

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :  
: :  
NRP Properties, LLC :  
Consolidated PUD & : Case No. 21-26  
Related Map Amendment :  
from PDR-1 to MU-30, :  
301 Florida Avenue, NE :  
@ Square 772-N, Lot 3 - Ward 6 :  
-----:

MONDAY

JULY 18, 2022

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The Public Hearing of Case No. 21-26 by the District  
of Columbia Zoning Commission convened via videoconference at  
4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson  
ROBERT MILLER, Vice Chairperson  
JOSEPH IMAMURA, Commissioner  
PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Zoning Data Specialist

ADVISORY NEIGHBORHOOD COMMISSION (ANC-6D):

MARK ECKENWILER, Commissioner

OFFICE OF PLANNING STAFF:

STEPHEN J. MORDFIN, Project Manager

DISTRICT DEPARTMENT OF TRANSPORTATION

AARON ZIMMERMAN, Development Review Program Manager

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, ESQUIRE

The transcript constitutes the minutes from the  
Public Hearing held on July 18, 2022.

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

## OPENING STATEMENT:

Anthony Hood . . . . . 4

## PRELIMINARY MATTERS:

Anthony Hood . . . . . .6

## PRESENTATION:

Case No. 21-26, NRP Properties, LLC  
Consolidated PUD & Related Map Amendment  
from PDR-1 to MU-30, 301 Florida Avenue, NE  
@ Square 772-N, Lot 3 - Ward 6 . . . . . 8

## QUESTIONS AND COMMENTS:

Commissioners . . . . . 25

## OFFICE OF PLANNING:

Stephen Mordfin . . . . . 44

## DISTRICT DEPARTMENT OF TRANSPORTATION (DDOT):

Aaron Zimmerman . . . . . 46

## QUESTIONS AND COMMENTS:

Commissioners . . . . . 46

## ADVISORY NEIGHBORHOOD COMMISSION (ANC)-6D:

Mark Eckenwiler. . . . . 55

## VOTE:

Commissioners . . . . . 87

## CLOSING REMARKS:

Anthony Hood . . . . . 88

## ADJOURN:

Anthony Hood . . . . . 89

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is July the 18th, 2022. We are convening and broadcasting this public meeting via video conferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner May, and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations, also our Office of Zoning Legal Division, Mr. Dennis Liu. I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter, and the platforms used are webcast live, Webex, and YouTube Live.

The video will be available on the Office of Zoning's website after the hearing. All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign up, all participants will complete the oath or affirmation required by Subtitle Z, 408.7.

Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time. When called, please state your name and your home address before providing your testimony. When you are finished speaking,

1 please mute your audio. If you experience difficulty accessing  
2 Webex or with your telephone call-in, or have not signed up, then  
3 please call our OZ hotline number at 202-727-0789.

4 If you wish to file written testimony or additional  
5 supporting documents during the hearing, then please be prepared  
6 to describe and discuss it at the time of your testimony.

7 The hearing will be conducted in accordance with  
8 provisions of 11-Z DCMR, Chapter 4, as follows: preliminary  
9 matters; Applicant's case. The Applicant has up to 60 minutes.  
10 I didn't see any opposition, but I can stand to be corrected.  
11 You never know. But I don't believe they need 60 minutes in this  
12 case. Unless something prevails itself to be otherwise, I would  
13 say they can hit the highlights and do it in 15 to 20 or less.  
14 The report of the Office of Planning and Department of  
15 Transportation; report of other government agencies; report of  
16 the ANC, and there were a number here. I see ANC 6C. ANC 5D is  
17 across the street. I think I covered all the ANCs. Yes. If  
18 not, Mr. Liu, you'll correct me, I'm sure; testimony of  
19 organizations, five minutes and individuals, three minutes. And  
20 we will hear in the order from those who are in support,  
21 opposition, and undeclared. Then we'll have rebuttal and closing  
22 by the Applicant.

23 Again, the Office of Zoning hotline number at  
24 202-727-0789 for any concerns during this proceeding.

25 And again today's -- the subject of today's hearing is

1 Zoning Commission Case No. 21-26, NRP Properties, LLC,  
2 Consolidated Planned Unit Development and Related Map Amendment  
3 at Square 772-N, Lot 003, 301 Florida Avenue, Northeast. Again,  
4 today's date is July the 18th, 2022.

5 Give me one second, please. Okay. All right. So  
6 before I go to Ms. Schellin, I want to -- on behalf of the  
7 Commission, I want to send our condolence to Ms. Schellin on the  
8 loss of her brother. You know, it's always tough when you lose  
9 a loved one. So I would ask that we just do a moment of silence  
10 in remembrance. And let's keep Ms. Schellin and her family in  
11 our prayers. So I would ask that we do that at this time.

12 Thank you. And again, I want to send our condolences  
13 to Ms. Schellin and her family. And know that we are always  
14 here. When one of us hurts, we all hurt. I say that all the  
15 time. It's a tough time.

16 So at this time, the Commission will consider any  
17 preliminary matters.

18 Does the staff have any preliminary matters?

19 MS. SCHELLIN: Yes, sir. And thank you very much. I  
20 appreciate it.

21 So the three proffered expert witnesses have all  
22 previously been accepted before; Jeff Goins or Goins, I'm not  
23 sure how he pronounces it, at PGN Architects. He's being  
24 proffered in architecture. Sean Pichon from PGN Architects also,  
25 being proffered in architecture. And Daniel Solomon from Gorove

1 Slade being proffered as a traffic consultant. As I said, all  
2 three have been proffered as experts previously and have  
3 previously been accepted. I ask the Commission to consider these  
4 three as experts in this case.

5 CHAIRPERSON HOOD: Okay. Let me see. Any objections  
6 to continuing our -- continuing status? As Ms. Schellin has  
7 mentioned, all of them have already been proffered previously.

8 (No audible response.)

9 CHAIRPERSON HOOD: Not seeing any objections, any  
10 comments, we will consider that status, Ms. Schellin. Thank you.

11 MS. SCHELLIN: Okay. The applicant is represented by  
12 Meridith Moldenhauer and Eric DeBear from Cozen O'Connor. As you  
13 stated, there's ANC 6C. I did not see Drew Courtney, but I saw  
14 Mark Eckenwiler for 6C, so I think he's going to be the  
15 representative for 6C. 5D, I don't know if they're going to be  
16 represented or not, but by the time it's time for the ANC, I will  
17 find out. And other than that, I believe we have Aaron Zimmerman  
18 from DDOT, and for OP, I believe it is Steve Mordfin. So we are  
19 ready to go when you're ready.

20 CHAIRPERSON HOOD: Okay. Let's bring everyone up. And  
21 Ms. Moldenhauer -- and Ms. Moldenhauer seemed to come up first.

22 And, Ms. Moldenhauer, hopefully, you heard my opening  
23 statement. When it's needed, we'll take it, but I don't think  
24 it's needed, unless there's something going on that I don't know  
25 about. So we will turn it over to you, Ms. Moldenhauer. Whenever

1 | you're ready to get started, you may begin.

2 |           MS. MOLDENHAUER: Good afternoon, Chairman. My name  
3 | is Meridith Moldenhauer, Land Use Counsel from Cozen O'Connor,  
4 | on behalf of the Applicant. We're pleased today to present this  
5 | application for a PUD and related map amendment at 301 Florida.

6 |           Given the fact that the Zoning Commission has indicated  
7 | they'd like to hear a reduced presentation, I will just simply  
8 | indicate that we will be moving forward with testimony from  
9 | Mr. Chris Marshall, Babatunde Oloyede, the Applicant's team, Jeff  
10 | Goins from PGN and Daniel Solomon from Gorove Slade. As  
11 | Ms. Schellin indicated, both Mr. Goins and Mr. Solomon will be  
12 | our experts for today. And Mr. Sean Pichon was -- submitted his  
13 | resume, but he will not be participating today. And at that  
14 | point, I will ask to turn it over to Mr. Marshall.

15 |           Mr. Young, I know we do have a presentation that's in  
16 | the record and that was emailed to you. If you could bring that  
17 | up, and we could kind of -- we will jump through this as quickly  
18 | as we can. Thank you.

19 |           Mr. Young, I think if you can go now to slide three?

20 |           MR. MARSHALL: Great. Good afternoon. Good afternoon,  
21 | Commissioners. My name is Chris Marshall. I'm with the NRP  
22 | Group. I lead affordable housing development for a company that  
23 | operates throughout the U.S., but is also focusing our efforts  
24 | here, obviously, in D.C. Our mission statement is incredibly  
25 | important to me and our company as a whole, and certainly at play



1 for this project, which is to create exceptional rental  
2 opportunities for individuals and families regardless of income.

3 Here in D.C., we are focused on transit adjacent,  
4 high-opportunity locations, and we believe that the project that  
5 we've proposed at 301 Florida Avenue, Northeast is all of that.  
6 I'll pass it then to Babatunde.

7 You're on mute, Babatunde.

8 MR. OLOYEDE: Good afternoon, Commissioners. I'm going  
9 to make this brief since that's the instructions that -- let's  
10 see.

11 Next slide, yeah. I just wanted to say that my name  
12 is Babatunde Oloyede. I'm the President and CEO of Marshall  
13 Heights Community Development Organization, based in Ward 7 here  
14 in Washington, D.C. And just wanted to give a little bit of  
15 background on the organization and that is relevant to this  
16 project.

17 Drawing on more than four decades of history engaging  
18 the District of Columbia community, Marshall Heights Community  
19 Development Organization empowers residents to create economic  
20 opportunity, and that really means economic mobility. The  
21 organization connects working families with the skills and  
22 resources they need to build wealth, start and expand small  
23 businesses, buy and stay in their homes, and live healthy,  
24 productive lives. Marshall Heights Community Development  
25 Organization does this by providing supportive housing,

1 affordable housing, housing and credit counseling, real estate  
2 development, small business development, workforce development,  
3 and health and wellness services to neighborhood residents.

4           And as an organization, and speaking for the  
5 organization, we are excited to be a part of this project, because  
6 we know what it represents, in terms of bringing affordable  
7 housing to this community, and also opening up new opportunities  
8 to residents of the District who may not otherwise have those  
9 opportunities. So we're looking to bring in all of our resources,  
10 all the ones that I mentioned, and there's some others that I  
11 did not mention, to this project to really make it a holistic  
12 ecosystem to make sure that all of the residents are getting the  
13 resources that they want or that they're looking for. Thank you.

14           Oh, turning it back over to Chris.

15           MR. MARSHALL: The next slide, please.

16           The project location, as we mentioned, at 301 Florida  
17 Avenue, Northeast. The Zoning Commission certainly does not need  
18 to be reminded of the incredible amount of development activity  
19 surrounding this project over the past many years, it being in  
20 the heart of the NoMa/Union Market neighborhoods. The project  
21 location is second to none for affordable housing project, or any  
22 housing project for that matter, providing residents to an  
23 incredible amount of opportunities, transportation options,  
24 recreation and education opportunities, truly something that is,  
25 I think, a hallmark project in a hallmark location.

1           Next slide, please. The project in question we're  
2 proposing is a 12-story plus penthouse new construction project.  
3 All 115 of the units will be reserved as affordable; half of the  
4 units reserved for households up to 50 percent of area median  
5 income, the other half for residents at or below 30 percent of  
6 area median income. I should note that, it's not represented on  
7 the slide here, but an important note, nonetheless, is that this  
8 project has been deemed eligible for further underwriting for the  
9 competitive affordable housing funding administered by DHCD,  
10 designated as a priority project beginning of this year. So  
11 we're thrilled to have passed and achieved that designation.

12           Continuing on with this project, nearly half of the  
13 units, 47 percent, are two- or three-bedroom units. There is a  
14 significant emphasis for family-sized housing in this exemplary  
15 location. Just under 2,900 square feet on the ground floor is  
16 set aside as non-residential space.

17           Returning to the apartment building, we've been sure  
18 to amenities the project to enrich the residents' lives. We -- in  
19 emphasis and acknowledgement of our family-sized units in the  
20 building, we are setting aside space as an indoor playground, an  
21 indoor toddler room, to create higher education, sorry,  
22 recreation opportunities for our young residents. We'll have the  
23 fitness center to help our residents maintain their health and  
24 wellness goals, and setting aside a fairly large amount of space  
25 for training via computer lab and library, that training

1 administered by Marshall Heights Community Development  
2 Organization, our partner on this deal.

3 Next slide, please.

4 I won't go through this entire table, but suffice it  
5 to say, in this executive summary that you see here, that this  
6 project is hitting on and achieving multiple benefits through  
7 everything that we're discussing have been well throughout this  
8 presentation; the affordable housing units, the family-sized  
9 housing units, the exceptional design, the utilization of a very  
10 difficult site for housing, the improvement of the public space,  
11 and the provision of resident services and the amenities in the  
12 building, all bring a lot of significant benefits to the project  
13 for this neighborhood and the District as a whole.

14 Next slide, please.

15 Our community engagement strategy has been consistent  
16 for many, many months now. We've worked with the Advisory  
17 Neighborhood Commissions on both sides, particularly ANC 6C, in  
18 which this project is located, having met with their Planning and  
19 Zoning and Economic Development Committee four times to receive  
20 feedback and modify and update our project accordingly, two times  
21 with the full Commission. Our discussions with the single-member  
22 district from ANC 5D were incredibly positive, and working from  
23 her recommendation to focus our efforts and continue to  
24 collaborate again, with the home ANC, that being 6C, ultimately  
25 culminating in a unanimous vote of support from ANC 6C on

1 July 13th, as shown here on this slide.

2 Next slide, please.

3 With that, I will pass it to Jeff Goins.

4 MR. GOINS: Thank you, Chris.

5 To respect the Commissioner and keep this to a shorter  
6 presentation, I'm going to kind of skip a lot of slides and get  
7 to the floor plans. But I did want to say, Jeff Goins with PGN  
8 Architects, and we're excited to kind of elevate the conversation  
9 of affordable housing and design of affordable housing projects.  
10 And I think, as Chris mentioned, this project does both.

11 And I'm going to ask if we can go to slide 12, the  
12 first floor plan, please. The next slide, please. Yes.

13 I'm going to start here with a pretty detailed first  
14 floor plan, and I'm going to work from the right of your screen  
15 to the left. So I'm going to kind of start and kind of try to  
16 go a little quicker than I had planned on, but I'll try to hit  
17 the highlights of the proposed ground floor plan.

18 So you can see we've spent a lot of time with DDOT,  
19 Office of Planning, and ANC, developing the ground floor and the  
20 first floor plan. So on the right, you'll see that our lot is  
21 the only lot on the triangle shape along Florida Avenue, and  
22 it -- the cross streets are Third and N Street. There is a small  
23 preservation park that is owned by the Park Service, you'll notice  
24 on the right of the screen, that is the other property that is  
25 on the site.

1           So the first floor plan occupies about 98 percent of  
2 the lot. You'll notice there's a one-foot setback from our  
3 property line along Florida Avenue, and that's on the first and  
4 second floor. And then there's a little bit of a setback there  
5 at the tip, where the space was getting a little unusable. So  
6 the red portion of the site occupies the retail portion of the  
7 project, which I think Chris mentioned is right at 2,867 square  
8 feet. And you'll notice along N Street, there's a large outdoor  
9 seating area, which we can get into in some other slides.

10           The rest of the site, as we move right to left, there's  
11 a natural division of the residential and the retail portion with  
12 a bike room. The bike room is accessed directly off of Florida  
13 Avenue. And to the south of the bike room, you'll see there are  
14 two trash rooms. I think in our original filing, we had one  
15 trash room, and working with the ANC, we've separated that into  
16 a residential trash room and a commercial trash room. Then  
17 adjacent to that, you'll see the division between the storage  
18 room and a couple of utility rooms also located in gray. That  
19 will be the main residential loading of the building. That is  
20 accessed off of N Street. And you could kind of see there we've  
21 provided a lay-by. I think Daniel is going to get into that,  
22 but you could see the lay-by for residential loading and  
23 commercial loading adjacent there along N Street.

24           As we move to the yellow portion of the building, at  
25 the corner of Third and Florida is the lobby. It is serviced by

1 two offices and a conference room. And you can kind of see -- one  
2 thing to note about the development of this site -- slide, and  
3 one of the ANC comments, on each of the three corners, if you  
4 will, of the property, there are short term bikes that have been  
5 provided.

6           Next slide. Chris had mentioned the rich amenities.  
7 And this is just a great slide. And we're just really happy with  
8 the program. Chris mentioned the toddler room. You'll see it  
9 there on the corner of Florida and Third Avenue, which actually  
10 also overlooks the main entrance of the building. And then as  
11 we move south from there, there's a computer lab. And through  
12 affordable housing, we've learned that these computer labs are  
13 really used by teenagers and adults and just a great resource.  
14 And I think Chris mentioned the gym. So there's a lot of  
15 amenities. It's almost 4,000 square feet on the second floor.  
16 The remaining portion of the second floor plan is three  
17 residential units.

18           Next slide. I'll be quick here. The third floor kind  
19 of acts in our facade as a transitional floor. And I kind of  
20 wanted to show this, because this is where we start introducing  
21 bays along N Street and Third Street. There are no bays along  
22 Florida Avenue until we get to the next floor.

23           Please, the next slide, please.

24           The typical floor represents the fourth to the 11th  
25 floors. And you can kind of see the main design of the building

1 along Florida Avenue, which is bookend in by two large bays at  
2 both the narrow end of the, I guess that we call that the  
3 northeastern portion of the site, and then the south portion of  
4 the site, or the west side of the site with the two large bays.  
5 I think Chris mentioned it's almost 50 percent -- 50 percent of  
6 the units are family style units. So in this floorplan, the  
7 typical floor plan, it's five one-bedrooms, five -- two and three  
8 bedrooms and one studio per floor. And that's from the fourth  
9 floor all the way through the 12th floor plan.

10 Next slide.

11 The only difference here between the 12th floor is  
12 there's a unique condition, because when we followed the original  
13 plan, we had an embellishment that overhang the preservation park  
14 by the Park Service. We've pulled that back, so that unit on  
15 the tip, the narrow portion of the site on the right side, has a  
16 one-of-a-kind view looking northeast.

17 Next slide. I think I'll skip the penthouse plan here.  
18 There are four units with solar panels and a green roof.

19 Next slide.

20 I think we just wanted to showcase this slide. We will  
21 be following the Enterprise Green Plus criteria. We will  
22 have -- the purpose of this slide is to show that showcase that  
23 we will have as many solar panels as possible, as well as meeting  
24 stormwater management.

25 Next slide.



1           The penthouse will meet all the one-to-one  
2 requirements. And I think the main material facade will be a  
3 medium grade, Nichiha overlapping panel system.

4           Next slide.

5           I think the one point I want to make quickly here is  
6 that the zoning required 44 bike spaces. It was 38 short term  
7 and six, excuse me, 38 long term and six short term. We're almost  
8 doubling the amount of bike spaces here at 77. And that's 26  
9 short term, and the remaining being long term bikes at 51.

10          Next slide.

11          I'm going to just speak on this slide for a minute, and  
12 then we'll probably skip through the material slides, because I'm  
13 going to mention them here. This is the main elevation of Florida  
14 Avenue and the main concept of our design. The overall design  
15 was to embrace the form of the site and focus on details,  
16 materials, and then a classic flatiron design. The classic  
17 flatiron design is basically a strong base or bottom, followed  
18 with the middle of the design and finishing with a unique design  
19 or top condition.

20          In this facade we have a two-story base of dark masonry  
21 with glazing for retail, bike entrance, and lobby all to activate  
22 the ground floor. The top of the base is finished with a strong,  
23 detailed cornice condition. At the northeast corner of the  
24 project, you'll see a dramatic V-shaped column that supports one  
25 of the bays at the narrowest point of the project. The third

1 floor in this design, as mentioned in the plans, acts as a  
2 transitional floor and program and elevation. It separates the  
3 base from the middle portion of the building. The middle portion  
4 of the building, it starts at the fourth floor and terminates at  
5 the 11th floor of the building with a strong cornice line and  
6 brick detailing.

7           The top floor then has a change of materials and has a  
8 strong embellishment that wraps around the building. This  
9 embellishment is emphasized at the front bay and the southern bay  
10 or the west portion of the project, and the east portion of the  
11 project with overhangs and a top condition.

12           Next slide.

13           These materials wrap all three facades, so I'll be  
14 quick.

15           Next slide, please.

16           The main difference here and along the N Street  
17 elevation is there is a large, long, you can kind of see the  
18 retail bay, I mentioned it in the plan, that sets along the  
19 N Street elevation there.

20           Next slide.

21           This was the information slide. I think I'm going to  
22 skip to slide 31 and just -- for -- to save time here.

23           Yeah, I think Daniel is going to talk about this, but  
24 this is the lay-by condition there along N Street for loading and  
25 servicing of the building. You can also notice there, you'll see

1 the outdoor seating off of the retail bay. That's slightly  
2 elevated above the sidewalk. But as you can kind of see, ample  
3 sidewalk space there. But I think Daniel is going to mention  
4 that in the loading.

5 And then I think I'll go to slide 34, please.

6 This is a slide, and then we kind of had and spent a  
7 lot of time focusing on OP's comment about the bay projections  
8 along Florida Avenue. This slide was kind of introduced both at  
9 an interagency meeting with DDOT and WMATA and other agencies  
10 present, as well as a PDRM that we scheduled. And you could kind  
11 of see in this section, the first two floors are set back one  
12 feet. This allows for a 13-foot sidewalk. But one of the things  
13 that we wanted to highlight in this section and the plan, there  
14 was a previous case that had a similar condition, and it had five  
15 bays, we have two, and was approved at Public Space Committee.  
16 The difference in that project and this project, those bays  
17 started on the third floor, which was 22 feet in height. We are  
18 starting at the fourth floor which is 32 feet in height.

19 We also wanted to show in this section the  
20 bi-directional bike lane, which gives us 19 foot six from the  
21 safety bollards to the face of our building. During that meeting,  
22 there wasn't too many concerns. I think it was brought up by  
23 the arborist, and the -- we decided to discuss the trees. We  
24 spent the majority of the PDRM. And we have worked with the  
25 arborist of D.C. to work on tree spacing and the varying tree

1 heights, that you can kind of see in the perspectives as well.

2 I think now I'm going to skip to slide 39, and I'll  
3 finish with the five perspective renderings. Thank you.

4 This is a -- the main rendering of Florida Avenue,  
5 looking towards downtown D.C. And you can kind of see here the  
6 white trees represent the smaller trees. And we worked with the  
7 arborist to come up with those trees, and they selected that for  
8 us. This is a smaller tree that they thought would grow to full  
9 height underneath the bay projections at the east and west end  
10 of the project. And then you can kind of see the other four  
11 trees. So through that meeting, we added two additional trees  
12 from our original design and our original filing.

13 Next slide.

14 This is an aerial perspective kind of showcasing the  
15 corner conditions. Each of the corners have external balconies.  
16 I didn't mention that in the presentation of the plans. It's  
17 worth mentioning all the rest of the units have Juliet balconies,  
18 but the corner units do get external balconies on those brick  
19 bays. You can also see the solar panels there on the penthouse.

20 Next slide.

21 This is kind of a one-point perspective to kind of  
22 highlight once again, our overall design of a flatiron. We really  
23 wanted to focus on the form of the building and let the rest of  
24 the project be about bricks; strong materials, brick detailing,  
25 and the form of the building with the two bookend bays. And you

1 can kind of see we have the vertical piers that run through the  
2 middle of the building. And it's, once again, it's emphasized  
3 by the east and west bays. And this is a great slide so you can  
4 kind of see the embellishment at the top of the building that  
5 highlights that neoclassical idea of the base, middle, and top  
6 portion.

7           Next slide. This is a corner view of the main entrance  
8 of the building. So that's your residential entrance there with  
9 the canopy. This is at Third and Florida. You can see the bike  
10 lane and the tree-lined Florida Avenue, the strong cornice line  
11 at the second floor, and you can kind of see the base starting  
12 there at the top of the third floor -- or fourth floor condition.

13           Next slide.

14           This is a Florida Avenue pedestrian experience kind of  
15 perspective. And you can kind of see the dramatic introduction  
16 of the flatiron there with the V-shaped column, the strong cornice  
17 line again between the second floor and the transitional floor,  
18 and the bays that bookend the design on the east and west.

19           Next slide.

20           This is the last perspective, then I'm going to hand  
21 it over to Daniel. You can kind of see here this is showing the  
22 N Street façade. You can see the lay-by, the outdoor seating,  
23 once again, the strong base and dramatic flatiron with the brick  
24 detailing there as well. And I think at this point -- I hope I  
25 didn't go too long -- I'm going to hand it over to Daniel from

1 Gorove Slade.

2 MR. SOLOMON: Thanks, Jeff.

3 Good afternoon, Commissioners.

4 Could we move a few slides forward? I think it might  
5 be slide 49. Sorry. Yeah. 40 -- one more. Probably three more  
6 actually. It's -- it'll say DDOT Coordination at the top. Two  
7 more after this. One more. Perfect. Thank you.

8 Good afternoon, Commissioners. For the record, I'm  
9 Daniel Solomon, a transportation planner and project manager with  
10 Gorove Slade. We've been working with the NRP Group, the Marshall  
11 Heights Community Development Organization, the project team, and  
12 DDOT related to the transportation aspects of the 301 Florida  
13 Avenue, Northeast project. To keep things brief, I'm only going  
14 to touch on the highlights of our review in coordination with  
15 DDOT.

16 For this project, we've performed a comprehensive  
17 transportation review which was scoped with DDOT. Our study  
18 concluded that the development of the site will not have a  
19 detrimental impact on the surrounding transportation network and  
20 minimizes impacts by exceeding the amount of short- and long-term  
21 bicycle parking that is required, limiting vehicle parking, and  
22 accommodating loading to the best extent possible while limiting  
23 impacts to public space.

24 In response to concerns raised during set-down  
25 regarding pedestrian safety, sidewalks are being widened,

1 crosswalks and curb ramps leading to the block will be brought  
2 into compliance with standards set forth in the Americans with  
3 Disabilities Act and DDOT's design and engineering manual. Curb  
4 extensions will be installed along the north side of N Street and  
5 the east side of Third Street to decrease the roadway's width,  
6 reducing crossing distances and calming traffic along N Street  
7 and Third Street, improving safety to and from the future Metro  
8 Rail station entrance on Third Street.

9 We have coordinated extensively with DDOT during the  
10 review. We're pleased to have their support in the form of a  
11 no-objection staff report. DDOT's report did include two  
12 conditions, which required the applicant to implement the TDM and  
13 loading management plans, as included in the CTR for the life of  
14 the project, which the applicant has agreed to. At this time,  
15 we believe we have addressed all of DDOT's concerns. This  
16 concludes my testimony, and I'll be available for any questions.  
17 Thank you. And I'll pass it back to Ms. Moldenhauer.

18 MS. MOLDENHAUER: Thank you very much, Mr. Solomon.

19 If you can go to the next slide?

20 The Applicant is seeking flexibility from the standards  
21 for vehicle parking, loading, and the minimum lot area. The  
22 parking and loading flexibility were addressed by Mr. Goins and  
23 Mr. Solomon. I'm happy to answer any questions that the  
24 Commission may have.

25 Next slide please.

1 I also wanted to simply summarize, but I will rely  
2 solely on the application that we have filed and the information  
3 we have in the record regarding how we meet the racial equity  
4 goals in the Comprehensive Plan, and is also outlined in the  
5 Office of Planning report.

6 Next slide.

7 Finally, as the applicant noted earlier, we've worked  
8 with the ANC on the application, including multiple meetings with  
9 the ANC's Planning, Zoning, and Economic Development Subcommittee  
10 Meeting. We have received a copy of the resolution that I believe  
11 will be requested by Mr. Eckenwiler and will be put into the  
12 record. As part of that communication and discussion, the  
13 applicant has agreed to language that will be required for  
14 commercial leases to engage a private trash collection at least  
15 six times per week and discourage visitors from illegally parking  
16 around the site in the neighborhood. These are the conditions,  
17 as we have proffered them.

18 Next slide.

19 Second, the applicant has agreed to incorporate  
20 standard residential lease language to identify that the property  
21 is currently not eligible for residential parking permit program,  
22 and did note that they had provided this information to the ANC.  
23 The ANC, as you'll see in their resolution, has requested that  
24 they would not accept the language that we had proposed, but  
25 rather wanted to incorporate a condition that would include lease



1 termination language, where the applicant is not willing or able  
2 to accept. We have been -- we have accepted and have included  
3 as additional mitigation, a condition to enhance our already  
4 extensive TDM plan, which includes a free SmarTrip card and paying  
5 for Capital Bikeshare programs for all residents.

6 Next slide, please.

7 That concludes our presentation. We're happy to answer  
8 any questions of the Zoning Commission and look forward to  
9 continuing the presentation this evening.

10 CHAIRPERSON HOOD: Okay. First of all, let me thank  
11 you all for your presentation. And let me start us off this  
12 evening. Ms. Moldenhauer, can you just elaborate, or someone, I  
13 don't know who, maybe Mr. Marshall, whomever. Just talk -- just  
14 talk about for the public about the racial equity tool -- how --  
15 I'm sure you've read our -- looked at our tool. How does it --  
16 how you -- this just project correspond with our tool that we're  
17 using?

18 MS. MOLDENHAUER: Yes. Mr. Babatunde, I think, is  
19 prepared to walk through the racial equity tools and how you  
20 comply.

21 CHAIRPERSON HOOD: Okay. Thank you.

22 MR. OLOYEDE: I keep staying on mute. I apologize for  
23 that. So as you're aware, that with Marshall Heights Community  
24 Development Organization, we really hit all of the points on the  
25 racial equity tool: job training and creation; we actually have

1 healthcare, health wellness, that we have within our  
2 organization, we call it. We have held workshops that we've  
3 partnered with CareFirst, which is now a Medicaid provider in the  
4 District of Columbia. This is, obviously, a affordable housing  
5 project. And so we have started a whole slew of projects and  
6 initiatives within our organization to get businesses prepared  
7 to participate on the construction site of this project.

8 But more importantly, we're also getting residents  
9 prepared for being able to apply for the housing at this facility.  
10 And that includes taking individuals who have credit  
11 invisibility, to low credit scores, to having all types of credit  
12 issues, and getting them in a in a position where they can apply  
13 and be successful in their application.

14 But I'm going to say this -- and Chris and I have had  
15 this conversation before -- but we don't want it to stop there  
16 with our tenants, right? We want them to move on to a path of  
17 homeownership, right. And so that is one of the things that  
18 we're going to do. I have to say, as being a part of the Mayor's  
19 Black Homeownership Strike Force, I'm actually working on  
20 creating a strategy to help do that. And one of the things that  
21 we would like to do is use awesome projects, such as this that  
22 are affordable housing projects, as a way to create a system to  
23 help individuals get on that path to homeownership.

24 And we think that this property here really represents  
25 an awesome opportunity for us to really make that happen, because

1 of its location, because of the partners. The NRP Group has been  
2 -- has done a standout job, in terms of making sure that all of  
3 those interests that Marshall Heights has pointed out, in terms  
4 of making sure that that racial equity piece is included in --  
5 and the programming of the project is included.

6 And so when we look at all of the tools that we have,  
7 and all of the resources that Marshall Heights brings to this  
8 project, we think that it's very well positioned to really make  
9 a significant impact in people's lives, both on a family level  
10 and on an individual level.

11 CHAIRPERSON HOOD: Okay. Let's talk a little bit more  
12 about being qualified for, you know, under the AMI. Let's talk  
13 a little bit about that.

14 MR. OLOYEDE: Okay.

15 CHAIRPERSON HOOD: It's 115 residential units will be  
16 reserved for individuals and families at or below 50 percent of  
17 AMI -- and this is what you all have put in your submission --  
18 with one half of those units, at or below 30 percent of AMI.  
19 Help me understand for the record, what does -- what do you mean  
20 when you say with one half of those units at or below 30 percent  
21 of AMI?

22 MR. MARSHALL: Mr. Chairman, this is Chris Marshall  
23 with the NRP Group. I can start to answer that. So if you look  
24 at the totality of the project, 115 that you mentioned, in terms  
25 of specific number of units, it will be 57 units reserved for

1 households who earn up to or just below 50 percent of area median  
2 income. By way of an example, for a household of one, that would  
3 be an income of just over 49,000. So individuals that are below  
4 that would generally qualify for those units that are designated  
5 as units for 50 percent of AMI. And again, that's 57 units in  
6 the project. Fifty-eight units in the project are reserved for  
7 households that earn an even -- or have an even lower income for  
8 that.

9           So again, for a household of one, for those below  
10 30 percent of AMI, that upper limit would be, as I look at my  
11 cheat sheet here, that upper limit would be just over 29,000. So  
12 if you are a household of one earning no more than 29,000, you  
13 would be qualified for the -- that second category of units,  
14 those for 30 percent of AMI or below. And again, that's 58 of  
15 the 115 units in the project.

16           CHAIRPERSON HOOD:     Okay.     So if that's exactly  
17 somewhere in there, understanding that, because I know I've asked  
18 this -- actually, I've asked this question a number of times, and  
19 it's the first time I've gotten that answer, which is exactly in  
20 line with what I'm thinking. I'll be frank on that.

21           So I want to make sure, Ms. Moldenhauer, that it's  
22 clear in the order, depending upon how we go, that it's clear  
23 exactly to what Mr. Marshall had mentioned. Because the question  
24 is, I've always asked -- so if I got 20 percent of the AMI, from  
25 what -- And Mr. Marshall -- and you can correct me if I'm wrong,

1 but the way I understand, if I -- if I'm qualified for 20 percent,  
2 I'm still -- I still would be able to get a unit possibly in this  
3 development.

4 MR. MARSHALL: Yes. The short answer is yes.

5 CHAIRPERSON HOOD: Okay. That's kind of what I --

6 So Mr. -- I've always mispronounced -- Oloyede.  
7 Oleodey.

8 MR. OLOYEDE: Yes, Oloyede.

9 CHAIRPERSON HOOD: Oloyede. Oloyede. I'll probably -  
10 - you know, you may come back in front of us a hundred times,  
11 I'll probably going to ask you that at least ninety-nine. Some  
12 so Mr. Oloyede, I know the work that Marshall Heights used to  
13 do. I'm not that familiar with the modern-day Marshall Heights  
14 or the up-to-date Marshall Heights. How are we getting the --  
15 well, I heard you mention that we're making -- we're getting  
16 people ready. How are we getting them ready? How are we going  
17 to make sure that people qualifying and their credit is cleaned  
18 up? And is there a waiver process? Are we helping them get it?  
19 What are we doing?

20 MR. OLOYEDE: Well, we are a full-service HUD housing  
21 counseling entity. And so because of that, we have a program.  
22 It's a curriculum that our counselors will take an individual  
23 through, depending on where they are in the program, and make  
24 sure -- we'll basically walk them through step-by-step on -- the  
25 first step is to understand what is in a credit report. You

1 know, then two, is why do you want to repair or work on your  
2 credit report. And then actually go through the steps of doing  
3 that whether it's -- you know, a lot of people do not actually  
4 look at their credit report to know what's on it, right. So once  
5 we do that analysis, then we can help that person go through the  
6 process of working to build up their credit. Whether it's saying  
7 you know, putting in those letters to your creditors and saying,  
8 "Hey, this is inaccurate," or figuring out, why are you spending  
9 so much. Because part of it is a budget management course as  
10 well, right? Because a lot of people's credit is based on their  
11 debt-to-income ratio, and also making sure that their credit  
12 balances do not exceed certain percentages. So we advise them,  
13 and we counsel them on how to best position themselves so that  
14 their credit scores will increase over time.

15 CHAIRPERSON HOOD: Okay. Thank you. I would just --

16 MR. OLOYEDE: And if I could add, you know, we do this  
17 through various mechanisms, in terms of advertising for this  
18 program. Obviously, we will directly engage with the residents  
19 here, but we also do it through our inclusionary zoning program,  
20 and we do it through the Department of Housing and Community  
21 Development as well. So, as I mentioned before, we are a  
22 full-service resource. We do the financial literacy training,  
23 the credit counseling, and the budget management.

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

25 Now, I will say this, and I don't necessarily need a

1 response. I just -- I'm just throwing this out in the atmosphere.  
2 I'm waiting to hear from the ANC. The lease term termination  
3 agreement actually works. I don't think the SmarTrip card and  
4 the bike whatever bike share, I don't think that does it. I  
5 could be convinced, but I don't think that does it for what I  
6 think the ANC is talking about.

7 So Ms. Moldenhauer, I'll wait to hear from them.  
8 Hopefully, they are here and have a -- I'll wait to have a  
9 discussion with them.

10 Now, also Ms. Moldenhauer, I believe that the Zoning  
11 Commission, I've been flagged that we have approved a case, which  
12 already zones this land MU-9 -- MU-9, and I think you're asking  
13 for MU-30, I believe. Whatever you're asking for or whatever off  
14 the top of my head. But which one takes precedent? Will this  
15 -- so does one cancel out the other? Are they both zoned the  
16 same thing at the same time? Explain to me from a legal  
17 standpoint how that works.

18 MS. MOLDENHAUER: Yeah. So the Zoning Commission have  
19 approved Zoning Commission Case 15-22. That case had obtained  
20 approval for 56 units. Only four were IZ. That case applied  
21 for an extension, a two-year extension. That two-year extension  
22 is valid through December 11th, 2022. This case is a brand new  
23 application, so in -- it is asking for the MU-30 application, the  
24 understanding of which is that the prior order would have died.  
25 And the new approval will then, obviously, be a new order of

1 conditions that will, obviously, stand alone on its own and would  
2 have no relationship with the prior --

3 CHAIRPERSON HOOD: Okay. I think you went on mute some  
4 kind of way. Either you went on mute, or my computer just cut  
5 off.

6 MS. MOLDENHAUER: I'm more than happy to repeat what I  
7 said. Sorry.

8 CHAIRPERSON HOOD: On, no. No, no. Not all of it. I  
9 just missed the last three or four words. I can -- I'll fill in  
10 the gaps. Okay. So I'm just curious, and I'm sure I'll talk to  
11 our legal folks to make sure so we won't have any potential  
12 problems, depending upon the way -- which way the case goes. I  
13 normally don't go first, colleagues, but I did today. I'll give  
14 everybody a chance to ask the questions. I'm sure that one of  
15 my colleagues will want to mention about the materials and the  
16 light colors. If not, I'll come back and talk about that, so.

17 All right. Commissioner May, any questions or  
18 comments?

19 COMMISSIONER MAY: Yeah, I have a few. So the first  
20 one I have is well, I mean, this is a pretty amazing project for  
21 what it is. It's not sort of thing that we usually see when it  
22 comes to an all-affordable project or even a site like this. So  
23 it's remarkable in many ways. And so my questions are generally  
24 pretty minor.

25 I do have one sort of off the just sort of right at



1 the top, and maybe this is explained in the submission, but I  
2 mean, I've been aware of Marshall Heights Committee Developed  
3 Organization for probably 20 years, maybe more, and aware of the  
4 good work that you do. Are you branching out across the city at  
5 this point or -- because in the past, it's all been about Ward  
6 7, so.

7 MR. OLOYEDE: So yes, in the past, it has been for the  
8 most part Ward 7.

9 COMMISSIONER MAY: Okay.

10 MR. OLOYEDE: But we've done other projects across the  
11 District of Columbia. You know, one of my goals is to increase  
12 affordable housing across the District of Columbia, and we see  
13 this as a awesome opportunity. It's a prime location to do that.  
14 But the short answer is, historically, we have focused on Ward  
15 7, but we're not geographically bounded to Ward 7.

16 COMMISSIONER MAY: Yeah. Okay. It's interesting  
17 because even for organizations of your sort, it's -- they often  
18 don't branch out, right? They can't -- they just don't have the  
19 capacity to be thinking much beyond the immediate neighborhood,  
20 so I'm impressed and pleased.

21 The National Park Service reservation on the east side,  
22 I assume that during your construction, you'll be occupying that,  
23 and you're talking to the park about, I don't know, using that  
24 space and then rehabbing it when you're done or restoring it when  
25 you're done. Is that what's going to go on?

1 MS. MOLDENHAUER: We've been in touch with the National  
2 Park Service and Tammy, and we will, obviously, direct the  
3 Applicant to continue to engage with them throughout the entire  
4 process. Yes.

5 COMMISSIONER MAY: So that was that really a yes. I  
6 mean, it's -- you're -- I mean, you're not going to be able to,  
7 like, stay off of that parcel while you're constructing, right,  
8 or are you?

9 MR. MARSHALL: Commissioner May, this is Chris Marshall  
10 of the NRP Group. We recognize that it would be tricky to stay  
11 off of the parcel. And as Meridith indicated, are fortunately  
12 in close communication with Tammy about what we can and cannot  
13 do and what we may be able to do after construction to improve  
14 the parcel. So we're pleased to have a constant line of  
15 communication with her.

16 COMMISSIONER MAY: Okay. I'm glad you're in  
17 communication. It would be better if we had a little bit more  
18 certainty, knowing what's happening there. But I understand  
19 that, you know, it may not be -- it may not be your fault that  
20 you don't have clarity on it. It could very well could be the  
21 Park Service, because the park superintendent and even my deputy,  
22 Tammy Stidham, who you mentioned, they have a lot on their plate  
23 as well. I have no idea what's going on there. I'm going to  
24 stay away from any of that conversation, of course.

25 But it would be -- it would be good that -- well, the

1 outcome that I'd like to see in the end is that that reservation  
2 is restored to be some sort of benefit to the building and the  
3 neighborhood. Because right now, I don't think there's much to  
4 it at all, if there's even grass there. I think the last time I  
5 looked at it, it was just like a dirt patch. So if  
6 it's -- ultimately, it should be something that's a benefit to  
7 the community.

8           Okay. So speaking of outdoor space, you know, I  
9 appreciate that 45 or so whatever percent have balconies. They  
10 are pretty small, and then there's a lot that have just Juliet  
11 balconies, which is, I guess, better than nothing. But the  
12 outdoor space is kind of minimal. And even what happens with  
13 some of it isn't necessarily that great. I think part of this  
14 has to do with sort of the back of the building, which is the  
15 facades along -- or at that southwest corner. And let me see, I  
16 had an image up that I was hoping to look at here, so.

17           Paul, is it possible to bring up slide 40 on the  
18 PowerPoint? Maybe. Maybe not? Oh, there we go. All right, so  
19 is it possible to zoom in some on that, so that we can get a look  
20 at the base of the building that's closest to us? Yeah. Yeah,  
21 that's probably pretty good.

22           So from the edge of the retail, in sort of the middle  
23 of that right facade, wrapping around to the edge of the lobby,  
24 it's all just sort of a blank brick facade with -- without much  
25 interest. And I just had a few comments about that, that I think

1 | you might want to give some thought to. The first is that where  
2 | there are doors to serve the trash rooms, I -- you know, I  
3 | appreciate the fact that you've made them into separate trash  
4 | facilities, but they're really just like, I don't know, somebody  
5 | figured out a plan and plopped in a door and then it got  
6 | translated to the outside.

7 |           And everything else about this building is, you know,  
8 | well designed, well considered. And you know, the layout of  
9 | windows and the, you know, the horizontal lines and the vertical  
10 | lines, I think, are all pretty thoroughly considered, but those  
11 | doors are just sort of popped in anywhere, right? They don't  
12 | seem to align with anything above it. And I'm not sure that that  
13 | necessarily has to be the case.

14 |           So I think just looking at that, how those, you know,  
15 | how those doors -- how that whole facade, that portion of the  
16 | facade relate to the rest of the building, I think, would be  
17 | good. And I also think that that, generally speaking, it is just  
18 | really, really dead flat, dull along that side, so something to  
19 | -- some treatment of that, that makes it a little bit more visual  
20 | -- visually interesting, and less -- make it look less like the  
21 | it's a facade you'd find on an alley. I mean, it's really. It's  
22 | -- it doesn't look good.

23 |           At the very least, where you have that exit, and you  
24 | come out onto a ramp, where you do a 90-degree turn on that ramp,  
25 | and then it lands in the area that's outside of the trash doors,

1 not all that has to be pavement. And I would encourage that some  
2 of that, at least between the ramp and the sidewalk area, actually  
3 be green space to help make that seem a little bit more, I don't  
4 know, more pleasant for people on the street. Because it really  
5 just feels like that whole space has just gotten short shrift  
6 compared to the rest of the design. You -- you're welcome to  
7 comment on that or not. You could just take that back and give  
8 it some consideration.

9 MR. MARSHALL: Well, thank you. Yeah, we'll consider  
10 that in the development. Thank you.

11 COMMISSIONER MAY: Yeah. The -- let's see, what else?  
12 Yeah, I will also say that the -- I mean, I appreciate the fact  
13 that the second floor has all of those amenities. It's a little  
14 disappointing to not have a sort of a rooftop community room,  
15 which might get a little bit more interest. But I can understand  
16 why you wouldn't necessarily want to do that in this circumstance,  
17 and you want to take advantage of that space for living space.  
18 But it's a definitely an unusual circumstance to not have that.

19 And, let's see. I appreciate the very large bike room  
20 again. The artwork on the outside of the building, I guess that  
21 makes sense to have, you know, to have a mural wall down there,  
22 rather than just having a big window with a whole bunch of bikes  
23 on display, because that might encourage the wrong kind of  
24 activity with people trying to get into that room. I will also  
25 say that 10 percent e-bikes is a great improvement over what

1 might have been done a few years ago. But if the -- what happens  
2 with the bike room there is anything like what I've been seeing  
3 lately, I think 10 percent e-bikes is probably low. And having  
4 the ability to expand that in some way that's not too difficult  
5 might be worthwhile. Because I just -- I feel like I'm probably  
6 exaggerating, but, you know, it feels like 50 percent of the  
7 bikes that I see, particularly those used by people with families,  
8 are e-bikes. And it's -- it can be a really good way for somebody  
9 who can't afford a car, but needs to get their kids to school a  
10 few blocks away to be able to, you know, take them on an bike.  
11 And an e-bike is easier, more expensive, understandably, but I  
12 just feel like it's -- in the future, it's going to be a lot more  
13 common for all buildings to need that kind of space.

14           And then one other thing. On the rooftop,  
15 the -- there's a separate elevator overrun and then a -- an  
16 enclosure for the mechanical units. And it makes the -- it sort  
17 of junks up the rooftop having that many different levels. And  
18 if there's a way to combine those at a uniform height, that might  
19 be worth looking at. I don't know if that's --

20           MR. MARSHALL: Okay.

21           COMMISSIONER MAY: -- in the budget or not, but I think  
22 it's worth taking a look at it.

23           And the last thing I'll point out is that in your  
24 renderings, you might want to have the solar panels all tilting  
25 toward the sun.

1 MR. MARSHALL: Yeah. I noticed that when I was  
2 preparing for the presentation. I was like, oh, they're the  
3 wrong direction.

4 COMMISSIONER MAY: Yeah. Yeah. It doesn't really  
5 matter for our approvals, but, you know, it helps you look like  
6 you're really on the ball when you're presenting to other people,  
7 so.

8 MR. MARSHALL: I know.

9 COMMISSIONER MAY: All right. All right. That's it.  
10 Thank you. Good luck. This is a -- an exciting project and look  
11 forward to hearing what other folks have to say.

12 MR. MARSHALL: Thank you for your comments.

13 CHAIRPERSON HOOD: All right.

14 Commissioner Imamura?

15 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

16 I don't have many comments or questions. I would  
17 underscore a couple things that Commissioner May had said, one  
18 of which is great to focus on, it's a pretty amazing project,  
19 remarkable. Those aren't words that I hear often out of  
20 Commissioner May's comments, so I think that speaks to a very  
21 -- a job well done. But anytime that he mentions additional  
22 green space, I like to latch on to that. I think that's  
23 important.

24 So Mr. Goins, if you could find an opportunity to just  
25 kind of soften up some of those edges, I think that would be

1 great. I differ from Commissioner May's comments about the trash  
2 room, sort of those doors that lead into those. I actually think  
3 that the way it's been designed looks as if it was intentionally  
4 sort of fitted, although I do think that it's a great expanse  
5 there, in terms of the wall. I don't know if there's a way to  
6 either -- I wouldn't suggest either a mural, but perhaps some  
7 type of landscape just help soften that corner. I think that  
8 might be helpful, just to get pedestrians further up to those  
9 blocks, I think would be helpful. But otherwise, in general, I  
10 think the design, the façade articulation, the expression, I  
11 think it's great. So I think you guys have nailed it there.

12 I do have a question about sheet All. I just want to  
13 confirm that the arborist -- if that person was the one that  
14 suggested the service barrier Ginkgo trees, because that's what's  
15 highlighted in that zone there. Is that what you had arrived  
16 at?

17 MR. GOINS: I'm sorry. Can you repeat that question?  
18 It kind of got jumbled up a little bit.

19 COMMISSIONER IMAMURA: Okay. I'm sorry. So the  
20 question is the service barrier and Ginkgo trees. Is that what  
21 you all had arrived at with the arborist in terms of your final  
22 selection of those trees?

23 MR. GOINS: I think that was suggested from the  
24 landscape architect, and it was consulted with arborists, yes.

25 COMMISSIONER IMAMURA: Okay. All right. I just want



1 to make sure that those were the -- and that's fine. I think  
2 those are -- that's certainly appropriate.

3 And then I seem to see, you know, when we see green  
4 roofs a lot before the Zoning Commission, I really don't like to  
5 become that person that says, where's your green roof access?  
6 But it seems to be, like, that's my thing. And I don't want it  
7 to be my thing. I really would like for people to think that  
8 through a little bit more. But on slide 8D there seems to be  
9 --

10 MR. GOINS: Yeah.

11 COMMISSIONER IMAMURA: -- an opportunity to there, and  
12 I don't know if that --

13 MR. GOINS: Yeah, right off the corridor. Yes, I agree.  
14 Thank you. Thank you.

15 COMMISSIONER IMAMURA: That's okay. Thank you for  
16 that.

17 And that, I think, concludes my comments, Mr. Chairman.

18 Again, my thanks to the team and your hard work. And  
19 this is, again, as Commissioner May pointed out, a remarkable  
20 project of deep affordability. So I'm going to rely on Vice  
21 Chair Miller and his comments, because he's very articulate  
22 sharing his thoughts as well about what great project this is.  
23 So thank you all.

24 CHAIRPERSON HOOD: Okay. Thank you.

25 Vice Chair Miller?

1           VICE CHAIR MILLER: Thank you, Mr. Chairman. I think  
2 I missed what Commissioner Imamura is relying on me on, so I hope  
3 I come through. But it just got, again, kind of jumbled up there  
4 at the end.

5           But thank you to the -- Ms. Moldenhauer and the NRP,  
6 Marshall Heights architectural team for this presentation, for  
7 bringing this project forward. It is an exciting project, all-  
8 affordable -- all deeply-affordable, 115 units, half at the  
9 30 percent or below MFI and half at 50 percent or below MFI. And  
10 it's a very attractively designed building. But I generally do  
11 agree with the design, the few design improvements that have been  
12 suggested by my fellow Commissioners, so I hope you will take  
13 that into consideration before we get to a final vote.

14           The amenities -- I mean it would have been, I mean, in  
15 terms of design improvement, I mean, mostly the design  
16 improvements I was referring to was that facade at the bottom of  
17 the corner that looked a little dead. If that can be livened up  
18 or if it can be greened up to the pavement around it, I think  
19 that would be useful.

20           The residential amenities are great: the toddler room,  
21 indoor playground, the fitness center gym, and the conference  
22 computer lab library. It would have been even better if some of  
23 the balconies, as Commissioner May said, could have been more  
24 usable, although I realize that the corner ones are larger; or  
25 if there had been open space, green communal space on the rooftop

1 or somewhere else. But this project has so many things going  
2 for it, that I'm prepared to support it today or whenever my  
3 fellow Commissioners are ready to support it.

4 So thank you, Mr. Chairman.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 And if anybody is having problems hearing everybody,  
7 just let us know. I know Commissioner Imamura is working on his.  
8 I never know when somebody can hear me or not hear me. Some  
9 people -- I probably shouldn't say this, Commissioner May. Some  
10 people don't want to hear you, but they don't tell you that, but  
11 -- actually, no. I can do that, because I've worked with him a  
12 long time.

13 All right. Ms. Schellin, do we have any --

14 And he knows I picked on him specifically.

15 Ms. Schellin, do we have anybody here from the ANC? I  
16 don't have any follow up questions. I noticed nobody mentioned  
17 anything about what I was thinking about, the materials, so I  
18 will just let that one lie. I'll leave it alone, because I do  
19 agree with the comments of my colleagues of what we're trying to  
20 achieve here, and I think that is very well done. So I don't  
21 want to upset the Applicant, even though it would not have, I  
22 just wanted us to be cautious.

23 Ms. Schellin?

24 MS. SCHELLIN: Well, we had had Mark Eckenwiler, but  
25 now I don't see him.

1 CHAIRPERSON HOOD: There he is. I see him.  
2 MS. SCHELLIN: You see him now?  
3 MR. ECKENWILER: I'm here.  
4 MS. SCHELLIN: Oh, okay.  
5 CHAIRPERSON HOOD: Yes, he's there.  
6 MS. SCHELLIN: He got pulled in. Okay.  
7 CHAIRPERSON HOOD: Okay.  
8 So Commissioner Eckenwiler, first of all --  
9 MS. SCHELLIN: He's the only one.  
10 CHAIRPERSON HOOD: Okay. First of all, good afternoon.  
11 Do you have any -- I know you have testimony, but do you have  
12 any cross-examine of what we heard so far?  
13 MR. ECKENWILER: No cross, Mr. Chairman.  
14 CHAIRPERSON HOOD: Okay. We'll come back to you short  
15 -- very shortly.  
16 Let's go to the Office of Planning and DDOT.  
17 And let's leave, Mr. -- Commissioner Eckenwiler up.  
18 Let's leave him up. I don't think the field is crowded, so we  
19 can leave him up. All right. We're going to go to Mr. Mordfin  
20 and Mr. Zimmerman in that order.  
21 MR. MORDFIN: Good afternoon, Chair and members of the  
22 Commission. I'm Stephen Mordfin with the Office of Planning.  
23 And the Applicant is requesting a consolidated PUD with a  
24 PUD-related map amendment from PDR1 to MU-30 for the construction  
25 of a uniquely-designed, mixed-use, all-affordable residential and

1 retail building, consisting of 115 apartments, half of which  
2 would be available at or below 50 percent MFI and the other half  
3 at or below 30 percent MFI. Twenty percent of the units would  
4 be three-bedroom or family-sized units, and 25 percent will be  
5 two-bedroom units, and approximately 3,000 square feet of retail  
6 space would be provided. Residential amenities that will be  
7 available to the future tenants of the building and their families  
8 include a toddler room, a lab library, a conference room, and a  
9 gym, designed to complement the all-affordable nature of the  
10 building.

11 Five areas of flexibility are requested. One is a  
12 PUD-related map amendment from the PD -- from PDR-1 to MU-30;  
13 two, reduction in the minimum area for PUD from 15,000 square  
14 feet to 8,720; three, reduction in off-street parking from 19  
15 spaces to zero; four, reduction in loading from one loading berth,  
16 and one service delivery space to zero; and five is design  
17 flexibility. Support of this requested flexibility since set  
18 down, the Applicant has added EV charging for 10 percent of the  
19 long-term bicycle parking spaces and a tandem family-sized spaces  
20 for four percent of long-term bicycle parking; increased the  
21 number of short-term bicycle parking spaces from 18 to 26; and  
22 worked with DDOT on the design of a pickup and drop-off space on  
23 Third Street within public space for the pickup and drop-off of  
24 residents and other day-to-day needs, such as deliveries; and  
25 also a loading zone within the public space of N Street.

1           The site is improved with no residences and is in use  
2 as a surface parking lot. Therefore, the construction of the  
3 building as proposed would not only result in no residential  
4 displacement, but would add to the mix of housing within the  
5 surrounding neighborhood, including new family-sized or  
6 three-bedroom units, all-affordable at 30 to 50 percent MFI, with  
7 a planning area that had a poverty rate of 12.9 percent in 2020.

8           The proposed PUD has the potential to reduce the  
9 anticipated shortage of affordable units within the Central  
10 Washington Planning Area by 2025 by 40 percent. Therefore, OP  
11 recommends the Commission approved the application and is  
12 available for questions. Thank you.

13           CHAIRPERSON HOOD: Thank you.

14           Let's go right to Mr. Zimmerman, DDOT.

15           MR. ZIMMERMAN: Good evening Chairman Hood and members  
16 of the Commission. For the record, I'm Aaron Zimmerman, the  
17 Development Review Program Manager with the District Department  
18 of Transportation.

19           DDOT rests on the record. We have no objection to the  
20 approval of this PUD and the requested parking and loading relief  
21 with the inclusion of the two conditions noted in our report and  
22 agreed to by the Applicant, which are our Loading Management Plan  
23 and the Transportation Demand Management Plan. Thank you. And  
24 I'd be happy to answer any questions.

25           CHAIRPERSON HOOD: Okay. I want to thank you both for

1 your reports. Very well done, OP and DDOT.

2 Let's see if we have any questions or comments.

3 Commissioner May?

4 COMMISSIONER MAY: No, I do not have any questions or  
5 comments for OP or DDOT. But I didn't think of another one for  
6 the Applicant, so I would like to go back to them later.

7 CHAIRPERSON HOOD: Okay. Well, if -- let's just do  
8 that right now.

9 COMMISSIONER MAY: Yeah. Okay.

10 So my question is, the rooftop mechanical space is  
11 remarkably small, so it made me curious about exactly how you're  
12 going to heat and cool the building. Is it going to be a VRF  
13 system or something like that, which I know is more efficient?  
14 And will it be, you know -- I just want to make sure there aren't  
15 going to be wall penetrations for ducts and vents and things like  
16 that on a what's otherwise a very carefully-designed façade.

17 MR. GOINS: It will be a VRF system for the mechanical  
18 systems.

19 CHAIRPERSON HOOD: Okay. And is that -- is there --  
20 are there going to be -- does that include mechanical space on  
21 each floor, as well as what's up on the roof, or is it?

22 MR. GOINS: It will -- there will be a mechanical space  
23 in each unit.

24 COMMISSIONER MAY: In each unit?

25 MR. GOINS: Yes.

1                   COMMISSIONER MAY:    Yeah.   And then -- and so there  
2 aren't going to be any kind of ducts or vents popping out the  
3 side of the building?

4                   MR. GOINS:    There might be a few vents, once we get  
5 into the design development.  I don't think we've chosen all the  
6 systems, but, obviously, the goal here is to maintain the facade.  
7 And if we do have brick vents or something like that, we will  
8 make sure to use the brick recessed vents that are flush with  
9 the brick.  We certainly want them to be not noticeable.

10                  COMMISSIONER MAY:   Right.  Any idea what the sort of  
11 what the quantity might be?

12                  MR. GOINS:    It would probably be one per unit, because  
13 I think we would combine them, you know, into one vent and just  
14 put them next to each other and use that recessed vent.

15                  COMMISSIONER MAY:   Okay.

16                  MR. GOINS:    Yeah.

17                  COMMISSIONER MAY:   And can you show us an example of  
18 that?  Just make a submission that shows an example of what that  
19 penetration will be.

20                  MR. GOINS:    Sure.  Yeah.  Yeah, we could do that.

21                  COMMISSIONER MAY:   All right.

22                  MR. GOINS:    Happy to do that.

23                  COMMISSIONER MAY:   Thank you very much.  I appreciate  
24 it.  Sorry I didn't come up with that sooner.

25                  MR. GOINS:    Yep.  Thank you.



1 CHAIRPERSON HOOD: All right. Thank you.

2 All right. Let's go to Commissioner Imamura. Any  
3 questions of the Office of Planning or DDOT?

4 COMMISSIONER IMAMURA: No questions for OP or DDOT.

5 Thank you both for your report.

6 CHAIRPERSON HOOD: Okay.

7 And Vice Chair Miller, any questions of Office of  
8 Planning and DDOT?

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

10 Thank you for your -- both of your reports and  
11 recommendations.

12 I guess just one question for Mr. Mordfin. The Future  
13 Land Use Map designates the site where for high-density  
14 residential -- mixed-use, high density residential, high density  
15 commercial, and then it has the PDR stripe. And this is a map  
16 amendment related to a PUD that goes from PDR-1 to MU-30. So I  
17 assume that you -- I think it's in your report. I think it's in  
18 your report, but if you could just reiterate that all of the  
19 housing -- affordable housing Comp Plan policies outweigh any  
20 necessity to have PDR space in this project, in addition to maybe  
21 the difficulty of having PDR space in this triangular lot that  
22 you're trying to put all this affordable housing in and put  
23 amenities for the residents. But I wonder if you could just  
24 speak on that briefly, the PDR stripe that is kind of being  
25 ignored here.

1           MR. MORDFIN: Yeah, you're correct. There is a PDR  
2 stripe there, and there is no -- there are no PDR uses proposed.  
3 However, also, what you said is also correct, that the building  
4 is heavy on affordable housing. It's 100 percent affordable at  
5 50 percent or below and at 30 percent or below, and therefore,  
6 we felt that that would outweigh that additional stripe on there.  
7 It does conform with the other two stripes. But the -- it's very  
8 significant the amount of affordable housing that is proposed,  
9 and that is the position of the Office of Planning.

10           VICE CHAIR MILLER: And I agree with that position of  
11 the Office of Planning that the public benefits and amenities of  
12 the project, particularly the affordable housing, outweigh any  
13 PDR use that's needed there, so thank you.

14           CHAIRPERSON HOOD: And I just want to piggyback on that  
15 conversation. I want to thank you, Vice Chair Miller, for the  
16 question and Mr. Mordfin for the answer, because I really think  
17 we get there when we start talking about 30 percent or below. I  
18 don't hear a lot of that. I've been talking about that for over  
19 -- maybe 15 years or so, and I'm glad to see now it's coming to  
20 fruition. We've had a few, but this project here, as already  
21 been stated, it really gets to -- it really gets us there, so  
22 thank you.

23           And thank you to the Applicant.

24           Ms. Moldenhauer, you have any questions of the Office  
25 of Planning or DDOT?

1 MS. MOLDENHAUER: Thank you both so much for working  
2 with the Applicant on this project.

3 For Office of Planning, I would just ask or confirm  
4 that you are supportive of the application without any requested  
5 RPP restriction or language in the application; is that correct?

6 MR. MORDFIN: That is correct.

7 MS. MOLDENHAUER: And the same question for DDOT. Thank  
8 you for working with us and just confirming that you still have  
9 -- you have no objection, and did not feel a need to put in any  
10 RPP restriction or language in this supplication.

11 MR. ZIMMERMAN: Correct. We're still very supportive  
12 of this project with those two conditions we noted. And as far  
13 as RPP goes, this building, the three blocks surrounding this  
14 building are not in the RPP database. So therefore, any resident  
15 at this property, regardless of which of the three streets you  
16 choose as your address, would not be eligible when they go to  
17 the DMV to get a parking pass anyways. So that extra strategy  
18 that you'd recommend -- that you had mentioned potentially  
19 putting in the TDM plan, we don't feel is necessary.

20 MS. MOLDENHAUER: No other questions. Thank you so  
21 much for your time, both of you.

22 CHAIRPERSON HOOD: Okay.

23 Mr. Zimmerman, let's talk about that a minute, and then  
24 I'm going to go to the ANC. Are we for sure now that we know,  
25 the database and all this work? Because I know one time none of

1 that was working. I mean, I don't want to put communities and  
2 the ANC or anybody on promised land. But are we sure now that  
3 the RPP system, if we don't put in blocks -- honestly, I do know  
4 for a fact -- and I know for a fact that it was not working. Can  
5 you give me a --

6 MR. ZIMMERMAN: The RPP --

7 CHAIRPERSON HOOD: -- comfort level that it works?

8 MR. ZIMMERMAN: Yes, I can give you a comfort level  
9 that the database that, you know, anybody could look up online  
10 is what matches what DDOT goes by, and for the visitor parking  
11 passes, but also what the DMV goes for, or goes by for the  
12 residential permit parking. So the database is up-to-date. The  
13 map -- the online map is up-to-date, and so there aren't any  
14 discrepancies in there anymore. You know, I -- I'm aware of what  
15 you're referring to, you know, about, I would say, about a year  
16 ago when they were transitioning websites, some of them didn't  
17 carryover correctly. But they've since fixed that, so that's not  
18 an issue from DDOT's perspective anymore.

19 CHAIRPERSON HOOD: Well, thank you, Ms. Zimmerman for  
20 the update. I haven't asked that question in a while. And this  
21 goes back probably maybe even further than that -- than a year  
22 ago. This goes back with me for maybe five to 10 years. So  
23 thank you. I'm glad to know that, and we'll keep a track record  
24 on that.

25 Okay, so let's see. Commissioner Eckenwiler, do you

1 have any questions of either Office of Planning or DDOT?

2 MR. ECKENWILER: I just want to ask Mr. Zimmerman if  
3 he's aware that there are multiple addresses on H Street  
4 Northeast, which is a commercially-zoned corridor, that are in  
5 the RPP database?

6 MR. ZIMMERMAN: I'm not quite sure which ones you're  
7 referring to off the top of my head. On H Street Northeast? I  
8 am looking on the database right now. I do see a couple of blocks  
9 along there that are RPP. Yes, so I do see that.

10 MR. ECKENWILER: So when you say there are no  
11 discrepancies, that's not really true, is it?

12 MR. ZIMMERMAN: Well, I guess it would depend on your  
13 definition of discrepancy.

14 MR. ECKENWILER: What you just described as --

15 MR. ZIMMERMAN: My understanding of a discrepancy would  
16 --

17 MR. ECKENWILER: Well, my definition of --

18 MR. ZIMMERMAN: -- be something that -- yeah, sorry  
19 about that. My computer's freezing up here. Go ahead.

20 MR. ECKENWILER: My definition of discrepancy would be  
21 that because commercial corridors are ineligible for RPP, that  
22 there should be no addresses or blocks for H Street Northeast in  
23 that database. And what you're describing are, in fact,  
24 discrepancies, because there are such entries.

25 MR. ZIMMERMAN: Yeah, I mean, I would defer to the --

1 to DDOT's Curbside Management Division over, you know, why  
2 certain blocks historically have been left in or have not been  
3 included or been left out? I'm -- you know, I can't give you an  
4 answer on every block in the District. But I can say in terms  
5 of what I was referring to, for a discrepancy, meaning something  
6 that doesn't match online that does match when you go to the DMV  
7 (audio interference) rule the residential street, (audio  
8 interference) street and/or one is allowed to, you know, or any  
9 residential street (interference) on their behest. But that's  
10 only an ancillary ward, but the map didn't reflect that when it  
11 was switching over about a year ago. So that's sort of the  
12 discrepancy I was thinking of.

13 But in terms of the historical anomalies that you find  
14 across the District, I can't speak to exactly those ones, or why  
15 there's (audio interference).

16 CHAIRPERSON HOOD: Commissioner Eckenwiler, if you  
17 finished ask -- I know some of that came in and out and probably  
18 all of us are going to eventually go in and out if the storm  
19 comes. But Mr. Eckenwiler, did you finish asking all your  
20 questions?

21 MR. ECKENWILER: I don't have any further questions for  
22 Mr. Zimmerman, Mr. Chairman.

23 CHAIRPERSON HOOD: Okay. Thank you.

24 All right. Other government reports. I think that's  
25 -- oh, no, no. ANC report.

1           Mr. Eckenwiler, we'll take your report now.

2           MR. ECKENWILER: Thank you, Mr. Chairman. We did put  
3 in earlier today, and I apologize for the late hour. But since  
4 I am the only participant in this process who isn't getting paid  
5 to be here, even a little bit, I don't feel too bad about that.  
6 If you look at Exhibit 28, that's ANC 6C's report. And since  
7 that was put in fairly late, I do just want to run through the  
8 points. Obviously, I'm not going to read the whole thing to you.

9           The bottom line is that ANC 6C strongly supports this  
10 application, but we do have three conditions for our support, and  
11 those are described in the letter. Before I get to those, I do  
12 want to emphasize, as everyone who's spoken before has  
13 emphasized, the all-affordable nature of this project is  
14 extremely attractive. Before this PUD was even filed, we  
15 expressed our support in principle for it, in connection with  
16 what, I think, Mr. Marshall mentioned earlier. I cited  
17 Mr. Marshall and Ms. Moldenhauer, the DHCD funding application.  
18 They sought the ANC's support, which we were happy to give in  
19 principle.

20           I should also say that I completely agree with much of  
21 what Mr. Marshall and Ms. Moldenhauer have said about the process  
22 of working through this application and the -- their engagement  
23 with us. It really has been almost everything that you could  
24 ask for. And, you know, it's unfortunate that we're not in 100  
25 percent agreement at this stage. But I do feel as if they've

1 worked, you know -- you can work in good faith and not get very  
2 far, and I feel like we've gotten very far. And it's been very  
3 gratifying to see the ways in which this application has become  
4 even better over time.

5           So let me run through really quickly the -- there were  
6 four areas, a lot of our conversation focused on that N Street  
7 loading zone. Ultimately, I think -- as you have heard before,  
8 Mr. Chairman, I noted, you know, you've made reference in, at the  
9 set down for this case, about our, you know, recent position on  
10 curbside loading zones and there were deficiencies. And I think  
11 where we've gotten to is we understand that there are certain  
12 things that we and DDOT are simply never going to agree, and we  
13 don't want to put the Applicant in the middle that. We feel that  
14 this has progressed about as far as it's likely to get. And so,  
15 we did not attach any conditions, which -- at the curbside  
16 loading. But again, I do want to note that we felt there was  
17 significant evolution over time, including the proffer that  
18 trucks serving the site be limited to 50 feet in length. And  
19 I'm happy to elaborate, if you care, on, you know, why we think  
20 that's in any way relevant.

21           The second point was on the adequacy of the trash  
22 facilities. As you may know, one of my colleagues is a licensed  
23 architect who actually does development work in the District, and  
24 he had some significant concerns, which the rest of us shared.  
25 And so the first of our three conditions was that both the



1 commercial tenant have frequent collection, so six days a week,  
2 because, you know, with these facilities, and it being on the  
3 small side, more frequent collection can address that.

4 But also the lease basically providing for a bill back  
5 that, you know, if the tenant isn't doing that, that the landlord  
6 can arrange for such services and bill those back to the tenant.  
7 And the language that I have seen in Ms. Moldenhauer's slide or  
8 the Applicant's slide, I believe it's on slide 53, the first  
9 bullet point, I think that is foursquare with what the ANC has  
10 asked for. And so I don't see any points of disagreement here.

11 The second point, and this goes to the RPP privileges.  
12 Obviously, this site is providing no parking. We understand why,  
13 just as it's providing no onsite loading, it's providing no onsite  
14 parking. That's really not physically or economically feasible,  
15 and so it would be silly to insist on something that's just never  
16 going to happen. But we do think that in order to mitigate  
17 potential adverse impacts, it is important, and it's been  
18 important to us in previous cases as well, to make clear to the  
19 tenants that they should not seek or obtain any residential  
20 parking privileges or permits and that there be an enforcement  
21 mechanism explicit in the lease.

22 And part of the reason we ask that is, we have had  
23 specific instances where residents, both for facilities with no  
24 parking, 501 H Street, that was DC 14-14, and for facilities with  
25 parking, 360 H Street, that was a Steuart development project

1 that has the H Street Giant, where residents, by hook or by crook,  
2 managed to get themselves privileges. And I have to say, with  
3 all respect to Mr. Zimmerman, I think he is imperfectly informed  
4 about how DDOT actually works in this regard. And things have  
5 not changed over the years. I can tell you that, you know, long  
6 since 360 H, where the residents themselves went to DDOT and got  
7 themselves put in the database, since then, you know, that  
8 continues.

9 I had a conversation with a commissioner in 6H or east  
10 who knew that I was asking DDOT to remove addresses on H Street  
11 that should not be there, and she'd gotten a request from her  
12 constituents, so not in our ANC, not my business. Her  
13 constituents living on H Street wanted to be put in the database.  
14 And DDOT staff had told her if she would agree to it, they'd put  
15 that address in the database. So that's how it really works in  
16 practice, is there are ways for people to get themselves these  
17 things if they talk to the right, or depending on your  
18 perspective, the wrong person at DDOT.

19 There are simply not adequate controls administratively  
20 within DDOT. And that has been the case for years, I'm very  
21 sorry to say. And that is why we want the lease terms, just as  
22 they did for 501 H, not only to inform the tenants that they are  
23 not allowed to seek such residential parking permits or  
24 privileges, but that if they do so, that that will be grounds  
25 for termination. And look, let's be really clear, we don't want

1 anybody to get evicted. But my colleague, Joel Kelty, who has  
2 the SMD that 501 H sits in, specifically had this problem. Again,  
3 there was somebody living in the building who was getting parking  
4 permits, parking on 5th Street in his SMD they should not have  
5 been able to get, and yet, somehow it was happening.

6 He took that to Douglas Development, which was the  
7 developer for that project, and someone had a talking to with the  
8 resident, and they knock it off. Now, we don't know whether or  
9 not that person was evicted, we don't know that they were and  
10 that was never the goal, but what it does mean is that  
11 conversation, obviously, had some impact. And there's nothing  
12 here, you know, in the proposed language that would require NRP,  
13 or any successor owner, to actually enforce that provision. But  
14 you know, just the effect, the deterrent effect of having it in  
15 the lease and the tenant knowing that, we think is meaningful.

16 And since it is not simply some imaginary threat that  
17 we're talking about, this keeps happening, we would like to see  
18 more than, you know, language that has no teeth behind it. And  
19 so that's why ANC 6C is asking for language, essentially, you  
20 know, what we asked for in 501 H.

21 And then the third issue, going to promoting  
22 alternative transportation modes. And I should say just by way  
23 of preface, I think someone else noted, I know Mr. Mordfin alluded  
24 to this, the number of public bike racks around the site was  
25 increased, that was at our urging, and again, we appreciate the

1 applicant, you know, taking that comment and taking it seriously.  
2 Because this is such an affordable-oriented project, we do think  
3 that it's important to encourage bike usage, and in particular,  
4 Capital Bikeshare. And for that reason, the third and final  
5 condition, in our vote of support for this project, is that the  
6 building owner provide each residential unit with a Capital  
7 Bikeshare annual membership. And those are obtainable under the  
8 Capital Bikeshare for All program for give dollars a year for  
9 low-income residences -- residents, excuse me, and do so for the  
10 life of the building. You know, for some PUDs in the past, you  
11 know, the Apollo at 600 H Street, I think it was kind of a  
12 one-time thing for each tenant coming in, they were going to get  
13 a SmarTrip card or like a one-year Bike Share membership, just  
14 to kind of ease them into it. Here, we'd like to see that as an  
15 ongoing benefit for the residents themselves.

16 And again, that goes to the fact that, you know, not  
17 only is this you know, all-affordable, but there's no onsite  
18 parking, and we think every little bit, and this really seems  
19 like a lot of "bang for the buck" will help promote the kinds of  
20 transportation uses that we'd like to see, and that are consistent  
21 with how this site needs to be developed. So let me pause there.  
22 That's the end of my testimony. I'm more than happy to answer  
23 any questions.

24 CHAIRPERSON HOOD: Okay. Thank you,  
25 Commissioner Eckenwiler. I always appreciate your thoughtful

1 testimony to us and helping us to -- as we move forward. Let me  
2 let me just say I do agree, and I'm hoping that ANC 6C will  
3 continue to work when it comes to curbside loading, as I've  
4 mentioned, and you mentioned. I've seen it so many times, and  
5 it seems like this Applicant continued to work with ANC 6C. And  
6 I think that's the request that I see in the ANC letter.

7 But I want to fast forward to this --

8 Let me ask Mr. Eckenwiler this. Let me ask it this  
9 way. The lease issue, I know that Ms. Moldenhauer asked OP and  
10 DDOT about the lease, putting that requirement in the lease. Is  
11 that a showstopper? Because I think you all have three  
12 conditions. Is that a showstopper, Mr. Eckenwiler? Commissioner  
13 Eckenwiler?

14 MR. ECKENWILER: I guess the way I would couch it,  
15 Mr. Chairman, is that that is a condition of our support,  
16 that -- we had a long discussion about this in the ANC. And yes,  
17 we think that's important. We strongly support this project, but  
18 it -- because it has some very specific attributes, we have  
19 tailored those conditions to, you know, address those particular  
20 attributes. So I think that answers your question.

21 CHAIRPERSON HOOD: So, two out of three, and I know  
22 it's not necessarily a numbers game. So two out of three of your  
23 conditions is -- because I'm also thinking about the  
24 affordability, because I'm going somewhere else after this. I'm  
25 also looking at 30 percent or below. But you -- two out of three

1 -- in this city, if you get two out of there, you're batting a  
2 hundred.

3 MR. ECKENWILER: Right.

4 CHAIRPERSON HOOD: So -- but I also know -- I  
5 also know that there are some issues. And maybe I need to go  
6 back to Ms. Moldenhauer, because I want to try to resolve this.  
7 I would love to have ANC 6C's report, and -- I mean support. But  
8 Mr. Eckenwiler, the way you recall, the RPP is the way I have  
9 recalled it. But Mr. Zimmerman has informed me that it's changed,  
10 it's gotten better. I just have not followed it lately. But I  
11 know that we put a lot of people on promised land with that, and  
12 I don't like doing that.

13 So I want to hear from Ms. Moldenhauer. And I think I  
14 read it, but I want to make sure I'm clear. The objection of  
15 putting that in the lease, is there an objection to that? I  
16 mean, I know you all don't agree, but I'm just trying to find  
17 out what is the objection.

18 MS. MOLDENHAUER: So we object to that request. We  
19 feel as though we have mitigated the parking impact in other  
20 ways. We also believe that this project is very different from  
21 510 H Street. This is a 100 percent affordable project. And I  
22 think Mr. Marshall or Mr. Oloyede can explain the difference  
23 between individuals at this AMI level, the likelihood of them  
24 having or owning cars is very different than the 501 H Street  
25 project. And we also can walk into some details about why this

1 condition is not preferable for a lease.

2 Mr. Marshall, if you can kind of elaborate on that for  
3 Chairman Hood, please.

4 MR. MARSHALL: Yeah, absolutely. Thanks, Meridith.

5 To build on that, in our experience, car ownership  
6 rates for very low-income households, or in this case,  
7 Chairman Hood, as you pointed out, extremely low-income  
8 households, which is the term of art for individuals at or below  
9 30 percent of AMI, the car ownership rate is extremely low. It  
10 may be self-explanatory, but nonetheless, we do encounter that  
11 and experience that and see that in our affordable housing  
12 projects.

13 So as Meridith said, our anticipated use -- the car  
14 ownership rate for a budget like this, like I said, would be very  
15 low. And arguably, this is a crucial point, by and large for  
16 projects such as this in this location with the transportation  
17 amenities that we've described, and the fact that no parking is  
18 provided, in a way self-selects and filters, so to speak,  
19 residents who may not or may have a car that they would go to  
20 different places. Those who don't have a car would be attracted  
21 to this location, because they don't need a car. I mean they  
22 can rent an apartment in our building and not have limited use  
23 to their car.

24 And then thirdly, from the perspective of the  
25 applicant, we aren't in agreement with respect to that nexus

1 between lease obligations and RPP, that a violation of one  
2 shouldn't incur, certainly, the cancellation of the other, that  
3 being the lease. And so for those reasons, we'd agree to  
4 encounter with language that we would put into our lease, and  
5 that's notifying the tenant that the building is not eligible or  
6 for RPP. And moreover, the tenant would sign and acknowledge  
7 receiving that notification. But we would stop short of canceling  
8 the lease in the event that they're found -- to have somehow  
9 found a way to get RPP and in those circumstances.

10 CHAIRPERSON HOOD: Okay. I think -- what I'm trying  
11 to do is, and that's why I'm trying to have discussion, because  
12 there were two things when I saw under 30 percent of the AMI.  
13 I'm actually in no opposition. I'm ready to move with this. I  
14 would be ready to move with this, because I think it's very  
15 significant and a need to the city. I heard it loud and clear  
16 at my -- my last confirmation hearing. But I heard a lot of  
17 things loud and clear. I won't agree with all of it, but I will  
18 say that I think that it's important for us to try to work  
19 together, because I think this is a win-win.

20 This project is one win-win. And while there's one  
21 sticking point, maybe it's another way. And I wanted to kind of  
22 deal with this tonight, but I'll open up to my colleagues. Maybe  
23 there's a way, Ms. Moldenhauer, that you and Commissioner  
24 Eckenwiler and the Applicant and Mr. Marshall and others can  
25 figure out the language. I think we're almost saying something



1 similar.

2 I understand the community wants that sticking point  
3 there to kind of make sure that it just doesn't fall on deaf  
4 ears, but they're not necessarily trying to put anybody out. But  
5 I also heard what Mr. Marshall said. So I think it's a way that  
6 we can work this out. And I'll tell you that over my years of  
7 being on this Commission, I've heard all kinds of reasons of why  
8 we should put it in and why we couldn't put it in. I've heard  
9 so many different reasons, I don't want to repeat -- I will not  
10 repeat them, because I don't know which one sticks.

11 So -- and maybe my colleagues can help me out, but I  
12 will leave it at that. Let's try to figure that out. I was  
13 trying to resolve this tonight, but if that's the sticking point,  
14 it won't be tonight.

15 But anyway, let me open up to --

16 Commissioner May, any questions of  
17 Commissioner Eckenwiler?

18 (No audible response.)

19 CHAIRPERSON HOOD: Okay.

20 Commissioner Imamura?

21 (No audible response.)

22 CHAIRPERSON HOOD: Okay.

23 And Vice Chair Miller?

24 VICE CHAIR MILLER: No.

25 Thank you, Commissioner Eckenwiler for your report.

1 CHAIRPERSON HOOD: Okay.

2 Ms. Moldenhauer, any questions or comments or cross?

3 MS. MOLDENHAUER: No questions of Mr. Eckenwiler.

4 CHAIRPERSON HOOD: Okay. So let me ask everybody this.  
5 Can we resolve this this evening? Can we get this resolved? Do  
6 we need to take five minutes? Can we get this resolved?

7 Mr. Eckenwiler?

8 I'm asking Mr. Eckenwiler, Mr. Marshall, and  
9 Ms. Moldenhauer.

10 And I'll ask that we continue --

11 MR. MARSHALL: Yeah. Mr. Chairman is -- I hope  
12 Commissioner Eckenwiler can report -- from the Applicant's  
13 perspective, we're never in any way, shape or form has  
14 (indiscernible) to engage with the ANC to further discuss about  
15 that. So at least procedurally you can count us in to talk about  
16 it further.

17 CHAIRPERSON HOOD: And I'm just asking would  
18 additional time help Ms. Moldenhauer and Mr. Marshall and  
19 Mr. -- Commissioner Eckenwiler? Will additional time help?

20 MR. ECKENWILER: Well, Mr. Chairman, if you're talking  
21 about this evening, I feel that I'm bound by the ANC's vote. I  
22 don't think I'm at liberty to stray from that. I mean, I doubt  
23 that the Applicant wants to wait two months for us to, you know,  
24 reconvene as an ANC in September. So yeah, I mean, it's always  
25 directly possible for this to come back to the ANC and for the

1 ANC's position to change. Given where we are, you know, in the  
2 year, I think that's going to create significant delay in  
3 resolution of the case.

4 CHAIRPERSON HOOD: Yeah, I don't -- I don't want --

5 MS. MOLDENHAUER: Chairman, I believe we --

6 CHAIRPERSON HOOD: Yes?

7 MS. MOLDENHAUER: We worked extensively with the ANC,  
8 the SMD, and Mr. Eckenwiler can (audio interference) on this, you  
9 know, was supportive, I think, of the application without this  
10 condition. They went back and forth on this. And we did offer  
11 the compromise language that we put forth. The ANC did not accept  
12 our compromise language. We'd obviously, you know, be happy if  
13 the Zoning Commission wanted to consider that compromise language  
14 now before you today.

15 CHAIRPERSON HOOD: Okay.

16 Ms. Schellin, how many votes do we have in this case?  
17 I get confused now. Changed the rules, and I --

18 Does anybody know?

19 Commissioner May, how many votes we have? How  
20 many -- two -- oh, we got two.

21 COMMISSIONER MAY: Two -- two-vote case.

22 CHAIRPERSON HOOD: Well, let me hear from my -- well,  
23 we haven't -- let's -- let me finish going through the process,  
24 and we'll come back to that. No one had any questions. So we  
25 would move on to second. And let's leave Mr. Eckenwiler up.

1           Ms. Schellin, do we have anyone who's here to testify  
2 either in support or opposition?

3           MS. SCHELLIN: We did not.

4           CHAIRPERSON HOOD: No one's here.

5           MS. SCHELLIN: No one signed up to testify.

6           CHAIRPERSON HOOD: Okay. All right. Let me do one  
7 more quick thing here.

8           VICE CHAIR MILLER: Mr. Chairman, could I just ask a  
9 question of Ms. Moldenhauer --

10          CHAIRPERSON HOOD: Sure. Go right ahead.

11          VICE CHAIR MILLER: -- while you're looking for some  
12 of that. You may have touched on this, and I might have missed  
13 it. The outreach to ANC 5D, which, I guess, is across the street  
14 or nearby, can you just -- did -- we don't have -- I don't think  
15 we have anything from them. Could you just briefly summarize  
16 whatever conversations you may have -- and outreach you had to  
17 5D? You may have said it already. I just missed it.

18          MS. MOLDENHAUER: Absolutely, Commissioner Miller. Mr.  
19 Marshall did mention, and it's in our PowerPoint presentation  
20 that we did engage with them. They did specifically recommend  
21 that we defer to the ANC 6C. And so we had been in contact with  
22 them. We have provided them information, but they then  
23 recommended that we -- they defer any vote to ANC 6C.

24          VICE CHAIR MILLER: Okay. Thank you.

25          Thank you, Mr. Chairman, and I'll turn it back to you.

1                   CHAIRPERSON HOOD:     Okay.   I just wanted to see other  
2 government reports.   We did have something from the Department  
3 of Environment and -- or Energy and Environment.   I'm sorry.   We  
4 did have something from them, which is our Exhibit 24.   They --  
5 as they always do, they make suggestions further ways to  
6 incorporate sustainable design.   I think we have already  
7 mentioned that.

8                   All right, Ms. Moldenhauer, do you have any rebuttal  
9 or closing?

10                  MS. MOLDENHAUER:   Thank you.   I will just leave our  
11 conclusion very brief.   We are very excited the NRP Group and  
12 you know, Babatunde Oloyede.   This is, obviously, a great project.  
13 We feel as though the architectural has -- design is above and  
14 beyond the design that you would obviously want to see for a PUD,  
15 especially an all-affordable project.

16                  On this -- in the last point that we are discussing in  
17 regards to this question of the ANC's condition, we believe that  
18 we've worked extensively with the ANC and made many revisions,  
19 changes, and design updates based on their comments and feedback.  
20 And we think that at the end of the day, this is great project  
21 based on that collaborative back and forth.   It is unfortunate  
22 that we feel that we cannot agree to this last final condition.  
23 But we do feel as though we have offered what we believe to be a  
24 compromise language and acknowledging and asking the  
25 Applicant -- any tenant to acknowledge that as well, but then not

1 to put in any lease termination language. Based on the  
2 affordability levels of this project and other reviews and  
3 approvals that are required for this project, we have included  
4 our flexibility language in the application, and thank the  
5 Commission for their comments and have noted those elements in  
6 regard to some of the design comments made by the different  
7 commissioners that we can include in a supplemental filing.

8 CHAIRPERSON HOOD: Okay, thank you. I'm going to try  
9 one more time here. I do see the language.

10 And I want to talk to you, Mr. Eckenwiler, about the  
11 language.

12 Let me just ask, and what I'm attempting to do, I don't  
13 even know if I have the votes to support what I'm trying to do,  
14 so I really probably should ask that first, but I'm not. I'll  
15 find out when I get there.

16 Ms. Moldenhauer, is there a way -- you heard  
17 Commissioner Eckenwiler mention you have to call in. I've  
18 actually heard that before, too. You have to call down there to  
19 get the streets on the list. Is there -- would both parties,  
20 Ms. Moldenhauer and Mr. -- Commissioner Eckenwiler, would you all  
21 be agreeable to doing that? And I think that would solve some  
22 of this issue, I think.

23 MS. MOLDENHAUER: I'm sorry, Commissioner, but I don't  
24 understand what you're referring to.

25 CHAIRPERSON HOOD: So the way I understand it, if you

1 down to -- I don't know who it is Mr. Eckenwiler, DDOT, or  
2 whomever, to put these streets on the list of not being able to  
3 get RPP or not -- not being able to -- I'm trying to think. Now,  
4 the areas don't have RPP right now as it exists, right?

5 MS. MOLDENHAUER: Correct.

6 CHAIRPERSON HOOD: Okay. So maybe I'm going to  
7 something --

8 MS. MOLDENHAUER: I think Mr. Eckenwiler, I think is  
9 referring to people who illegally or improperly, I don't know  
10 whatever, however, they want to use that, you know, skirt the  
11 system and somehow get RPP when, as Mr. Zimmerman indicated, you  
12 know, if it's not showing up on the system, or on the different  
13 maps as consistent. And so in those instances, again, we believe  
14 that there are other agencies that are required for enforcement  
15 of those issues and that it should not be part of a residential  
16 lease.

17 CHAIR PERSONHOOD: So let's talk this out. Help me  
18 understand. I get -- I don't get confused, because I don't think  
19 it actually works the way I believe it works. But Mr. Zimmerman  
20 testified here today that things have improved. So that's what  
21 I'm -- that's what I'm operating on. So if it's -- if the street  
22 is on the database, then you can't get RPP, correct? You can't.  
23 If the street -- no, I'm -- not RPP.

24 If the street is taken off the RPP database, then Mr.  
25 Eckenwiler, how do they go in there and get approval? What are

1 | they getting approval for?

2 |           MR. ECKENWILER: So I think there are multiple  
3 | dimensions to this, Mr. Chairman. Let me answer the, I think,  
4 | the specific question you just asked. There -- DDOT has a  
5 | database of addresses that are eligible for RPP, and sometimes  
6 | it's listed by individual address, sometimes it's a range, so you  
7 | know, 500 to 599 XYZ Street in Northwest. There has been  
8 | historically, and I have no reason to think this has changed in  
9 | any way, shape, or form, an informal mechanism, whereby DDOT will  
10 | put addresses that should not be there, according to policy, the  
11 | policy being if you've got a commercially-zoned street, then the  
12 | residents on that street aren't eligible for a RPP, and yet there  
13 | has been this longstanding practice of putting those addresses  
14 | in by request. Sometimes that was just because, you know,  
15 | individual residents would cuttle their way onto it. In my  
16 | experience, more commonly, if the ANC Commissioner agrees to it,  
17 | then basically, you know, the favor is dispensed and that address  
18 | is added. So when I said earlier there really are not proper  
19 | administrative controls over this at DDOT, in my experience,  
20 | that's what I'm referring to.

21 |           I suspect there are other ways that people get  
22 | residential permits, including the 15-day permits that NPD used  
23 | to issue that's now issued online through DDOT, but I'm  
24 | insufficiently devious to know how that works.

25 |           CHAIRPERSON HOOD: Okay.



1           And when I read the language, and Ms. Moldenhauer, in  
2 your PowerPoint, and it says, "For the life of the project, the  
3 Applicant shall provide that all commercial leases for the  
4 property will include language that shall require any commercial  
5 tenant to actively discourage its visitors, customers, or  
6 employees from unlawfully stopping or parking automobiles" -- oh,  
7 this is in front of the property -- "or elsewhere in the  
8 neighborhood in connection with visits to the premises."

9           And that goes to the residents as well, correct?

10          MR. ECKENWILER: Not the residents.

11          MS. MOLDENHAUER: No. So I've -- if you look -- you're  
12 been looking at the PowerPoint presentation, page 53, that's for  
13 the commercial leases.

14          CHAIRPERSON HOOD: Oh, okay. Okay.

15          MS. MOLDENHAUER: Only refers to --

16          CHAIRPERSON HOOD: Where's the new language? Where's  
17 the new language?

18          MS. MOLDENHAUER: If you go to 54, the next slide,  
19 which at the bottom says, "residential units"?

20          CHAIRPERSON HOOD: You know, my 54 is blank. Oh, no.  
21 No, it isn't. All I see on my 54 is parking and -- okay. Maybe  
22 that's it. Okay. The Applicant will -- because that's what  
23 happens when you try to hurry. Okay, here it is. Applicant will  
24 incorporate -- give me a moment, please.

25          So Mr. -- Commissioner Eckenwiler, help me understand.

1 This says -- let me read it. "The Applicant will incorporate a  
2 provision in each residential lease" -- oh, no, wait a minute.  
3 Whose PowerPoint am I looking at? Hold on a second.

4 Is this your -- this is your -- this is your PowerPoint,  
5 right, Ms. Moldenhauer?

6 MS. MOLDENHAUER: Yes. I think you were reading the  
7 right section.

8 CHAIRPERSON HOOD: Okay. Okay. Let me go back to  
9 reading it. "The Applicant will incorporate a provision in each  
10 residential lease notifying the tenant that the building is not  
11 qualified for a residential parking permit and that the tenant  
12 acknowledges that they are not eligible to apply for a residential  
13 parking permit."

14 I don't -- help me understand it. I don't see -- it's  
15 there. It's not on the lease, but it -- well, it -- that statement  
16 will be in the lease, correct?

17 MR. MARSHALL: Mr. Chairman, this is Chris Marshall.  
18 Yes, we would envision it as an addendum to the lease. Leases  
19 have many addendums for various issues, and we are voluntarily  
20 adding this as an informational addendum that the tenant must  
21 acknowledge having received, read, and will ultimately sign off  
22 on it.

23 CHAIRPERSON HOOD: Commissioner Eckenwiler, have you  
24 all had a chance to look at that language?

25 MR. ECKENWILER: Oh, I've had a chance to review it,

1 Mr. Chairman. And I believe Ms. Moldenhauer sent us that proffer  
2 before we met on the 13th. It does not meet our request. And  
3 you know, just to kind of bring this back to brass tacks. The  
4 tenants at 501 H also had similar language in their leases. You  
5 know, they were required to acknowledge that they were  
6 ineligible, and yet, given nature of being what it is, one or  
7 more people went ahead and did so. So it's just an unfortunate  
8 fact that people will do this. You know, they will, one way or  
9 another -- and I do. It's regrettable that I have to respond in  
10 this way, but Ms. Moldenhauer said 501 H Street was a different  
11 kind of project. That's true. But I can also tell you that my  
12 very clear understanding with respect to 360 H Street, so that's  
13 the Steuart development project, has that Giant grocery store in  
14 it, that the specific people who were getting DDOT to put their  
15 addresses in the database for that residential building, were the  
16 affordable unit tenants, because that building does have parking,  
17 and the parking was expensive. They had cars, and they, you  
18 know, for whatever reason, were unwilling or unable to pay the  
19 market rate for parking there so they sought parking elsewhere.

20           So it's -- I think it's just a little naive to think  
21 that the residents of these 115 units are all going to comply  
22 with their obligations, not seek RPP, even if it just says in  
23 the lease, and you understand that you're ineligible. We've --  
24 and all I can say is we've asked for the stronger language before,  
25 the Commission approved it, and the -- in JC 14-14, the was the

1 501 H Street case, and we think it's appropriate and addresses  
2 what we anticipate is a real likelihood of wrongdoing, just  
3 because people -- people have done this in the past, people will  
4 do it again. And we'd like to see stronger language as a stronger  
5 deterrent.

6 And I want to emphasize again, our goal here is not  
7 really to have anybody evicted. That's really not what we're  
8 looking for. What we're looking for is for people to fully  
9 understand what their obligations are. And we don't think that  
10 just saying, okay, well, you know, sign here, you agree you're  
11 ineligible, and there's nothing to back that up. We think that's  
12 not adequate.

13 CHAIRPERSON HOOD: Okay. Well, I've got to think on  
14 this. I've tried.

15 Let me open it up to my colleagues who may be able to  
16 offer more than what I've tried to. I was trying to make it 100  
17 percent win-win, we all in the same accord, because, again, the  
18 affordability of this project is terrific.

19 Let me go to Commissioner May. And you heard this  
20 discussion. This is the only sticking point. Let me hear your  
21 thoughts.

22 COMMISSIONER MAY: So Mr. Chairman, we have -- we're  
23 going to take two votes on this, right. So -- and the second  
24 one isn't going to come until September. And I don't know what  
25 the timing needs are for the Applicant, but it seems to me that

1 we could ask the Applicant and the ANC to have further  
2 discussions. I think we can communicate to Mr. Eckenwiler what  
3 our tendency is at this moment, and maybe that will help the ANC  
4 and, of course, the Applicant to come to some agreement before  
5 we take it up in September, which I assume would mean the second  
6 meeting in September, as opposed to the first.

7 Because I mean, frankly, I am -- while I am concerned  
8 about the issue that the ANC has raised here, I feel like the  
9 burden for addressing the problems that Mr. Eckenwiler is raising  
10 really falls more to DDOT than to the Applicant. And I think  
11 that language in the leases that remind people that they are not  
12 eligible for RPP and that they could get a talking to or something  
13 like that, is probably all we should be insisting on at this  
14 moment. But I'm not ready to say that absolutely, definitively  
15 now, and I don't have to, because we have two votes.

16 So I mean, that would be my recommendation. Let them  
17 talk about it a little bit further, and let's put this off until  
18 the second meeting in September.

19 CHAIRPERSON HOOD: Okay.

20 Commissioner Imamura.

21 Hold on.

22 Ms. Schellin, you have something to add, because I want  
23 to hear from my colleagues first. Let me -- hold off,  
24 Ms. Schellin. Hold off for a second.

25 Commissioner Imamura?

1                   COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
2 agree to the burden here falls with DDOT. I simply cannot see  
3 why the applicant is the agency to administratively enforce this.  
4 You know RPP is an important issue, but on balance, when you  
5 weigh the value of deeply affordable housing units with this RPP  
6 issue, I can't imagine that -- I would want to suggest that RPP  
7 (audio interference), you know, outweigh the benefits and value  
8 of much-needed housing in D.C., (audio interference) and  
9 (indiscernible) here in the City for its goal. So that's where  
10 I stand, Mr. Chairman.

11                   CHAIRPERSON HOOD: Okay. Thank you. I think I caught  
12 most of that.

13                   Vice Chair Miller?

14                   VICE CHAIR MILLER: Thank you, Mr. Chairman. I support  
15 voting tonight or taking proposed action tonight with the  
16 language that the Applicant has currently offered, in terms of  
17 putting that RPP language into the lease, and would encourage the  
18 Applicant between our first -- and before our final vote in  
19 September to reconsider putting in the grounds for eviction  
20 language. I guess that's the only difference. I see -- I don't  
21 really see -- this might be my own ignorance, but I really -- I  
22 see the deterrent effect of the -- what's the language that's  
23 been offered, and I see the deterrent effect of the grounds for  
24 eviction language. I think in either case, it's discretionary  
25 on the landlord, whether they would evict. So I'm not sure there

1 is much of a difference, so.

2 But I would support going forward tonight, having the  
3 Applicant and the ANC have a further -- one more dialogue about  
4 it and see if we could -- if they could go with that other  
5 language that we have put in other -- that the Applicant -- other  
6 applicants have agreed to in other cases. I don't know how well  
7 it's worked, whether it's there or not, but I would encourage  
8 that dialogue to happen again between first -- between a proposed  
9 action tonight and final action in September.

10 CHAIRPERSON HOOD: Okay. Thank you.

11 I'm going to say what I'm going to say, and then I'm  
12 going to go to Ms. Schellin. I believe the burden is on us. And  
13 the reason why I believe the burden is on us, and we can't kick  
14 it to DDOT or anybody else, because we approve these projects  
15 (audio interference).

16 Yes, you know, for me, if I get -- my back gets up  
17 against the wall, because of affordability, yes, I'm being  
18 honest, I would approve this project. But I also know that we  
19 have community folks, like in this case, Mr. Eckenwiler and his  
20 constituents, who are the ones who are the recipients of all of  
21 our approvals. And we say this one about this case, and we say  
22 this one about the next case, and then we say this one about the  
23 next case, and then eventually, we got basically organized chaos.

24 So for me, I think it does pass on to us. I think  
25 that's why I'm trying so hard for Mr. Marshall and Mr. Eckenwiler,

1 let's see how we can make this work, because the residents of  
2 this city expect predictability. And that's what we want to make  
3 sure we -- that, for me, that's what I want to give them. But  
4 again, for me, though, and I'll be frankly honest to everybody,  
5 that 30 percent lower MFI is where it's at AMI -- MFI -- some  
6 people call it either one. I forgot which the new one is; I  
7 think it's MFI. So either way, let's vote.

8 And I didn't necessarily want to vote, because that  
9 sends a different signal. But I would agree that, you know, just  
10 because we vote today does not mean -- let's see what happens  
11 between now and the second meeting, I think most of my colleagues  
12 have said. So Ms. Moldenhauer, Mr. Marshall, Mr. Eckenwiler --

13 Mr. Eckenwiler, you got your hand --

14 MR. ECKENWILER: Yes. Thank you, Mr. Chairman. Yes,  
15 I just want to make two really quick points. One, to be very  
16 clear about the ANC's position on this. We want the Commission  
17 to approve this application with those conditions. We don't want  
18 this to get tanked. And the second point is, we don't have the  
19 power to tank this. And, you know, this also goes to the idea  
20 of having the Applicant come back to us again in September.

21 I'll be very frank with you, because we had a very  
22 frank public conversation about this last week, and that is this  
23 is not BZA. This is not where if we're a party in opposition,  
24 you know, somebody's got to do a full order, and instead of the  
25 order coming out in five to 10 business days, it's going to be



1 | somewhere between five and 30 months for an order to come out.  
2 | You as a Commission are going to write a full order regardless.  
3 | And so, honestly, we all know, you can override our  
4 | recommendation. That's obviously, your prerogative, and we  
5 | understand that. We discussed that in the ANC meeting. And,  
6 | you know, that was one of the, I think, compelling points with  
7 | the commissioners was, we can ask for this. We can say this is  
8 | important to us, and it's a condition of our support, and the  
9 | Zoning Commission can choose to do otherwise. So I'm not  
10 | optimistic that things would change if the Applicant were to come  
11 | back to us in September, but we're also realistic about, you  
12 | know, how this process works. So that's it. Thank you,  
13 | Mr. Chairman.

14 |           CHAIRPERSON HOOD: Okay. And this is my last point.  
15 | I appreciate your comments, Commissioner Eckenwiler, but I also  
16 | know you all have to live with our decisions. And that, to me,  
17 | that is bigger than anything. All the rest of us will be in our  
18 | neighborhoods, at least with our own problems, but the decision  
19 | we make, and we try to lessen the adverse impacts (indiscernible),  
20 | so to speak. That's kind of where I am. That's why I'm trying  
21 | to really get this last point home, because whatever we decide,  
22 | the folks who live over there are going to have to endure it.  
23 | And I'm a firm believer of trying to clean the slate, let's work  
24 | together, see what we can do collaboratively to make it work.

25 |           So I get what you're saying. You're right, we can

1 | override it. I agree with you. We can accept this language,  
2 | which I'm, hopefully you all can -- if you all don't come up with  
3 | the language, we're going to come up with it, because we know  
4 | you want it there. But I'd rather for you all to come up with  
5 | it, because I don't live in the area. I have my own language I  
6 | need to come up with in my area. So that's all I'm going to say  
7 | on that.

8 |           So thank you all very much. I tried hard. I probably  
9 | spent 30 minutes trying to get that one point, but I think it  
10 | was well worth it. And I'm hoping that Ms. Moldenhauer and  
11 | Mr. Marshall and Commissioner Eckenwiler you come back to the  
12 | Commission and make our jobs a lot easier. I'm looking forward  
13 | to it.

14 |           Ms. Schellin?

15 |           MS. SCHELLIN: I'm sorry to interrupt, but I'm taking  
16 | care of my brother's issues this morning. While you guys have  
17 | been going through the case, I've been going through about 60  
18 | some emails, and there was one from DHCD that related to the  
19 | issue you guys are discussing right now. And I just -- I know  
20 | the Commission is not aware of it, and I thought that I should  
21 | bring it to your attention. So I'd like to just read a small  
22 | portion of it and ask the Commission if you would like it at the  
23 | end, since this is a two vote, to leave the record open for a  
24 | submission from them. But I would like to read just a portion  
25 | of that email, if I may.

1           It says -- this is from Reshma Holla, Deputy Manager  
2 of Development Finance Division of DHCD. She is -- and the reason  
3 why I didn't get it is because initially it was sent to someone  
4 else in the office, and then it finally was routed to me. It  
5 says:

6           "Unfortunately, we just recently became aware of ANC  
7 6C's support of the project included a particular parking permit  
8 related condition that is against agency policy, and moreover,  
9 may lead to violations of the D.C. Human Rights Act and Fair  
10 Housing Act. We would like to submit a letter on Monday morning,  
11 if possible."

12           And like I said, unfortunately, I did not get this in  
13 time. And that was sent to someone else in my office, and then  
14 it was forwarded to me. And unfortunately, I did not find it in  
15 time to reach out to her. So they would like to participate in  
16 future cases, just to comment on D.C. -- District subsidized  
17 housing developments, such as this one. So I just wanted to read  
18 that to you, and maybe, since this is a two-vote case, if you  
19 guys would like to hear from her on this, that we could leave  
20 the record open for a letter from DHCD.

21           CHAIRPERSON HOOD: Yeah, I would ask that -- unless  
22 there are any objections from any of your parties, I want the  
23 letter open. This is not my first time hearing that. That's  
24 why I say I get different instructions. So that is what I'm used  
25 to.

1           And I also would suggest, Ms. Schellin, while I'm  
2 thinking about it, that we ask Mr. Hubbard, Drew Hubbard, who's  
3 the director, to come to one of our trainings, because I want to  
4 talk to him about that. And if I have to, I'll ask him as well.  
5 But I just think that's important. So we've heard that. We're  
6 waiting to get that information. This is not the first time I've  
7 heard that, I just had not heard it in a while. So thank you,  
8 Ms. Schellin. You probably -- I should have acknowledged you  
9 probably 30 minutes ago. I wouldn't have been doing all that.

10           All right. So we've heard from Ms. Schellin. They're  
11 going to send us a letter. Colleagues, unless I hear something  
12 from Ms. Moldenhauer or Commissioner Eckenwiler, or Mr. Marshall  
13 or Mr. Oloyede or whoever, I think we're going to close, and  
14 we're going to go ahead and proceed with our vote and wait to  
15 get that letter. It's still good to have it. I'm not going to  
16 negate the conversations, but we've heard it's against their --  
17 that Act or their regulations in the Housing Authority, DHCD's  
18 regulations. So we definitely can't move in that manner to a  
19 point, but it's always good for the community to still continue  
20 to work.

21           So I'm sure Mr. Eckenwiler will investigate that as  
22 well, because I'm going to do it as well, and we'll see how we  
23 go from there, because I've heard it before.

24           All right. So with that, not to belabor the point,  
25 would somebody like to make a motion?

1           COMMISSIONER MAY: Mr. Chairman, I think you need to  
2 make the motion, because you're the one with the most specific  
3 idea about what's going to happen on this parking provision.

4           CHAIRPERSON HOOD: Well, I think through that letter,  
5 I don't know what's going to happen now, but once I get the  
6 letter, I think some of the stuff that I was sitting here going  
7 through for the past 30 minutes has now been negated.

8           COMMISSIONER MAY: I'm not sure about that. I mean,  
9 you know, what we've gotten is one email. We haven't gotten the  
10 letter, and we also haven't had our lawyers review the question  
11 either. So I mean, I think we can vote on anything we want at  
12 this moment, since it's just the first vote, and then anything  
13 that we need to fix, we can fix in the second one.

14          CHAIRPERSON HOOD: Okay.

15          COMMISSIONER MAY: The question is, what actions are  
16 you asking of the Applicant between now and the final vote, which  
17 I'm not sure about.

18          CHAIRPERSON HOOD: Okay, so what I'm asking the  
19 Applicant to do is this, that one little clause -- they can --  
20 even with the letter, they can still work on it. I'm sure that  
21 the Applicant's legal advice -- counsel is not going to let  
22 anything going in differently from what we just heard. So I  
23 already know that. But they're still going to have a  
24 conversation. It doesn't say they can't have a conversation.  
25 Might be some -- maybe the language that they proposed. Once we

1 get the letter, maybe, unfortunately, the ANC may have to accept  
2 that. You know, that's just maybe the way it -- might not I like  
3 it, but they -- legally, they may just have to -- there's a lot  
4 of things we do here I don't always like, but I have to accept  
5 it. So that's kind of where we are. That's all I'm asking for.

6 Anybody not understanding what I'm asking for?  
7 Continue to have that conversation. We're going to take the  
8 vote. We're going to wait for the letter to come in from DHCD  
9 and go from there. Okay.

10 And then I want to make sure, Ms. Schellin, that we get  
11 the DHCD Director Hubbard in so we won't have to do this anymore,  
12 if that's an issue.

13 And then you're right, Commissioner May, our counsel  
14 needs to look at it as well.

15 So with that, give me one second. I would make a motion  
16 that we approve Zoning Commission Case No. 21-26 for proposed  
17 action for what we've heard in this discussion, with the caveat  
18 that the Applicant and the ANC Commission, 6C, will continue to  
19 collaborate, also with the letter included from DHCD is the  
20 grounds on which they will collaborate. And I guess that motion  
21 should be sufficient. I don't see anybody -- my lawyer turn on  
22 their light, so I would ask for a second.

23 VICE CHAIR MILLER: Second.

24 CHAIRPERSON HOOD: Okay. It's been moved and properly  
25 seconded. Any further discussion?

1 (No audible response.)

2 CHAIRPERSON HOOD: All those in favor? Aye. No. No.

3 Ms. Schellin, would you do a roll call vote, please?

4 MS. SCHELLIN: Commissioner Hood?

5 CHAIRPERSON HOOD: Yes.

6 MS. SCHELLIN: Commissioner Miller?

7 VICE CHAIR MILLER: Yes.

8 MS. SCHELLIN: Commissioner May?

9 COMMISSIONER MAY: Yes.

10 MS. SCHELLIN: Commissioner Imamura?

11 COMMISSIONER IMAMURA: Yes.

12 MS. SCHELLIN: The vote is four to zero to one to

13 approve proposed action, the minus one, being the third mayoral

14 appointee.

15 And if we could set some dates; I know that the

16 Commission asked for some additional documents. If we could have

17 the Applicant provide it's additional submissions by --

18 Mark, when do you guys meet again?

19 MR. ECKENWILER: If I'm recalling correctly --

20 MS. MOLDENHAUER: September 14th.

21 MR. ECKENWILER: -- let me just look at the calendar

22 really quickly.

23 MS. MOLDENHAUER: September 14th?

24 MR. ECKENWILER: Late. Yeah, September 14th.

25 MS. SCHELLIN: Okay. So we'll be looking at this not

1 until the second meeting in September. But -- so you guys  
2 can't -- are you guys going to be communicating by email not  
3 until September?

4 MR. ECKENWILER: We can certainly communicate. It's  
5 just that we're not going to convene again, and yeah, take a  
6 public vote until the 14th of September.

7 MS. SCHELLIN: Okay. So if we could get the Applicant  
8 to submit their additional submissions by, let's say --

9 Ms. Moldenhauer, is two weeks good for you guys?

10 MS. MOLDENHAUER: Two weeks from today?

11 MS. SCHELLIN: Yep.

12 MS. MOLDENHAUER: I think given vacation time, if we  
13 could actually have a little bit more than that. Could we have  
14 maybe until August 22nd; is that possible?

15 MS. SCHELLIN: Okay. 8/22. And then the ANC would  
16 have until September 19th -- 9/19, three p.m. to provide their  
17 responses, and OP and DDOT too, if they choose to do so. And  
18 then we can put this on for 9/29.

19 CHAIRPERSON HOOD: I think we're all on the  
20 same -- anybody have any questions?

21 Okay. And I think we're all on the same page. I want  
22 to thank everyone for their participation and also the discussion  
23 that we had. We'll see what it brings us back on the dates, as  
24 Ms. Schellin has already mentioned.

25 The Zoning Commission will meet again on July 21st on



1 these same platforms at 4:00 p.m., Zoning Commission Case No.  
2 22-04. And the case is Hanover R.S. Limited Partnership.

3 So with that, I want to thank everyone for their  
4 participation tonight, and I appreciate the conversation, and I  
5 think it's a great project. Hopefully, we can get that sticking  
6 point taken care of one way or the other. And with that, I'm  
7 going to say goodnight. And this hearing is adjourned. Good  
8 night.

9 MS. SCHELLIN: Thank you.

10 (Whereupon the above-entitled matter went off the  
11 record at 6:11 p.m.)  
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 07-18-22

Place: Teleconference

was duly recorded and accurately transcribed under my  
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accurate record of the proceedings.

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GARY EUELL