to understand,
2 well, what does this, how does this compare to matter of
3 right and how is, what would happen under this zone, how
4 could it actually be more beneficial than what's available
5 under matter of right.

6 And, again, I'm not predicting that the community
7 is going to accept this, what will work here, but I think
8 everybody needs to understand it fully and what it means.

9 I would also want to make sure that Mr. Abraham
10 understands that by saying that he hasn't seen Mr. Hood in
11 the neighborhood, he will never ever forget that.

12 MR. ABRAHAM: Okay.

13 COMMISSIONER MAY: He will remind you of that
14 every time he sees you. I know this because I've known him,
15 I don't know how long I've been serving with you, it's
16 approaching 20 years, but there are things 20 years ago that
17 he reminds me of.

18 CHAIRMAN HOOD: When you told everybody when you
19 played with Georgetown.

20 COMMISSIONER MAY: Exactly.

21 CHAIRMAN HOOD: Okay. All right.

22 COMMISSIONER MAY: Which I never did.

23 (Laughter.)

24 CHAIRMAN HOOD: Okay. So, seriously, Commissioner
25 Shapiro, that may not satisfy your answer. And I will tell

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1 you, the five of us sometimes we don't agree, as you can
2 probably see.

3 But the reality of it is, Mr. Turnbull, I know
4 that didn't answer your question. I probably don't have, and
5 I don't have an answer, but I want to make sure that what was
6 asked for is allowed.

7 COMMISSIONER TURNBULL: Well, Mr. Chair, the other
8 issue, which is sort of troubling, is that I think,
9 unfortunately I think the text amendment, I think most of the
10 community feels it's being influenced by the map amendment.
11 In other words, that piece of property, I think a lot of
12 people are feeling, is influencing what's going down in the
13 text amendment.

14 And I think there is an ethics issue and an optics
15 issue that people are seeing. And I'm not even sure if we
16 should hear the second case.

17 I mean, if we haven't resolved what we're talking
18 about in the text amendment, why should we be talking about
19 a map amendment for something that we may not even agree to.

20 CHAIRMAN HOOD: Now I understand. I kind of think
21 I can go there.

22 It sounds like we got four votes. All right.
23 Well, it's going to be an early night.

24 Okay. So, where do we go from here? I wasn't
25 expecting that, but I like that.

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1 COMMISSIONER MAY: Yes. Mr. Chairman, I do too.
2 I mean, I'm not saying that we would put the map amendment
3 case off indefinitely, but I think that we should --

4 COMMISSIONER SHAPIRO: Take it up --

5 COMMISSIONER MAY: -- we take it up after we have
6 a better sense of where we're going with the text amendment.

7 I think that's a really good idea, Commissioner
8 Turnbull.

9 COMMISSIONER SHAPIRO: If I can, building on
10 something that Commissioner May said. Effectively, built
11 into this text amendment are versions of benefits. I
12 appreciate the way you've framed that and I think it's
13 accurate.

14 So, the information that we're receiving through
15 this public hearing actually can then help shape the text
16 amendment and build off of benefits that are already in
17 there. There's nothing stopping us from changing the text
18 amendment in that way.

19 COMMISSIONER TURNBULL: Right.

20 COMMISSIONER SHAPIRO: It's not a community
21 benefits agreement. It's changing what's built into the text
22 amendment.

23 CHAIRMAN HOOD: Okay. From a legal standpoint,
24 let me ask, hold on a second. Don't leave.

25 COMMISSIONER MAY: You're not allowed to leave the

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1 room.

2 MR. ABRAHAM: I can help.

3 CHAIRMAN HOOD: So, Ms. Schellin, I think what
4 we're going to do, let me hear from Vice Chair Miller.

5 VICE CHAIR MILLER: Thank you, Mr. Chairman.
6 Along the lines of what some of my colleagues have been
7 saying, there are benefits that were part of the previous PUD
8 that have been built into, or a version of them, have been
9 built into the text, both the text amendment creating this
10 zone and the map amendment would map the specific properties
11 in that zone.

12 And I mentioned that earlier that, in my dialogue
13 with OP, that I saw value in that. I saw the value of having
14 greater amounts and deeper levels of inclusionary zoning
15 required for this new zone that's in the high density mixed-
16 used area near a metro station.

17 I saw the benefit of having the zone require LEED
18 Gold and other sustainable features. Environmental features,
19 including solar panels.

20 And design and streetscape standards which would
21 address some of the mitigations that were in the previous
22 DDOT, and in the current DDOT report on these cases, that the
23 mitigations that they say are needed before any permit would
24 be issued for any development in this area, under the new
25 zone. If there is going to be a new zone.

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1 So, I guess that's a long way of saying I
2 appreciate that there has been dialogue between the ANCs, the
3 joint ANCs and the developer about this community benefits
4 grant that they want to work out.

5 We obviously would like to know whether there is
6 progress on that during the next period of time. However
7 long this period of time is before we make any decision about
8 whether we're going to make a decision.

9 But whether or not you reach an agreement or not,
10 I would like to see at some point the last, even though it's
11 not going to be a condition, CBA is not going to be a
12 specific condition, would not be a specific condition of a
13 text amendment or a map amendment, it may be some of the, I
14 would like to see, if you don't reach an agreement we want
15 to see, well, if you do reach an agreement it's positive, we
16 want to see that.

17 And maybe build into the text and map amendment
18 whatever benefits make sense, like the other benefits that
19 are already built in. And if you don't reach an agreement,
20 we'd like to see whatever the last version is that the
21 development team offered, and the ANC was requesting.

22 So that we know what that is and see if we can
23 figure out a way to, with OP and OHP's advice, put some of
24 that into the text of the text amendment or the map of the
25 map amendment. Put some of the text into the map amendment.

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1 So, that's all I wanted to suggest, building on
2 what my other colleagues have said here.

3 CHAIRMAN HOOD: Okay. Any other comments or
4 questions up here? Mr. Turnbull.

5 COMMISSIONER TURNBULL: My only comment on the
6 text amendment is we just got through a case where we
7 reviewed a design, design review, and we all found that that
8 was not simplification of what we were trying to do.

9 We were trying to have a mechanism to expedite and
10 get through things. And I think we found that in the case
11 it was worse. And we found that we don't have the tools in
12 the design review that will help us get there.

13 So I am very concerned about creating a zone that
14 only has design review, if that's what it is. If it is, then
15 I think it's got to be really clearly defined and has to give
16 some meat to the Zoning Commission so that we can -- because
17 in a design review there -- yes. I mean, there's really no
18 benefit package in a design review. And I think the
19 community has been dealing with someone that's been giving
20 them one because it was a PUD. So we have confusion on all
21 fronts.

22 But I think if we're dealing only with the text
23 amendment, and if it's only going to be design review, then
24 I think the Zoning Commission, you've got to give us some
25 really clear tools on how we can control things. So that the

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1 community can look at us and say, the Zoning Commission is
2 going to stick to this and make sure that things are followed
3 correctly.

4 But, that's this whole separate thing from a map
5 amendment.

6 CHAIRMAN HOOD: So, here's the way I see it. And
7 I think all my colleagues have brought up some good points.

8 Is that -- I think going forward we want to make
9 sure we give that time that has been asked for so we can
10 fully understand. And as we task Office of Planning and OAG
11 to do as Commissioner Shapiro, and I don't want to put words
12 in your mouth, because I did that, I think Monday, but I want
13 to make sure that we do some of the suggestions that Mr.
14 Turnbull as well mentioned.

15 So I'm going to ask the Office of Planning and OAG
16 to find out, you know, kind of help us get back to what we've
17 heard. We've heard the testimony, we do listen. And I think
18 this is evidence of it.

19 So, what I'm proposing, I'm going to thank my
20 colleague who looked at the date, Ms. Schellin, May the 2nd?
21 Use this as a continuing hearing and we come back on May the
22 2nd. Because I scheduled a lot, I think we have an opening
23 May the 2nd.

24 That allows some of the time for the 8A, 8C. Mr.
25 Abraham, I would ask you to work, you all kind of work

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1 together --

2 MR. ABRAHAM: We will.

3 CHAIRMAN HOOD: -- because I'm sure you all will.
4 And let's have those discussions. Let's continue to have
5 them.

6 But I'm also going to ask the Office of Planning
7 and the Office of Zoning to, and I will ask Ms. Barns, I will
8 ask Ms. Schellin to ask Ms. Barns, somebody explain to the
9 neighborhood and work with them the process. And then we
10 look at some of the comments that have been made by my
11 colleagues.

12 I'm more concerned about making sure they
13 understand the process. And also realizing how we got here.

14 Because some of the people who may have been here
15 have left. And they're going to be the main ones sending out
16 emails that are going to be incorrect. And then when you get
17 to the folks who want to know what's going on in the process
18 just stream it.

19 I'm not saying we're the most pleasant thing to
20 look at but stream us and watch what we do. So, although
21 some of it you might not want to watch but some of it, I
22 think it would be very helpful. It will be helpful. Very
23 helpful. Commissioner Shapiro.

24 COMMISSIONER SHAPIRO: No, I'm fine.

25 CHAIRMAN HOOD: Anybody else? Ms. Schellin, can

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1 you come up with some dates that we can do this continuation
2 hearing, let's make sure that's fine?

3 MS. SCHELLIN: May 2nd is available.

4 CHAIRMAN HOOD: May 2nd is available.

5 MS. SCHELLIN: Yes. And are we talking about just
6 continuing 18-19 or because we've had the hearing on 18-18 --

7 CHAIRMAN HOOD: No.

8 MS. SCHELLIN: -- the text amendment.

9 CHAIRMAN HOOD: I think we're coming back with 18-
10 18 first. Did I get that right?

11 MS. SCHELLIN: Okay.

12 CHAIRMAN HOOD: 18-18 first and then we'll go to
13 18-19.

14 MS. SCHELLIN: Okay. So, are asking OP to come
15 back with revised text then?

16 CHAIRMAN HOOD: Commissioner Shapiro?

17 COMMISSIONER SHAPIRO: I'm just curious. It may
18 be helpful for us to get input at this point to help
19 facilitate what's going to be the most effective process.

20 Obviously these two cases are linked. And it may
21 be most helpful, to Commissioner Turnbull's points about
22 providing the most tools, it actually may be most helpful to
23 make sure that the cases are taken up at the same time.

24 CHAIRMAN HOOD: Same order, yes.

25 COMMISSIONER SHAPIRO: Okay.

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1 CHAIRMAN HOOD: The same order we did but come
2 back with what we've heard.

3 COMMISSIONER SHAPIRO: So essentially, it's going
4 to be a continuation of both, even though the second one
5 hasn't started yet.

6 CHAIRMAN HOOD: Continuation of this one and the
7 start of the next one.

8 Right. Yes, we're going to do the second one.

9 MS. SCHELLIN: Okay.

10 CHAIRMAN HOOD: Is everybody on the same page?
11 May the 2nd good for everybody?

12 So we will have all the work, the communication.
13 We won't have any problems getting on the ANC agenda, none
14 of that? Okay.

15 All right. And for all those who's going to give
16 out the wrong information, just ask them to watch the
17 hearing.

18 MR. ABRAHAM: No, I'm going to make sure the right
19 information is --

20 CHAIRMAN HOOD: Okay.

21 MR. ABRAHAM: And I really appreciate you all.

22 CHAIRMAN HOOD: Okay.

23 MR. ABRAHAM: You all are smart as I thought you
24 all were --

25 CHAIRMAN HOOD: No, no, no.

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1 MR. ABRAHAM: -- before I ever got here.

2 CHAIRMAN HOOD: Okay. Okay.

3 MR. ABRAHAM: And listening to what, your comments

4 --

5 CHAIRMAN HOOD: So, could you come to mic? Or
6 because we don't want to do it here why don't you just save
7 that. Save that when we're not talking about a case because
8 I got some more stuff that we're going to get into.

9 MR. ABRAHAM: Okay.

10 CHAIRMAN HOOD: About me not being in Ward 8.

11 MS. SCHELLIN: And if Mr. Prestwood wants to come
12 up, I've got something for him.

13 CHAIRMAN HOOD: Mr. Prestwood, okay. Come up
14 afterwards?

15 MS. SCHELLIN: After the --

16 CHAIRMAN HOOD: Okay.

17 MS. SCHELLIN: -- yes, we're finished.

18 CHAIRMAN HOOD: So, are we all straight?

19 COMMISSIONER SHAPIRO: Yes.

20 MS. SCHELLIN: Yes, sir.

21 CHAIRMAN HOOD: Mr. Tondro, do we have anything
22 legal, we're good with that?

23 MR. TONDRO: No, we're fine.

24 CHAIRMAN HOOD: Okay. All right, so, Applicant,
25 we're all straight? We're good?

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1 We're going to make it work, okay.

2 MR. ABRAHAM: We'd like to come in with them --

3 CHAIRMAN HOOD: Okay, let's see that happen.

4 MR. ABRAHAM: -- say we all good.

5 CHAIRMAN HOOD: So, with that, we will postpone
6 this till May the 2nd at 6:30. Thank everyone for their
7 participation and we'll postpone.

8 (Whereupon, the above-entitled matter went off the
9 record at 8:18 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC Zoning Commission

Date: 03-14-19

Place: Washington, DC

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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