

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: :
 :
Street Retail, LLC : Case No. 96-13A
Modification of Significance :
of PUD & MA from C-3-B to MU-9A, :
5333 Wisconsin Ave., NW :
(Sq. 1661, Lot 855) - Ward 3 :
-----:

MONDAY

DECEMBER 5, 2022

The Public Hearing of Case NO. 96-13A by the District of Columbia Zoning Commission convened videoconference, pursuant to notice, at 4:00 p.m., EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

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OFFICE OF ZONING LEGAL DIVISION PRESENT:

HILLARY LOVICK ESQUIRE
DENNIS LIU, ESQUIRE

The transcript constitutes the minutes from the
Public Hearing held on December 5, 2022.

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

2 (4:05 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. Today's date is December the 5th, 2022. We are
5 convening and broadcasting this public hearing by video
6 conferencing.

7 My name is Anthony Hood, and I am joined by Vice Chair
8 Miller, and Commissioners May and Imamura. We're also joined by
9 the Office of Zoning staff, Ms. Sharon Schellin, who will be
10 handling all of our virtual operations and assisting the
11 Commission tonight. So she has double duty, so we will be patient
12 and work with her. Also, our Office of Zoning Legal Division,
13 Mr. Dennis Liu and Ms. Hillary Lovick. And as I mentioned,
14 Commissioner May as well. I will ask all others to introduce
15 themselves at the appropriate time.

16 The virtual public hearing notice is available on the
17 Office of Zoning's website. This proceeding is being recorded
18 by a court reporter and the platforms used are webcast live,
19 Webex and YouTube Live. The video will be available on the Office
20 of Zoning's website after the hearing.

21 All persons planning to testify should have signed up
22 in advance and will be called by name at the appropriate time.

23 At the time of signup, all participants will complete
24 the oath or affirmation required by Subtitle Z, 408.7.
25 Accordingly, all those listening on Webex or by phone will be

1 muted during the hearing and only those who have signed up to
2 participate or testify will be unmuted at the appropriate time.
3 When called, please state your name and home address before
4 providing your testimony. When you are finished speaking, please
5 mute your audio. If you experience any difficulty accessing
6 Webex with your telephone call-in or have not signed up then --
7 Ms. Schellin, do we have the same number tonight?

8 MS. SCHELLIN: (No audible response.)

9 CHAIRPERSON HOOD: Okay. Then please call our OZ
10 hotline number at 202-727-0789. If you wish to file written
11 testimony or additional supporting documents during the hearing,
12 then please be prepared to describe and discuss it at the time
13 of your testimony.

14 The hearing will be conducted in accordance with
15 provisions of 11-Z DCMR, Chapter 4, as follows: Preliminary
16 matters; the Applicant's case. The Applicant has up to 60
17 minutes. I think they have requested 25 minutes collectively.
18 Also, the report of -- we will then have the report of other
19 government agencies and then we will have the report of the
20 District Department of Transportation and then we will have the
21 report of the Office of Planning. Then we will have the report
22 of the ANC. Testimony of organizations, five minutes, and
23 individuals, three minutes, and we will hear in the following
24 order from those who are in support, opposition, and undeclared.
25 Then we will be rebuttal and closing by the Applicant.

1 Again, the OZ Hotline number is 202-727-0789 for any
2 concerns during these proceedings.

3 The subject of tonight's case is Zoning Commission Case
4 No. 96-13A: Street Retail, LLC, Modification of Significance to
5 an approved PUD and related Map Amendment at Square 1661, Lot
6 855. This is 5333 Wisconsin Avenue, Northwest. Again, today's
7 date is December the 5th, 2022.

8 At this time, the Commission will consider any
9 preliminary matters. Does the staff have any preliminary
10 matters?

11 MS. SCHELLIN: Yes, sir. The first is a -- for the
12 Commission to consider, a party status request in opposition. It
13 is at Exhibit 18 from Mr. Gary Klacik, and it was filed on time.
14 We did not receive anything from the Applicant opposing it. I
15 believe OZLD has provided advice on that, and so it's for the
16 Commission to make its determination.

17 And at Exhibit 20, Mr. Klacik has -- and I hope I've
18 pronounced his name properly -- he provided his comments at
19 Exhibit 20, and he is present, I believe.

20 CHAIRPERSON HOOD: And you say this was timely, Ms.
21 Schellin?

22 MS. SCHELLIN: Yes, sir. It was timely.

23 CHAIRPERSON HOOD: Maybe I'm getting confused. I
24 thought we did these - but maybe that's the BZA. Okay. Anyway,
25 let me open it up. Any comments on this? We'll start with

1 Commissioner Imamura.

2 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

3 Given Mr. Klacik's proximity to the property -- well,
4 I don't think that his submission was fully flushed out. I am
5 certainly amenable to granting status.

6 CHAIRPERSON HOOD: Okay. Thank you. And Vice Chair
7 Miller?

8 VICE CHAIR MILLER: Mr. Chairman, I have no comments
9 at this time. I have a preliminary matter that I need to bring
10 up at some point.

11 CHAIRPERSON HOOD: Okay. Commissioner May.

12 COMMISSIONER MAY: Yeah, Mr. Chairman. I'm -- it may
13 seem like I'm going back-and-forth and back-and-forth on issues
14 of party status. In this circumstance, I didn't see anything in
15 Mr. Klacik's submission that demonstrated that he would be
16 uniquely affected. None of the arguments that he raised were
17 anything but general concerns that are common to many folks in
18 the neighborhood. So even though, he, you know, he's within 175
19 feet of the property or something like that, I just didn't -- I
20 didn't see that it hit the mark in terms of qualifying for party
21 status.

22 CHAIRPERSON HOOD: Okay. I would agree. The issue that
23 I'm looking at is when he's talking about not being in compliance
24 with the Comprehensive Plan. I believe we can get that through
25 testimony. How he believes that we're not -- how this is not

1 compliant with the Comp Plan. And I think -- I didn't see where
2 he's prox -- he's close, but so are a lot of people who are in
3 very close proximity to the rear. So I think we can get through
4 that through him providing testimony and us asking questions. I
5 don't think this rises to the necessary status of party status.

6 So Commissioner -- Vice Chair Miller didn't have any
7 comments on it, so what I'll do is -- let me do it this way. I
8 move -- now, and I've heard what Commissioner Imamura said as
9 well. So I'm going to try it this way, we'll try to expedite
10 it.

11 I move that we deny Mr. Gary Klacik party status due
12 to his submission not showing where he was uniquely affected, and
13 ask for a second?

14 COMMISSIONER MAY: Second.

15 CHAIRPERSON HOOD: It's been moved and properly second.
16 Any further discussion?

17 (No audible response.)

18 CHAIRPERSON HOOD: All those in favor? I mean, aye.

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

20 MS. SCHELLIN: Yes. Commissioner Hood?

21 CHAIRPERSON HOOD: Yes.

22 MS. SCHELLIN: Commissioner May?

23 COMMISSIONER MAY: Yes.

24 MS. SCHELLIN: Commissioner Miller?

25 VICE CHAIR MILLER: I'll abstain.

1 MS. SCHELLIN: Commissioner Imamura?

2 COMMISSIONER IMAMURA: I'll stick with my guns, and say
3 no.

4 MS. SCHELLIN: I'm sorry?

5 COMMISSIONER IMAMURA: No.

6 MS. SCHELLIN: So, you're denying? You agree to deny,
7 or you are opposing the vote? I'm confused.

8 COMMISSIONER IMAMURA: Opposing. Sure. Opposing the
9 vote.

10 MS. SCHELLIN: Okay, so you want to grant party status?

11 COMMISSIONER IMAMURA: Right.

12 CHAIRPERSON HOOD: Okay. So with that --

13 MS. SCHELLIN: So the motion fails.

14 CHAIRPERSON HOOD: The motion fails. So with that, he
15 does not have -- unless Ms. Lovick tells me otherwise, he does
16 not get party status.

17 MS. SCHELLIN: That's correct.

18 CHAIRPERSON HOOD: Right.

19 All right. Unless we want to do another vote, but
20 anyway, right now he does not get -- he does not get party status.

21 COMMISSIONER MAY: If Commissioner Imamura wants to
22 stick to his guns, he could make a motion to approve it, party
23 status, and see what happens.

24 COMMISSIONER IMAMURA: No, that's all right. We see
25 where the votes are, but thank you, Commissioner May. I don't

1 want to waffle. We're good.

2 CHAIRPERSON HOOD: Yeah. We've been in that line before
3 and that's usually -- it usually ends up the same way, so. Thank
4 you for saving us time, Commissioner Imamura.

5 All right. Ms. Schellin, let's go to the next issue.

6 MS. SCHELLIN: Okay. So next we have proffered expert
7 witnesses.

8 CHAIRPERSON HOOD: Before we go that far -- before we
9 go that far, Vice Chair Miller, let me let him -- I think this
10 is the time we need to dispel with that.

11 Vice Chair Miller.

12 VICE CHAIR MILLER: Right, which is why I abstained on
13 the previous vote and why I probably should have recognized this
14 at the set down hearing, but it was over 35 years ago that the
15 original applicant for this PUD for this site, the public charter
16 was effective in early 1987, and the original applicant was my
17 parents, the Miller Companies, and I had no financial interest
18 then. The company doesn't exist. My father died shortly after
19 this project got approved, I think by the Zoning Commission --
20 before the Zoning Commission approval got approved, but the
21 original PUD application -- Applicant was the Miller Companies,
22 which was my parents. There have been many -- and they sold that
23 property in 1989, I believe. I've only done this research after
24 reading the case record and recognizing that this happened, that
25 they sold that property in '89. Multiple ownerships have

1 occurred. Multiple modifications have occurred from the original
2 PUD Order. They never even filed for a building permit. I think
3 that a recession occurred in '89, '90, '91. Anyway. I just
4 wanted to disclose that for the record that because in reading
5 through the record, I saw the original PUD Order back in 1987
6 that was published and there was my parents' company, which I had
7 no financial interest in at the time, no interest in at the time.
8 Even though I think there might have been even a street and alley
9 closing before the Council related to that development at the
10 time. And I was at the Council staff, and I wasn't involved in
11 that effort, although, my boss, Chairman David Clark was, and I
12 think he ordered some kind of mediation affiliate -- related to
13 this original development project. It's changed a lot since
14 then. It's actually, interestingly enough, changing back toward
15 a more intense development which they had proposed at that time,
16 which got approved.

17 But anyway, I wanted to disclose that. I don't think
18 it's a recusal issue. I think -- but if anyone has an issue,
19 whether it's my fellow colleagues or any parties, I wanted to put
20 that on the record -- on the record. And if you do have a problem
21 with it, that's -- that's fine. I don't need to participate for
22 hours and hours and hours on this Friendship Heights hearing.
23 But I don't think it's any conflict of interest, but I just wanted
24 -- it's - it was obvious to me, once I started reading the record,
25 and I didn't even remember from over 35 years ago, so that's what

1 I wanted to disclose, Mr. Chairman. That's why I abstained on
2 the previous party status request, and I should have not even
3 -- I should have done that at the -- recognized it at the set
4 down, but I frankly didn't even remember.

5 CHAIRPERSON HOOD: Okay. Vice Chair, I certainly
6 understand what you've said. Like you said, it's over 35 years.
7 I certainly don't have a problem with you participating in this
8 case. As far as I'm concerned, I'm not going to let you go that
9 easy. You're very valued in our decision-making. So while I
10 would -- I sometime would love to step away from certain things
11 too, but, unfortunately, from my standpoint, Vice Chair, I don't
12 see where -- just as you mentioned, I don't see this causes any
13 type of recusal. We all have some ties to something in this
14 City, but one thing about this Commission, we have -- we've always
15 been impartial and not biased and we've done our jobs, and I
16 think you can continue to help us in this as we proceed.

17 Anybody else have any comments as the disclosure has
18 just been made?

19 COMMISSIONER IMAMURA: No. I just appreciate Vice
20 Chair's forthrightness, even though the view behind him is
21 probably much better and more enjoyable, so. But I fully trust
22 his story, so, and I'm glad that he will remain with us for the
23 evening.

24 CHAIRPERSON HOOD: Well, since Commissioner Imamura
25 said that, I was thinking as you were mentioning all that, I was

1 thinking uh-huh, I would love to go out there too, but no. So
2 anyway, let's go ahead and proceed. There certainly are no
3 objections from us.

4 Ms. Schellin, do we have anything else?

5 MS. SCHELLIN: I would just ask if -- to have a --
6 maybe cleaner record since you guys have no issue with Mr. --
7 Commissioner Miller proceeding on this case, if maybe another
8 vote could be taken on the party status request in order to have
9 a majority. Commissioner Miller, would you be willing to vote
10 on the party status request instead of recusing yourself?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: So that we actually get a majority vote
13 --

14 CHAIRPERSON HOOD: We could end up in the same --

15 MS. SCHELLIN: -- one way or the other.

16 CHAIRPERSON HOOD: Okay, I got you. I got you. We
17 could end up in the same place. Okay. So, what we will do --
18 and I'm sure Ms. Lovick will tell me if I'm -- what we will do
19 is we will rescind the vote. I vote that we rescind and re-vote
20 on party status of Mr. Klacik. I'd ask for a second.

21 COMMISSIONER MAY: Second.

22 CHAIRPERSON HOOD: Moved and properly second. I think
23 all of us can vote for this whether you vote in favor or not.
24 Moved and properly second to re-vote on the party status of Mr.
25 Klacik, so we can make sure that we proceed in the fashion of

1 all of our members participating.

2 It's been moved and properly second. Any further
3 discussion?

4 (No audible response.)

5 Not hearing any. Ms. Schellin, would you do a roll
6 call vote, please?

7 MS. SCHELLIN: Commissioner Hood?

8 CHAIRPERSON HOOD: Yes.

9 MS. SCHELLIN: Commissioner May?

10 COMMISSIONER MAY: Yes. Yes.

11 MS. SCHELLIN: Commissioner Miller?

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: Commissioner Imamura?

14 COMMISSIONER IMAMURA: No, to deny. I've turned off
15 my camera, Chairman Hood, just because of technical issues. So
16 you can hear me now.

17 MS. SCHELLIN: So you're voting not to re-vote.

18 COMMISSIONER IMAMURA: Correct.

19 MS. SCHELLIN: So, the vote is three to zero -- I'm
20 sorry, three to one to one to re-vote on considering Mr. Klacik's
21 party status request, so the motion carries to re-vote.

22 CHAIRPERSON HOOD: Okay. So I will move that we deny
23 Mr. Klacik's party status based on his submission, and he will
24 have time to testimony -- testify, and I would ask for a second.

25 COMMISSIONER MAY: Second.

1 CHAIRPERSON HOOD: It's been moved and properly second.
2 Any further discussion?
3 (No audible response.)
4 Ms. Schellin, would you do a roll call vote?
5 MS. SCHELLIN: Yes. Commissioner Hood?
6 CHAIRPERSON HOOD: Yes.
7 MS. SCHELLIN: Commissioner May?
8 COMMISSIONER MAY: Yes.
9 MS. SCHELLIN: Commissioner Miller?
10 COMMISSIONER MILLER: Yes.
11 MS. SCHELLIN: Commissioner Imamura? Commissioner
12 Imamura?
13 CHAIRPERSON HOOD: He said he was having some technical
14 difficulty. He's on mute.
15 MS. SCHELLIN: I'm going to assume he's still a no.
16 Commissioner Imamura?
17 CHAIRPERSON HOOD: Well, he will let us know if he
18 wants to change. I doubt it.
19 MS. SCHELLIN: We can just make it three to zero to two
20 and have him not voting since he's not answering. And it still
21 comes out in this case -- before it just failed for a Motion. In
22 this case, party status request is denied to Mr. Klacik, three
23 to zero to two, the minus two being --
24 CHAIRPERSON HOOD: Let's do this. Let's do this, Ms.
25 Schellin. Since we already know that he's having -- we already

1 know he voted against it. Let's mark him down as voting against
2 that --

3 MS. SCHELLIN: Okay. So three to one --

4 CHAIRPERSON HOOD: -- and when he comes back, he'll
5 correct us. Right.

6 MS. SCHELLIN: We'll make it three to one to one.
7 Commissioner Imamura being opposed to denial and the minus one
8 being the third Mayoral appointee position, which is currently
9 vacant. So Mr. Klacik does not have party status. He'll have
10 an opportunity to present. He did provide a PowerPoint
11 presentation. I don't know if he'll be able to get through all
12 of it, but I'm just saying that so he'll be prepared. He may
13 want to just go through it quickly when it comes time since he
14 will only have three minutes to testify.

15 CHAIRPERSON HOOD: Okay. I will -- let's see how it
16 goes. I will work with him, like I work with everybody.

17 MS. SCHELLIN: Okay. All right.

18 CHAIRPERSON HOOD: All right. Let's --

19 MS. SCHELLIN: Thank you. So then proffered expert
20 witnesses: Robert Sponseller, he has previously been granted
21 party -- I'm sorry, granted expert status. So if the Commission
22 would just grant him expert status in this case, along with
23 William Zeid from - in transportation and Shane Dettman. Those
24 three have previously been granted party status -- expert status.
25 If the Commission would keep them in this case also, and then

1 --

2 CHAIRPERSON HOOD: Okay.-

3 MS. SCHELLIN: -- I'll give you the ones that haven't.

4 CHAIRPERSON HOOD: Okay. Any objections to continuing
5 that status?

6 Not seeing any objections. Let's continue that
7 status, Ms. Schellin.

8 MS. SCHELLIN: Okay. And then I -- we did not find
9 these in our list of experts. Rodrigo Abela, project landscape
10 architect. His resume is that Exhibit 8J, page 3. Fred Jala,
11 landscape architect, Exhibit 8J, page 5. Michael O'Hara. It
12 sounded familiar from Bohler, civil engineer on page 8 of the
13 same exhibit. Sara Link, page 9 of the same exhibit. So those
14 four.

15 CHAIRPERSON HOOD: Okay. So Fred -- what did you say,
16 Ms. Schellin, Fred Jala?

17 MS. SCHELLIN: (No audible response.)

18 CHAIRPERSON HOOD: You're on mute. I'm sorry. I need
19 to do one at a time. I know you said Sara Link.

20 COMMISSIONER MAY: Yeah. The first one is Rodrigo
21 Abela. Can we bring the Applicant up on this? I want to ask a
22 couple of questions about this slew of witnesses.

23 CHAIRPERSON HOOD: Yes. Let me do this while the
24 Applicant is coming up.

25 Commissioner Imamura, did you hear what we went

1 through?

2 COMMISSIONER IMAMURA: Yes, I did, Mr. Chairman.

3 CHAIRPERSON HOOD: Were you fine with where we ended
4 up?

5 COMMISSIONER IMAMURA: Yes, I am.

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

7 So we'll record it like that, Ms. Schellin. You're on
8 mute, Ms. Schellin.

9 MS. SCHELLIN: I'm sorry. I've got to find how they're
10 listed on here, because I think they were coming in as --

11 CHAIRPERSON HOOD: Oh, that's right, you're doing --
12 okay. All right. Take your time.

13 MS. SCHELLIN: Oh, Applicant's team. Here we go. Let
14 me make them a panelist. So Cary should be coming up. There he
15 is.

16 MR. KADLECEK: Hi. Good afternoon.

17 CHAIRPERSON HOOD: Mr. Kadlecek, good afternoon.
18 Commissioner May.

19 COMMISSIONER MAY: Everybody on the Applicant's team
20 is going to have to mute their sound. It doesn't work with this.

21 CHAIRPERSON HOOD: Is this Holland and Knight? It's
22 not Holland and Knight, is it?

23 COMMISSIONER MAY: No.

24 CHAIRPERSON HOOD: It's a -- he was on file in the --

25 VICE CHAIR MILLER: Yeah.

1 COMMISSIONER MAY: You have to turn off the sound or
2 something. I don't know.

3 MR. KADLECEK: Okay. Sorry. You're getting --
4 they're getting --

5 COMMISSIONER MAY: We're hearing --

6 MS. SCHELLIN: Do you have one computer or multiple,
7 Cary?

8 MR. KADLECEK: We have -- we just have one computer.

9 MS. SCHELLIN: One computer, so it's not that.

10 MR. KADLECEK: No.

11 COMMISSIONER MAY: Well, there's echoing going on.

12 MS. SCHELLIN: Yeah. Are you using sound through the
13 other system that they are --

14 MR. KADLECEK: Yeah.

15 MS. SCHELLIN: Okay. So one of them, you need to turn
16 the sound off of one of them.

17 CHAIRPERSON HOOD: I don't hear the echoing now, so
18 we're good.

19 MR. KADLECEK: I changed something. Okay. So I think
20 we're better now.

21 COMMISSIONER MAY: All right. So my first question is:
22 You have multiple witnesses from some of the firms. Who's
23 actually going to be testifying here?

24 MR. KADLECEK: Just so -- I will say, we don't -- the
25 other people that Ms. Schellin mentioned, we don't need them to

1 be qualified as experts. They're listed as witnesses, but Fred
2 Jala would be the expert testifying in landscape architecture and
3 Sara Link would be testifying for civil, but they would only be
4 testifying to the extent that we need them to later. They're
5 not part of our direct presentation.

6 COMMISSIONER MAY: Okay. And then in these cases, Mr.
7 Jala, I don't see any indication of how long he's been in
8 practice. Do you know that?

9 MR. KADLECEK: He should be on separately.

10 Sharon, do you see him? Ms. Schellin, I'm sorry.

11 MS. SCHELLIN: (No audible response.)

12 COMMISSIONER MAY: I have the same question for Sara
13 Link.

14 MS. SCHELLIN: I'm working on it. For some reason,
15 they have disappeared. Let me get them.

16 CHAIRPERSON HOOD: So I would ask this evening that
17 everybody be patient with us as Ms. Schellin does two or three
18 different jobs.

19 MS. SCHELLIN: Okay. What's his name? Fred Jala. Let
20 me -- okay. He should be up now.

21 MR. JALA: Hi. This is Fred.

22 COMMISSIONER MAY: Yeah. Did you hear my question, Mr.
23 Jala?

24 MR. JALA: Yes. Yes, I've been in practice for 28
25 years.

1 COMMISSIONER MAY: Okay. That's what I needed to know.
2 It's not in your resume, nor was there any way to sort of guess
3 at what it was.

4 So, Ms. Link, I have the same question for her.

5 MS. LINK: Hello, can you all hear me?

6 COMMISSIONER MAY: Yes.

7 MS. LINK: All right. I've been in practice for eight
8 years.

9 COMMISSIONER MAY: Eight years, okay.

10 I don't know how the rest of the Commission feels. I
11 mean, it's certainly there - Ms. Link has a number of projects
12 that she's been involved in that are listed in her resume, but
13 my rule of thumb has typically been ten years of experience to
14 qualify as an expert. I don't know how the rest of the Commission
15 feels. Certainly, if you know, the majority wants to go along,
16 that's fine. Eight is close to ten. I don't know.

17 CHAIRPERSON HOOD: I don't think we need to rule
18 tonight, Commissioner May, because Mr. Kadlecek said that he was
19 not going to proffer them. Right, Mr. Kadlecek?

20 MR. KADLECEK: No.

21 CHAIRPERSON HOOD: Or did I hear wrong?

22 MR. KADLECEK: No. I was saying it's not -- it's not
23 critical to our direct presentation, but we are still proffering
24 them, but if the Commission has objections to it, we don't need
25 to pressure them.

1 CHAIRPERSON HOOD: Does it -- let me ask my other
2 colleagues. I'm going to start calling this rule, the May rule,
3 ten years. Does anybody have any objections? Or, let me see,
4 Commissioner Imamura.

5 COMMISSIONER IMAMURA: Yeah. What is -- what is Ms.
6 Link being proffered for as an expert, as a civil engineer?

7 MR. KADLECEK: Civil engineer, yes.

8 COMMISSIONER IMAMURA: I certainly am not opposed to
9 her. I understand she's just shy of the ten years, but I think
10 her credentials certainly set her up (audio interference).

11 CHAIRPERSON HOOD: And Vice Chair Miller, do you have
12 any comments on Ms. Link?

13 VICE CHAIR MILLER: I have no objections, Mr. Chairman.

14 CHAIRPERSON HOOD: Okay. I have no objections either.

15 COMMISSIONER MAY: Okay.

16 CHAIRPERSON HOOD: Not this time.

17 COMMISSIONER MAY: Okay. I'm going to invoke the May
18 rule every time though from here on out.

19 CHAIRPERSON HOOD: Now, I'm aware of the May rule, and
20 I appreciate it. In some cases, I'm sure I go along with the
21 May rule.

22 Now, is there anybody else Commissioner May that you
23 -- there was one other name that you mentioned.

24 COMMISSIONER MAY: (No audible response.)

25 CHAIRPERSON HOOD: So you're good. Okay.

1 All right. So I think we've -- Ms. Schellin, if you
2 can just repeat back, and I know you have three jobs you're doing
3 tonight. But who do we have next? (Audio interference.)

4 MS. SCHELLIN: -- So for the experts, we have --

5 CHAIRPERSON HOOD: The other three, we already know.
6 We already know them.

7 MS. SCHELLIN: Okay. So, Mr. Jala, Fred Jala, Sara
8 Link. Those were the other two.

9 Is that correct, Mr. Cary Kadlecek?

10 MR. KADLECEK: Yes, that's correct. Thank you.

11 MS. SCHELLIN: And plus the three that were previously
12 approved.

13 MR. KADLECEK: Yes.

14 MS. SCHELLIN: That's correct.

15 Mr. Sponseller, Mr. Dettman, and Mr. Zeid.

16 CHAIRPERSON HOOD: Okay. All right. Anything else,
17 Ms. Schellin?

18 MS. SCHELLIN: That's all I have unless Mr. Kadlecek
19 has some preliminary matter. I will say that OP is being
20 represented by Mr. Kirschenbaum. DDOT's being represented by
21 Mrs. Bridges, and we do have Lily Bullitt who will be testifying
22 for OAG, another government agency. Mr. Quinn is representing
23 the ANC 3E.

24 CHAIRPERSON HOOD: So I want to make sure that everyone
25 caught how I'm going with the government agencies. I'm going

1 -- I've started doing the Office of Planning last because I want
2 them to comment on other things that we may have questions. It
3 seems like a better sequence. So understand, that's how I'm
4 going to do it from this point moving forward. So they can
5 comment on issues and we follow up with our questions instead of
6 having to go back to them. So hopefully, that'll expedite things.

7 All right. Ms. Schellin, anything else?

8 MS. SCHELLIN: I have nothing else.

9 CHAIRPERSON HOOD: Okay. Mr. Kadlecsek, I think you all
10 need 25 minutes and we don't have -- the ANC. Do we have anyone
11 here from the ANC?

12 MS. SCHELLIN: We do. Mr. Quinn.

13 CHAIRPERSON HOOD: Mr. Quinn, okay. All right.

14 MS. SCHELLIN: Tom Quinn.

15 CHAIRPERSON HOOD: Tom Quinn, okay. All right.

16 So, Mr. Kadlecsek, you may begin. The floor is yours.

17 MS. SCHELLIN: I'm sorry. Unlike, Mr. Young, I don't
18 have the fancy clock to show you the time, so I'll be keeping it
19 on my own phone. So I'll beep when it's time.

20 MR. KADLECSEK: All right. Thank you.

21 CHAIRPERSON HOOD: Excuse me. Ms. Schellin, let them
22 know when they're about five minutes out.

23 MS. SCHELLIN: Okay, I will.

24 CHAIRPERSON HOOD: Okay. Thank you.

25 MR. KADLECSEK: Thank you, Chairman Hood.

1 Ms. Schellin, again. My name is Cary Kadlecek from the
2 Law Firm of Goulston and Storrs. I'm the land use counsel on
3 behalf of the Applicant. We're pleased to present this
4 application tonight to allow the redevelopment of the property
5 at 5333 Wisconsin Avenue Northwest, with a new mixed-use building
6 of the highest architectural quality containing 310 residential
7 units, including the largest set aside for Inclusionary Zoning
8 units of any market rate PUD to date, and neighborhood-serving
9 ground floor retail.

10 The project represents a very important early step in
11 the revitalization of the Friendship Heights, Wisconsin Avenue
12 corridor, and one of the only and certainly the largest
13 residential PUD proposed in Ward 3 in many years.

14 This application requests a modification of
15 significance to the existing PUD on the site approved in the
16 1980s, and includes a request for a PUD related map amendment to
17 the MU-9A zone, which grants the critical additional height
18 needed to allow the building massing and density to be
19 concentrated towards Wisconsin Avenue and stepped down in height
20 and massing toward the east with careful deference to the adjacent
21 townhouses and residential neighborhood.

22 As we'll describe later, the building will not utilize
23 any of the PUD bonus density or otherwise request any zoning
24 flexibility other than a (indiscernible) request for flexibility
25 from the minimum side yard requirements in order to accommodate

1 the adjacent neighbor, the owner of the Chevy Chase Plaza
2 commercial building.

3 With this application, we are pleased to support this
4 -- pleased to have the support of the Office of Planning, DDOT,
5 ANC 3E, and importantly, the Courts of Chevy Chase townhouses
6 that directly abut the property to the east and that were
7 developed with part of the original PUD approval.

8 With that, I will turn it over to Mr. Geoff Sharpe,
9 vice president at Federal Realty.

10 MR. SHARPE: Good afternoon, ladies and gentlemen and
11 Commissioners. My name is Geoff Sharpe. I am a VP of development
12 with Federal Realty Investment Trust and our entity, Street
13 Retail, LLC.

14 Could we go to the next slide?

15 One more if that's all right. Thank you. That's great.

16 So I bring this to your attention. This is a newspaper
17 article headline from September of 2020, just about two years
18 ago. "Friendship Heights, once known as a hub for high-end
19 shopping, is struggling as the pandemic accelerates an exodus of
20 retailers."

21 Unfortunately, that acceleration has continued. I will
22 tell you that I not only serve as an officer for Federal Realty,
23 but I also sit on the board of directors for the Friendship
24 Heights Alliance, which will become the BID for Friendship
25 Heights. I can tell you that a recent informal poll of commercial

1 owners in this area tells us that we have a 50 percent retail
2 vacancy rate, and we are anxious to move forward with the
3 community's support in revitalizing Friendship Heights.

4 We have a building that today is approximately 130,000
5 square feet and has four tenants. We already lost one tenant
6 last year, and we expect to lose a number of additional tenants
7 over the coming months -- over the coming years. And so we are
8 in a position where we own an obsolete building and we wish to
9 redevelop it under the auspices of the Comprehensive Plan, and
10 with the support of the community. And with that, I'm going to
11 turn it over to our architect, Robert Sponseller with Shalom
12 Baranes Associates architects.

13 MR. SPONSELLER: Good afternoon, everyone. My name
14 is Robert Sponseller. I'm a design principal with Shalom
15 Baranes Architects located in Georgetown.

16 Would you please advance to the next slide?

17 I'm going to begin by just orienting you to some of the
18 urban site characteristics that influenced our design approach.
19 Then I'll discuss the zoning process, very high level, and move
20 on to some other slides.

21 Obviously, as an architect, it's a wonderful
22 professional experience to be involved in, you know, working in
23 an area that is undergoing a change such as this and bringing
24 residential needed density into this neighborhood. I think we'll
25 be the first building in roughly 12 years, according to a recent

1 | you ULI TAP study. And I just want to share kind of some of the
2 | urban characteristics that helped us develop our design.

3 | First, the nature of the blocks and the parcels in
4 | Friendship Center is that they're quite large in scale. The
5 | frontages are quite extended, and so we wanted to address that
6 | and provide some visual relief along our frontage. I characterize
7 | this site as a mid-block infill site. It is located -- it is
8 | bracketed on either side by existing office buildings to the
9 | north and south, the Chevy Chase Pavilion to the north and the
10 | Chevy Chase Plaza to the south. And the other characteristic
11 | that we addressed in our design is this unusual character of the
12 | difference in height and scale on our western side versus our
13 | eastern side. So on the left side of the page is the commercial
14 | corridor of Wisconsin Avenue, and on the eastern side is the
15 | residential neighborhood, and so those things were critical --
16 | addressing that scale was part of our critical challenge as
17 | architects professionally.

18 | The process as has been mentioned, the process that we
19 | are involved in is the PUD process under a MU-9A zone, and has
20 | been mentioned, our provided density at 7.56 is below the
21 | allowable proposed baseline in MU-9A of 7.8. But what is
22 | beneficial to us in terms of the PUD is the flexibility of height
23 | that the PUD provides. So it is not about density, it's about
24 | height. And this is critical to our strategy of arranging most
25 | of the density along the western frontage of the site, along

1 Wisconsin Avenue, as is appropriate, and giving us the
2 flexibility to step the building down to the east.

3 Next slide, please.

4 This next image highlights that character that I
5 mentioned about the commercial corridor versus the neighborhood
6 on the top. The top images of the plan are -- of the page are
7 some of the larger buildings on the upper right, and the next
8 column down, second from the top on the right are -- is there a
9 mouse? Yeah. There we go. On the upper right is the Chevy
10 Chase plaza building, which is an office building to our south
11 and the Chevy Chase Pavilion is located here, just below that
12 image. Oh, you can't see the mouse. Okay.

13 And so addressing this character -- this distinct
14 character on the commercial side versus the residential side was
15 critical to our design. This slide also highlights the transit
16 access that the site provides, just underpinning essentially our
17 sustainable strategy in redeveloping this site. So there are
18 five station entrances along Wisconsin Avenue. There's a major
19 bus facility located just across Jennifer Street and there's --
20 finally, another mode. There's a bike lane planned for Jennifer
21 Street frontage, as well, that we plan on providing access to,
22 which is critical for bicycle transportation as well.

23 And I think one of the more interesting projects, as
24 we go through the presentation, I'll highlight some of the
25 sustainable features, specifically, as we move through the

1 design, but one of the items I think that is unusual about this
2 site, and that I think is quite interesting is the adaptive reuse
3 nature of the project. As Geoff mentioned, we have -- we are
4 maintaining the three-level, below-grade infrastructure on the
5 site, the parking areas and obviously redoing the above-grade
6 large format retail uses for residential. But being able to save
7 those levels and avoid the excavation and the concrete pouring
8 that would come after that really makes it, I think, a much more
9 sympathetic construction process for the neighborhood and
10 importantly, in terms of energy and sustainability, helps us
11 reduce our overall carbon footprint on this site.

12 There are a number of other issues that we're
13 presenting. We're doing a LEED Gold standard. We have electric
14 vehicle charging stations in the building and we're achieving,
15 obviously, the GAR requirements on the site as well, and I'll
16 focus on these as we move through the presentation.

17 Could you advance to the next slide?

18 Okay. Just to confuse everybody. We have taken the
19 previous site plan and we've rotated the plan to the left,
20 counterclockwise, so that we can show our entire block frontage
21 here on this slide, which is very important for discussions about
22 circulation.

23 I think one of the nifty aspects of this plan
24 urbanistically is that we're able to utilize and maintain the
25 three existing parking access points for our below-grade garage.

1 So we don't have to provide any new curb cuts or access points
2 for that garage on this site.

3 The site contains along the top of the page, a service
4 lane, which is shared with our neighbors, which we're utilizing
5 to provide our loading access off of that service lane, and we're
6 doing that in a much more consolidated fashion for the loading
7 facility. It's been minimized and tucked into the southeast
8 corner of our site, which is on the upper right of our plan.

9 As you would expect, we are utilizing retail on the
10 ground level, as I think is appropriate in this neighborhood and
11 in this commercial corridor. That is the -- 80 percent of our
12 ground level frontage is the retail use. And we're putting next
13 to the loading facility, which is a very minimized aperture,
14 we're putting amenity spaces for our residents off of an internal
15 courtyard that we're providing, adjacent to the courthouses of
16 Chevy Chase -- the Courts of Chevy Chase townhouses.

17 And then two important public realm improvements that
18 we've made along the Wisconsin frontage in front of our building
19 on the bottom of the page, includes the removal of a lay-by that
20 exists in the curb along that frontage. And, very importantly,
21 if anyone has recently walked this section of Wisconsin Avenue,
22 we're removing some steps and stairs that poke into the sidewalk
23 in the public realm and we're smoothing out this frontage,
24 allowing for a more flexible character for the retail on the
25 frontage and allowing our landscape architect to provide more

1 street trees and green up this frontage importantly along the
2 streetscape.

3 Next slide, please.

4 In this image, you know, I always like to begin by
5 conceptualizing and documenting our character, our concept and
6 character for the building. And on this site, what was one of
7 the interesting design developments on this site, was that we
8 actually began with the neighborhood face of the building when
9 we originated our architectural concept. And so our strategy
10 here, we were looking for a method architecturally to step the
11 building down appropriately to the neighborhood, and so we needed
12 an architectural concept that would allow us to modulate the
13 building in this way. So we derived this idea of smaller modular
14 components that could be modulated vertically and stepped down
15 in height and also modulated in plan, but then, importantly,
16 provided also a smaller sense of scale to the building. It's
17 one thing to step the building down, but it's another to have
18 the building feel as if it's made up of a smaller scale element.
19 And so we achieved that with this modular concept that we then
20 took from the eastern side facing the neighbors to the Wisconsin
21 Avenue frontage. And as I mentioned, one of our goals is to
22 break down the frontage of this rather long parcel between
23 ourselves and our neighbors along Wisconsin Avenue, provide some
24 visual interest in the middle of our frontage, and so we arranged
25 two bays along the primary frontage on Wisconsin Avenue and then

1 we further developed those at their top, stepping them and
2 arranging them to provide a visual relief and visual interest in
3 the building's massing along Wisconsin Avenue as well.

4 Next slide, please.

5 And you can -- and here you can see the rendering of
6 this concept as we developed it architecturally. And the first
7 thing one notices, after the sort of dramatic stepping of the
8 building to the east, is the treatment of the roofscape. So
9 we've developed -- from the original concept we've developed an
10 architectural style which consists of a window module and a
11 massing, which is compatible with the neighborhood; the treatment
12 of those modules as they step down to the east as outdoor green
13 areas for the residents, but also visible to the neighborhood.
14 And we've spent some time very carefully planning those roof
15 edges so that neighbors would see the green above the roof of
16 the building. And then we stepped the building up, as you can
17 see, to Wisconsin Avenue. If you paid very close attention,
18 you'll notice that the architectural module that we're utilizing
19 on the east side facing the neighborhood is slightly smaller and
20 slightly more delicate than the module we're using on the western
21 Wisconsin Avenue side of the project. And as you can imagine,
22 most of our heavy lifting in terms of our mechanical equipment
23 and our sustainable energy approach is in the penthouse structure
24 located along Wisconsin Avenue, far away from the neighborhood.

25 Next slide, please.

1 Here is a view then taken southwest of our site. We're
2 on the western side of Wisconsin Avenue looking north, and you
3 can see the sense of the building as kind of two smaller bays
4 coming together versus a single long module. And the relief that
5 we're providing, we have step backs, considerable step backs at
6 the south corner, mid-block, and at the northern edge of the site
7 and then step downs in terms of building height along the profile
8 of the building at the upper floors to create this kind of
9 interesting architectural facade along Wisconsin Avenue. We're
10 further adding additional treatment through bay projections under
11 the D.C. Building Code to further scale down these two primary
12 bay volumes that the architecture is designed around.

13 Next slide, please.

14 And I'll try to keep moving through this and then
15 address questions in more detail on any of these renderings as
16 they've come up.

17 This is an important image about our sidewalk
18 treatment, and so, here you get this -- here you can imagine,
19 you know, with the removal of the existing steps that consisted
20 of about 50 percent of our frontage here, we're able to create a
21 much smoother flexible ground level experience in the public
22 realm. So we began by putting in a very tall retail infrastructure
23 here, so that the retail space would be desirable and amenable
24 to change over time, which is very important. That flexibility
25 is very important. We have eight of these large bays that are

1 roughly 30 feet center-to-center and will provide interactive
2 visibility and entrances into the retail. It will all be again,
3 at the sidewalk level now and some outdoor dining. And the last
4 feature on this slide, I think, is this interesting green canopy
5 that we're providing at the top of the retail to provide a sort
6 of amenity buffer between the residents and the retail, visible
7 from the public realm as well. And as I go through these slides,
8 on the lower right is a key plan that shows you where the view
9 is taken, if you can see it on the lower right-hand image of the
10 page.

11 Next slide, please.

12 And then a view looking from the opposite direction.
13 So just coming from Maryland across the line, you're looking
14 south towards downtown, and you can see those two bays again with
15 the additional layering of projected bays that are both balconies
16 and bays into this bay-window pattern that provide sort of three
17 levels of scale to the building. The original concept, the two
18 bays, and the finer grain of bay windows above those as well.
19 And the modular, as I mentioned, is a little bit more robust on
20 the western exposure. Here, we've gone from a 6 foot to an 8
21 foot architectural module within which we provide outdoor space
22 and balconies and ample windows for quality residential spaces.

23 Next slide, please.

24 On this image, this is taken sort of from a building,
25 mid-level, looking straight into it. We can talk a little bit

1 more about the details on the exterior. So the facade pattern
2 is heavily articulated, but rather straightforward in terms of
3 the material use. We're looking at a travertine type colored
4 material here in either a rainscreen panel or brick masonry, but
5 of a very similar coloring. Here, you get a sense of the recesses
6 at the outdoor spaces and the terraces that are created and formed
7 on the tops of all of our setbacks that we've provided. We
8 recently provided an additional setback on the right hand of the
9 building adjacent to our neighborhood of 8 feet to provide their
10 windows to remain, as well, by building code. The windows that
11 we're able to provide in that 8-foot setback do permit us to have
12 fresh air requirement met by building code in our facades, as
13 questioned by the Office of Planning. And this image also, I
14 think highlights -- you can see the top of the canopy along the
15 retail level and you get a sense of the additional detail that
16 is provided with railings that have a very vertical articulation
17 in this -- in our design and that extra layer of detail provided
18 for residential uses as required in residential buildings.

19 Next slide.

20 And I wanted to talk a little bit about the landscape
21 feature on the top of the building just because I think it is so
22 unusual. So as you can see, we've organized on our eastern side
23 of the building roofscape, on the lower levels that step down,
24 most of our outdoor plantings. And there's three depths of
25 plantings that we're providing here: a lower 8 to 12-inch deep

1 planter, 36-inch deep planters, and 48-inch deep planters. And
2 these are both intensive and extensive planting areas to meet our
3 GAR requirements, but we very, importantly, as you can see the
4 darker green areas have been sort of pushed out to the edge so
5 that those that contain small trees and ornamental plantings will
6 be visible from the neighborhood. We've pushed the terraces that
7 we're providing for the residents to the interior and away from
8 the edge, so that the feature -- the main feature will be a green
9 -- sort of a green tuft to the top of the building, both low
10 plantings and mid-size plantings from the roofscape. I think
11 it's an important point to mention.

12 Next slide, please.

13 And then we're asking for flexibility on the exterior
14 façade, and I'll explain this technical challenge very high level
15 and then can go into more detail later. But because we're
16 adaptively reusing the building, the building is an existing
17 commercial building that has a very repetitive, unforgiving, 30-
18 by-30 structural grid. And as you've noticed from our approach
19 to the building massing and volumetric treatments, we're doing
20 some pretty sophisticated articulated moves to the building. And
21 so in order to address that geometry with the existing structure,
22 we need flexibility on the weight of our building skin, because
23 we're using all the tricks available to us as architects with
24 concrete cantilevers and sloping columns, and we want to -- we
25 need to make sure that the weight of the building doesn't

1 supersede our footings and some of these cantilevers that we can
2 do. And so we're asking for permission to approve both the
3 lighter-weight architectural rainscreen, which is shown on the
4 left, and a more normative brick masonry material for the exterior
5 as shown on the right, both with a very similar architectural
6 treatment, both with the same module, just a very simple technical
7 issue related to our adaptive reuse component.

8 Next slide.

9 And finally, some -- just a summary of the exterior
10 kind of materials and approaches as we go around, starting in the
11 upper left is -- and I'll go, I'll go clockwise through these
12 starting with the upper left.

13 So in the upper left is the large format porcelain
14 panel system, that would be a rainscreen facade. Next to it are
15 two brick masonry coloring options, a buff gray options for the
16 building treatment. In the middle, from a previous project, I've
17 worked on a sense of the glazing for the residential. The high-
18 performance glazing that we'll be using for the residential
19 building. To the right of it is the larger format, clearer retail
20 glazing we'll be using at the ground level. And then on the
21 bottom of that is some texture related to the louver screens that
22 we'll be using in the penthouse as part of our upper-level
23 mechanical penthouse design. We will have outdoor -- next to it
24 are images about outdoor roof terraces, as I've mentioned,
25 previously.

1 In the middle of the bottom is a green-screen element
2 that we're providing next to the neighbors on the eastern side
3 of the site, woven into our recesses. We're doing some green
4 plantings there, that we've worked very carefully with the
5 Courthouses (sic) of Chevy Chase on locating and designing. The
6 canopy above the retail is highlighted to the left of that image.
7 And on the very far left is a vertically oriented residential
8 railing screen that we would be proposing for the building.

9 And I think with that, I'll be turning over the
10 presentation to Shane Dettman.

11 MS. SCHELLIN: I just want to say, you have 20 slides
12 and five minutes left.

13 MR. SPONSELLER: Sorry, Shane.

14 MR. DETTMAN: Good evening, Commissioners.

15 Ms. Schellin, could you bring up the slides and maybe
16 just go to the next slide?

17 MR. DETTMAN: Thank you. Good evening, Commissioners.

18 My testimony is just going to focus on the consistency
19 of the project with the Future Land Use Map and the Generalized
20 Policy Map of the Comprehensive Plan.

21 My testimony will supplement the filings that are in
22 the record in terms of the project's overall consistency with the
23 Comprehensive Plan, and later, if there's any specific questions
24 on a particular element or specific questions on the testimony
25 I'll provide this evening, I'm happy to respond to those.

1 But with respect to the maps that are shown on this
2 slide here. The site is designated as -- the majority of the
3 site is designated as mixed-use, high-density commercial, high-
4 density residential on the Future Land Use Map, which is shown
5 there on the left. There is a narrow portion on the eastern side
6 of the site that is designated as moderate-density residential.

7 The Generalized Policy Map shows the majority of the
8 site designated in brown there is as a Regional Center. And
9 again, there is a narrow sliver on the eastern portion of the
10 site that's designated as neighborhood conservation area. And
11 because of those two split designations on both the FLUM and the
12 GPM, I thought it was worthwhile just to go through some of the
13 guidelines that are described in the Framework Element of the
14 Comprehensive Plan for using the Policy Map and the Land Use Map,
15 and many of these you've heard it in prior cases.

16 With respect to the FLUM, the Land Use categories
17 describes the general character of development on a block where
18 there may be individual buildings that might be somewhat larger
19 or smaller than the typical matter-of-right ranges that are
20 provided in the Framework Element. Of course, density granted
21 through IZ or a PUD may result in densities or heights that exceed
22 the typical ranges that are described for a matter-of-right
23 development in the Comprehensive Plan.

24 The FLUM, as you know, is not a zoning map. It's Land
25 Use categories identify desired objectives. It does not specify

1 allowable uses or development standards, and overall, it is
2 intended to be interpreted broadly. And there's similar language
3 that you'd find imprinted on the Generalized Policy Map that
4 states that the GPM is a generalized depiction of anticipated
5 change where boundaries shown should be interpreted as
6 approximate and not precise delineations.

7 And so looking specifically at the Future Land Use Map
8 in terms of the project's consistency, the FLUM expresses an
9 intent for high-density, mixed-use development on this site
10 that's concentrated towards Wisconsin Avenue and transitions down
11 as development moves into the eastern portion of the site.

12 The overall PUD as well as the proposed MU-9A map
13 amendment is consistent with this intent, in that with the mixed-
14 use designation on the majority of the site, and specifically
15 with the high-density commercial part of the designation, which
16 specifically refers to MU-9 as a compatible zone.

17 And while the mixed-use designation for the site
18 doesn't express a preference for residential versus commercial
19 use, they're both identified as being high-density.

20 Certainly, if you looked to policies in the Rock Creek
21 West Element and the goals that are set forth in the Mayor's
22 Housing Equity Report, there certainly is a preference for
23 residential development in this area OF town. And the MU-9A zone
24 also specifically favors residential development in limiting the
25 non-residential density to one FAR.

1 The overall project also is well within a density
2 that's permitted in the MU-9A zone. In fact, at 7.59 FAR, the
3 project is within the 7.8 FAR that's permitted as a matter-of-
4 right in the MU-9A zone, so no PUD related bonus density is being
5 used in this instance.

6 Quickly, in terms of the east side of the site, the
7 moderate-density residential designation on that east side of the
8 site, the project consistent with the intent of the FLUM, as I've
9 described it in terms of development transitioning in scale as
10 it moves to the east across the site, as Robert just testified,
11 the overall massing of the project responds to the context in
12 every direction, including to the east. There's multiple step
13 downs and terracing as you move to the east, and there's also
14 through the facade articulation response to that intent of the
15 Future Land Use Map.

16 A couple notes on the project's consistency with the
17 Policy Map. The Framework states that the General Policy Map
18 should be a guide for land use decision in conjunction with the
19 text of the Comprehensive Plan, the FLUM, as well as other Comp
20 Plan maps.

21 Again, the majority of this site is a Regional Center,
22 and the Land Use Element supports the enhancement of the Regional
23 Center where it can evolve in ways that are compatible with other
24 land use policies including those focused on accommodating
25 population growth, increasing affordable housing, strengthening

1 commercial vitality and maintaining established neighborhoods.

2 The Rock Creek West Element also acknowledges that the
3 land use profile of Friendship Heights is changing, moving away
4 from a predominantly commercial node that has a market draw for
5 many, many miles away to a more mixed-use development pattern
6 that can sustain a more appropriate amount of retail, largely
7 with its own residential density.

8 In terms of building form, the Framework Element says
9 that the height, massing, and density should support the role of
10 Regional Centers while scaling appropriately to development in
11 adjoining communities and should be further guided by Comp Plan
12 policies.

13 And I'll just -- I would just wrap up to say that as
14 you heard through the testimony that was just provided by Robert,
15 through many moves in the overall massing, height, the
16 articulation of the facade, I would submit that the -- the project
17 is consistent with the policy guidance that's provided in the
18 Generalized Policy Map, both in the Regional Center, as well as
19 in the neighborhood conservation designation. And with that, I
20 think I'm handing it over to Will.

21 MR. ZEID: Will Zeid from Gorove Slade. We prepared
22 the CTR for the project, and I'm just going to go quickly through
23 this.

24 Go to the next slide, please.

25 So we prepared a CTR. The project meets -- next slide,

1 please.

2 The project meets all zoning requirements for park --
3 vehicle parking, bike parking and loading. We don't have any
4 curb cuts to the site. All access is provided through adjacent
5 properties and there's an alley, private alley behind the site
6 for loading.

7 You can go to the next slide.

8 Just a general breakdown of the trips.

9 One of the big takeaways here is the conversion to a
10 residential project, it results in an overall net reduction in
11 vehicle trips for this site. No vehicular mitigation was
12 identified through the CTR process and a robust TDM plan was
13 developed in coordination with DDOT that we're going to
14 implement.

15 Next slide.

16 Loading access, like I said, will be provided from the
17 rear via an alley. The Applicant worked with the community to
18 identify improvements at 43rd and Military, that are sort of in
19 excess as part of the PUD, not triggered by mitigation.

20 And we can go on to the next slide.

21 Just an overview of the access for the site, which I
22 described.

23 Next slide.

24 This is a concept plan for the improvements. These
25 have been discussed with DDOT. These were identified with the

1 community as being desired. There will be curb extensions on
2 Military, a new crosswalk on the west leg. All crossings will
3 be raised, and this was, as I said, vetted with DDOT. They were
4 supportive and this will be reviewed and approved at Public Space
5 in the future.

6 Next slide.

7 DDOT issued a report with conditional support of the
8 project. One of those conditions was to revise the TDM Plan,
9 which we did, going through that with them. And then we will
10 modify our language in the order to list the number of bike
11 parking spaces and that should satisfy DDOT'S conditions.

12 Next slide.

13 This is just a breakdown of our TDM. And with that, I
14 will hand it back to you Geoff.

15 MR. SHARPE: Good afternoon. This is Geoff Sharpe
16 again with Federal Realty.

17 If you could go to the next slide, please.

18 So I wanted to summarize the robust community
19 engagement process that we embarked upon to reach out to the
20 community and solicit their first feedback and eventual support.

21 This started in July of 2021, so over a year ago. Our
22 first meetings were with the Courts of Chevy Chase, the townhouses
23 immediately behind us that are a part of our record lot in the
24 original PUD, but are not part of this application. We had
25 multiple meetings with them onsite/in-person.

1 We also leafleted the neighborhood and invited people
2 to come to community meetings for initial community feedback
3 prior to engaging with the ANC. We then did engage the ANC
4 through Commissioner Quinn who's the SMD. We had seven ANC
5 meetings. We've had multiple meetings with community
6 organizations, such as the Washington Interfaith Network, Ward 3
7 Vision, Ward 3 Housing Justice, Northwest Opportunity Partners,
8 and not just one-off, but multiple times in each instance.

9 We had multiple phone calls with individual community
10 members who wanted to know more about the project and ask
11 questions and provide feedback. And we even went to people's
12 houses and sat in their living rooms and showed them
13 architectural models. And in response to civic requests,
14 provided specific renderings to identify specific views that
15 folks wanted to see. So that's just a summary of the 16-month
16 community engagement process that we engaged upon. It's pretty
17 robust.

18 Next slide, please.

19 MR. SHARPE: I also wanted to just quickly summarize
20 the public benefits and amenities package that was negotiated
21 with the Commissioners, particularly Commissioner Quinn who's the
22 SMD, and Commissioner Bender who's the Chair of the ANC. This
23 includes, as Cary Kadlecsek pointed out, what we understand to be
24 the highest or most robust IZ offering for any market rate PUD
25 done in the District at 15.43 percent IZ, including two 30 percent

1 units and a number of 50 percent units.

2 As Mr. Sponseller pointed out, the project from a
3 sustainability point of view, relies upon an adaptive reuse
4 strategy of the existing below-grade structures, saving over
5 1,000 tons of embodied carbon.

6 We will be pursuing LEED Gold certification. We have
7 EV charging stations over and above the requirement of DDOT.

8 We will -- and we are also as one of our benefits,
9 installing a photovoltaic array on top of the Iona Senior Services
10 Center at 4125 Albemarle Street. Once we have permitted and
11 installed that facility, we will be deeding it to that non-profit
12 and they will benefit from the savings and energy from their
13 utility -- excuse me, their utility bills, as well as SREC
14 incomes, solar renewable energy credit income into the future,
15 so it's kind of a gift that keeps on giving.

16 Additional benefits that we've proffered include the
17 intersection improvements described by Will Zeid at 43rd and
18 Military Road. We have proffered landscape improvements around
19 Chevy Chase Park. We can speak if there are questions about
20 DPR's support from that, we can address them, if needed. And we
21 are proffering, not just for our own frontage improvements, but
22 to replace the street trees on Wisconsin Avenue that are existing
23 today that are in undersized tree pits and frankly are not very
24 healthy.

25 Next slide.

1 MR. SHARPE: We have made commitments about managing
2 our contractor parking to the ANC, as well as construction
3 traffic. We have offered to community members pre-construction
4 surveys at our cost to document houses ahead of construction.
5 There will be a Federal Realty contact through construction
6 available so people can reach them and express concerns. We have
7 agreed to restrict certain -- our leasing to certain business
8 types on the retail front. We've agreed to perform marketing and
9 outreach to local minority and women-owned businesses, as well
10 as to work with the DC Developmental Disabilities Council to
11 identify businesses that employ folks with developmental
12 disabilities. We've committed to providing \$40 a square foot
13 in tenant improvement allowance or equivalence to any tenants we
14 identify from those categories. And -- this is an additional
15 specific request from one of the ANC Commissioners -- two of our
16 ANSI A accessible units will be built out ahead of time, rather
17 than upon request, so that upon partial delivery, those will be
18 available for use to folks with disabilities.

19 Next slide.

20 And with that, I'm going to turn it back over to our
21 land use counsel, Cary Kadlecek.

22 MR. KADLECEK: So in the interest of time, I'll just
23 say we'll conclude. The last two slides are just our responses
24 to OP comments in the OP report. We've already discussed them
25 with OP, but I'm happy to go over upon questions or comments from

1 the Commissioners about those responses, but they're in the
2 record. And like I mentioned, we've already discussed them with
3 OP. So with that, that will conclude our presentation. Apologies
4 for going on a little long and we're available to answer any
5 questions.

6 CHAIRPERSON HOOD: Thank you, Mr. Kadlecek, and to the
7 team. You didn't go that far over, so we're -- it's not a big
8 deal. You stayed within 60 minutes; that's the main thing.

9 All right. Let me start off with a couple of questions.
10 I was reading -- first of all, let me commend you on the community
11 engagement. I guess that's why we have so many varying issues
12 and comments that have come up. I was looking at Margaret Dwyer,
13 our Ward 3 Housing Justice, and it concludes like this.

14 "For these reasons, we urge you to kindly approve --
15 approve the proposal for zoning relief put forward by the owner,
16 and that you direct Federal Realty to modify the proposal to
17 include 20 percent IZ composed to the 15 percent of AMI levels
18 already proposed and an additional five percent of 40 percent
19 AMI."

20 When I looked at your presentation, your slide deck,
21 what I noticed and what you had for the -- I think it was -- the
22 lowest one was at -- the rest was at 50 percent, I believe, if I
23 recall that correctly. So, Mr. Kadlecek, I'm not sure who's
24 appropriate for this, but what would the estimated income be for
25 someone qualifying for that 50 percent of the AMI in this area?

1 MR. KADLECEK: That's a good question. I am going
2 purely off of memory, but I think it's for a family of four,
3 it's in the 50,000 range, but we can look it up. But --

4 CHAIRPERSON HOOD: Well, let's do that. Because I
5 think what a lot of folks -- because here's the thing, a lot of
6 minorities and black residents that look like me will not be able
7 to stay there. And I think this is what the Mayor is trying to
8 achieve, and I don't know if we are achieving that here.

9 To me, -- I mean, not just this development, but we
10 need to start pushing west of the park to try to meet the housing
11 initiatives that our Mayor has mandated the City to do. We have
12 a crisis. There are a lot of reasons I could come up with why
13 we have a crisis: the Landlord-Tenant Act. Believe me, I'm
14 learning a lot of stuff about this. But I do agree with the Ward
15 3 Housing Justice in this case. I think we can do -- we can do
16 more and we can do better.

17 The other thing is, I believe that the -- and some of
18 the residents -- and what was -- let me back up. What was ironic
19 to me is when I'm reading through the submissions, I had two
20 Susans, and I'm not going to call their last names, but one Susan
21 says, "Admittedly, the Federal Realty Project will deliver more
22 than 300 units of housing, including some affordable ones,
23 thereby helping the Bowser administration make progress toward
24 its goal." So -- and that person, I believe was -- hold on a
25 second -- that person was in opposition. They were in opposition,

1 but they admitted that it gets towards the goal. I just don't
2 think that we can get to where a lot of people will be able to
3 afford this, or at least some.

4 And then I have a Susan that's in support who says,
5 "They have taken great strides to ensure the building is
6 attractive and an improvement to our community, which I support."

7 When I read this record, and I'm probably talking out
8 loud. I look at the ANC support, and I read this record and I
9 look at the oppositions, it is a very workable and valuable
10 project, but I think we can do better. I do know that the head
11 planner, which does the planning for the City has supported this
12 project as well. But one of the -- and this is probably for the
13 Office of Planning, one of the things that perplexed me in this
14 case was, I understand the way I read it in the record, there is
15 a major planning initiative going on, Mr. Kadlecsek. Are you
16 aware of that in that area, a major planning initiative that's
17 supposed to be finished in 2023?

18 MR. KADLECEK: Yes, we are aware of it.

19 CHAIRPERSON HOOD: So why -- why -- do you know why the
20 Office of Planning consented to go ahead and move forward with
21 this project, as far as what you can see? And I'm going to ask
22 them the question -- but as far as from the Applicant's
23 standpoint, is this part of what's going to end up in that plan
24 once the neighborhood and the Office of Planning both decide on
25 the path forward?

1 MR. KADLECEK: Well, yes. So I'll back up a little bit
2 to say that some of what you've read in the record has to do with
3 what's written in the implementation aspect of the Comprehensive
4 Plan that was just amended last year.

5 There's a provision in there that says if on the
6 Generalized Policy Map a property is within there, it cannot be
7 subject to a map amendment until the planning exercise has been
8 completed, except -- and it makes a very clear exception -- if a
9 process -- project is going through the planned unit development
10 process. And in doing so, the planning and implementation is
11 occurring at the same time.

12 So the Council in making -- in writing this law, made
13 it very clear that a PUD by its very nature -- planned is in the
14 title, right, planned unit development -- so by its very nature,
15 a planned unit development is undergoing a planning process that
16 analyzes all of the things that are important to what would be
17 analyzed in a larger scale plan that you're seeing references to.

18 So by virtue of availing ourselves to going through the
19 PUD process, we are subjecting ourselves to the same planning
20 rigors that would undergo the plan for the rest of the properties.
21 And mind you, properties can still develop as a matter-of-right
22 there under their current zoning. It really only has to do with
23 map amendments that this planning process has to be concluded.
24 So as long as something is going through the planned unit
25 development process, or proceeding as a matter-of-right under its

1 current zoning, the planned unit -- or I'm sorry, the planning
2 process that's referenced in some of the materials in the record
3 and in the Comp Plan itself wouldn't apply. So I hope that helps
4 characterize it a little bit for you.

5 CHAIRPERSON HOOD: That helped to characterize it. And
6 we can have this discussion -- I will have it more with the Office
7 of Planning. But I think what causes separation in the community,
8 they're working on a plan in the community -- I'm not sure who's
9 all working on this plan -- but the community is working on a
10 plan. And I agree planning and unit development is in the PUD
11 and the zoning process, but some of the significant integral
12 parts of that plan have not been necessarily spelled out to, you
13 know -- it's almost to me like putting the cart before the horse.
14 And I don't want to need a size 38 trying to squeeze in a size
15 32. So I guess that's kind of where I am. I've said that before.
16 And I see -- I see that being part of some of the opposition to
17 a certain point over here. Because I'm -- and I'm sure they can
18 speak for themselves, those in opposition. I always look for the
19 opposition first to see how we can work back to make it work. So
20 I'm going to leave that for there now and give my colleagues a
21 chance. I may come back on the back end and ask some additional
22 questions, some more actually, but let me go back to -- I started
23 it first, so let me to go to Commissioner -- Vice Chair Miller.

24 VICE CHAIR MILLER: Okay. You caught me off guard.
25 So thank you to the Applicant's team for your

1 presentation and for bringing this case forward and for your --
2 and as the Chairman said your community engagement to achieve
3 both the ANC's approval, even though they have their reluctancies
4 that they expressed in their approval. And the townhouses, I was
5 surprised to see the townhouse community, which isn't part of the
6 -- this application, although it was part of the original PUD
7 site, whatever you've done to engage with them, with all the
8 setbacks and step downs and articulations that are obvious in the
9 design that you presented. There may be other aspects you've
10 -- have satisfied them to the townhouse community for their
11 support, or at least their lack of objection.

12 To the Chairman's point about the planning analysis.
13 I mean, we can get into that more if we ever get to a point of
14 deliberations, but I follow very closely the Council's
15 Comprehensive Plan deliberations and various iterations, and they
16 specifically carved out an exception for planned unit
17 developments from a planning analysis that was originally
18 proposed. I can't remember if that was originally adopted, or
19 just proposed by Chairman Mendelson, but he ended up having --
20 putting in an exception there for planned unit developments. And
21 the exception for planned unit developments comes up in various
22 aspects in this case because -- so for planned unit developments,
23 you didn't have to have a Small Area Plan, even though there --
24 everybody knew that there was an ongoing planning process to
25 develop a Small Area Plan for Friendship Heights because there

1 are developments that are moving forward and there are
2 opportunities moving forward and this is 310 housing units, which
3 -- with the largest Inclusionary Zoning percentage in this
4 particular Rock Creek West planning area that's ever been
5 proposed, so there were a lot of positive aspects that were being
6 recognized that shouldn't be delayed by another year or more of
7 planning, a small area planning process.

8 So -- the Council has made a deliberate decision not
9 to wait for that Small Area Plan for Friendship Heights for PUDs
10 to go forward. And Inclusionary Zoning Plus, which a lot of us
11 think should apply across the board, only applies in map amendment
12 -- straight map amendment cases. It doesn't apply and we didn't
13 apply it with PUD's and map amendments.

14 And so, although, if this was a straight map amendment
15 to try to be more consistent with the new Council approved --
16 Mayor proposed and Council approved high-density designation for
17 most of this site, when it was medium density for many years
18 previously, the IZ Plus does not apply. We didn't apply it there,
19 which would have been 18 percent. But they are providing 15.43
20 percent, which is more than what our regulations, which is a
21 greater -- much greater amount than the 8 to 10 percent. I don't
22 know if it's 8 or 10 percent of IZ that would be required. And
23 they're providing it at a much deeper level of affordability than
24 what our regulations currently require, because they only require
25 60 percent MFI for rental and they're doing half-and-half,

1 basically, 60 and 50, although they're doing a change -- as a
2 result of community, ANC comments, they agreed to do two units
3 of that -- of those affordable units at the very low 30 percent
4 MFI level, which is nowhere required in our regulations, which
5 they'll obviously need some District subsidy for because that's
6 -- that's obviously what will be required, I would think.

7 So recognizing all of that, I just want to put that on
8 the record. I understand where the Applicant is coming from, and
9 I understand where the community is coming from.

10 The Rock Creek West planning area needs more affordable
11 housing and this project will, in its current form, contribute
12 to more affordable housing in a way that other projects heretofore
13 have not. But I agree, Mr. Chairman, that -- with you and with
14 the ANC and with Ward 3 Housing Justice, and others who are
15 concerned that -- of course, we always can do better, and when
16 you're getting this amount of height and density above what's
17 currently permitted under current zoning, I think it probably
18 could do better and probably could get to that 18 percent IZ Plus
19 level even though that is not -- I have to repeat, that is not
20 statutorily -- statutorily or by our regulations required. It's
21 only 8 to 10 percent under our regulations, although many of us
22 have been frustrated with that, that our IZ doesn't do more and
23 we have pending cases to do more, and we've done cases that are
24 doing more, including IZ Plus and IZ XL and other cases that are
25 coming forward.

1 So anyway, I guess, I wasn't asking you a question, but
2 let me think if I do have one.

3 Let me go back to the Comprehensive Plan consistency
4 issue. It was changed from medium-density -- residential medium-
5 density commercial for most of the site to high-density by the
6 -- just a year and-a-half ago by the Mayor and Council to high-
7 density commercial and high-density residential, and that's
8 clearly what this project is providing, so it is more consistent
9 with what the current Comp Plan is. But there is that part in
10 the back, the eastern part, that's moderate density. I guess
11 that's residential and that's where the townhomes are, but I
12 guess some of them are that moderate-density residential, and the
13 neighborhood conservation on the policy map bleeds into the
14 bigger development, Mr. Kadlecek, or Mr. Dettman? Can you just
15 tell how much of it does bleed into that bigger part?

16 And I think we may just need a little bit more
17 explanation in the record as to why all the public benefits and
18 amenities associated with this project outweigh any inconsistency
19 with that, if that moderate density is bleeding into the higher
20 density. Even though, you got the setbacks there, the step downs
21 there toward the eastern side. How much of it is actually
22 bleeding into that side, the bigger development that's being --
23 that's being changed here?

24 MR. KADLECEK: Yeah, I don't think we know the exact
25 amount. I mean, there is some -- there is some, you know,

1 "bleeding" as you mentioned, but as Mr. Dettman testified, and I
2 don't want to testify for him, he can speak to it, but as we all
3 know, the maps are not intended to be rigid parcel maps, and
4 that's why the building is designed the way it is. The step
5 downs as you mentioned, Mr. Miller -- Commissioner Miller, are
6 specifically to address things like blending into a residential
7 neighborhood to the east.

8 So the very nature of the design is making it more
9 consistent with that, that way that the maps are drawn with
10 respect to the property, but again, the bulk of the site is
11 intended clearly to be high-density residential or mixed-use high
12 density, right. So that's really how the building is oriented
13 and that's how the building has been designed. You know, we can
14 certainly supplement the record if the Commission would like some
15 more explanation on that, but Mr. Dettman did testify to that,
16 and we're happy to answer further questions about that. But it's
17 our position that because of the building design and the nature
18 in which the maps should be read, it is not inconsistent with
19 the two maps.

20 VICE CHAIR MILLER: Yeah. I'll need to review the
21 record to see if we have enough, if we ever get to a point of an
22 order to justify whatever sliver is bleeding into that moderate
23 density that's obviously higher than moderate density
24 residential. So -- but I think it probably would be good to
25 supplement the record on that so that the record is complete or

1 full for us.

2 On the retail, there -- so there was -- there's
3 currently, for the -- I don't know if it's currently because
4 there's vacant space, but I think there's approximately 15,000
5 square feet of retail in the approved development for this site
6 from 25 years ago. And you're reducing Federal Realty -- who's
7 a retail developer in many respects -- is proposing to reduce it
8 to 10,000, I think. Although I think you've adjusted that minimum
9 in response to ANC and any other community concerns that it was
10 going too low. This is a Regional Center.

11 You're doing all of this residential that's going to
12 be able to support finally the retail that's there. We're in a
13 very challenged, challenged retail, and office commercial market,
14 generally, all throughout the District of Columbia, including
15 this neighborhood, but it -- may you can just reiterate why you
16 can't maintain the 15,000, which was there at one point when
17 Friendship Heights was alive and well not too long ago in our
18 memory.

19 MR. KADLECEK: Yeah, I'll let Mr. Sharpe speak to that.
20 You're right. So the range that we propose is 10,500 to 15,000,
21 but I'll let Mr. Sharpe speak to the specifics of why that's sort
22 of the right size retail for this project.

23 MR. SHARPE: Hi, Commissioner Miller. Yeah, so if I
24 can just sort of preface by saying that you're right, so Federal
25 Realty is primarily a retail rate. We have a portfolio of about

1 25 million square feet around the country, including, you know,
2 things like Bethesda Row and Pike & Rose regionally around here.
3 We do consider ourselves to be retail experts.

4 So today we have 130,000 square feet in the building.
5 It consists of four tenants. We have Maggianos, DSW, and
6 Marshalls, as well as a temporary tenant, Chez la Voix (phonetic),
7 in the former Nordstrom Rack space.

8 That format of retail tenancy is what we call box --
9 big box tenancy or anchored tenancy. There is no market in
10 Friendship Heights for that sort of tenant anymore. That's why
11 there is 50 -- there's 50 percent vacancy in the submarket,
12 because there just isn't interest in these large format retail
13 boxes anymore.

14 The retail that we proposed, specifically with the
15 redevelopment, is what we call shop retail. That retail is
16 generally between, call it 60 to 80 feet deep, and because our
17 frontage is what our frontage is, because as Mr. Sponseller
18 pointed out, we're a mid-block building. You take that frontage,
19 you multiply it by this sort of 60, 80-foot range, and you get
20 the range that we're talking about, which is 10,500 to 15,000
21 square feet. There just isn't a market for the large format
22 retail that folks are speaking about unfortunately. If there
23 were, we wouldn't be coming to you with a PUD.

24 I think you're on mute, sir.

25 VICE CHAIR MILLER: Thank you. Sorry about that. So

1 the minimum will be 10,500?

2 MR. SHARPE: Correct.

3 VICE CHAIR MILLER: The range you're asking for is up
4 to 15,000, which is what the current space is, even if it's not
5 all occupied.

6 MR. SHARPE: Yes. So there's 130,000 square feet.

7 VICE CHAIR MILLER: 130,000?

8 MR. SHARPE: Yeah. Almost 10 times as much.

9 VICE CHAIR MILLER: Wow. That's a lot.

10 MR. SHARPE: Yeah, it's a lot.

11 VICE CHAIR MILLER: So, you know, I -- you all know a
12 lot more about this than I do in terms of markets and they're
13 changing markets and everything. I know Federal Realty in my own
14 Cleveland Park neighborhood has space that has been vacant for a
15 long time.

16 MR. SHARPE: We actually sold that asset, sir.

17 VICE CHAIR MILLER: Oh, you sold that asset.

18 MR. SHARPE: Yeah.

19 VICE CHAIR MILLER: Just anecdotally, I heard the rents
20 were too high. The rents were too high.

21 MR. SHARPE: Not ours.

22 VICE CHAIR MILLER: Well, no. When you had it.

23 MR. SHARPE: Oh, when we had it.

24 VICE CHAIR MILLER: Yeah. And so, I mean, I think
25 we're in a changing market, and I think it's true downtown, and

1 land values I think are probably assessed too high, and that's
2 unfortunate for the City's revenue base going forward, but there
3 probably needs to be an adjustment in all of that going forward,
4 because it's not realistic if they're having vacancies all over
5 the place.

6 You can't afford to put somebody in there if you're
7 paying all these hard, high taxes. Anyway, that's just my own
8 personal without any expert economics education. I was an
9 American Studies major. So the land values probably need to be
10 -- come down in the City, unfortunately, and probably across the
11 nation.

12 So anyway, I don't think I have any other questions at
13 this time, Mr. Chairman. If I think of any -- if I remember any
14 that I did have, I'll come -- I'll raise my hand, but I think
15 that's it for now.

16 I appreciate all the information that's been provided
17 and the engagement as you've said that's happened with the
18 community and the responsiveness to the Office of Planning and
19 DDOT going forward, so we'll see where we go from here. Thank
20 you.

21 CHAIRPERSON HOOD: Okay. Thank you. And if we have
22 any additional questions, we can come back at that time. Okay.

23 Commissioner Imamura.

24 COMMISSIONER IMAMURA: All right. Thank you, Mr.
25 Chairman.

1 I don't have very many questions. Just a couple
2 comments I align myself with. Many of the comments that Vice
3 Chair Miller made, I agree that we should probably -- it would
4 be a good idea to supplement the record with further explanation
5 about the moderate commercial -- rather the moderate residential
6 density or where that aligns or creates that edge condition with
7 the high-density, residential density with this PUD.

8 Mr. Sharpe, you can certainly stay in the seat. My
9 comments are really about the architecture and a little bit about
10 the landscape architecture.

11 Mr. Dettman had made a comment about scaling
12 appropriately to nearby zones. I certainly appreciate the form
13 and massing exercise and the shape-grammar exercise, to sort of
14 generate this modular concept. So I certainly see that in the
15 form and massing as a building in the attempt to step down the
16 height on the east. I think that's where my heartburn is. I
17 can -- I think it's generally a pretty successful attempt at it.
18 It's just that edge condition along the east with the moderate
19 residential there, almost generating the issue here is really
20 generated by the height, so it's almost one floor too high, I
21 think, where if it were being -- as it stepped down along the
22 east side there, I think one fewer floor there would probably, I
23 think really marry well with that particular zone, and I'd have
24 less heartburn over that edge condition.

25 My question, though, I guess, could be either for you,

1 Mr. Sharpe or for Mr. Jala about the underside -- undersized tree
2 pits along Wisconsin. I know that you are proffering -- I think
3 -- I thought I read somewhere about nine trees. I think maybe
4 there's six there now, because of the undersized tree pits, but
5 I didn't read anywhere in the record about what caliper trees
6 those are going to be. Are we replacing in kind, something
7 similar in size or height caliper?

8 MR. SHARPE: Would you like me to respond, and I can
9 bring in Mr. Jala if needed?

10 COMMISSIONER IMAMURA: Sure. That's fine. Yeah,
11 that's fine.

12 MR. SHARPE: Okay. So. just to be clear, we have
13 approximately six trees on our frontage, which we'll have to
14 replace as part of our frontage improvements anyway. The nine
15 are the three to the south of us on the Friendship Plaza frontage
16 and the six to the north of us on the Chevy Chase Pavilion
17 frontage. So it's nine total that are not our frontage.

18 So those trees together today, the tree pits do not
19 currently meet DDOT minimum sizes and the trees have suffered as
20 a result, they are pretty sad looking. And so our specific
21 proposal is to: one, remove the trees; two, dig out the tree
22 pits; three, enlarge the tree pits; four, put new good soil in;
23 and then five, put new trees in.

24 Now, in the memorandum of understanding we negotiated
25 with the ANC, we do have a commitment for three-inch caliper

1 trees. Those trees would typically be, you know, over 20-feet
2 tall depending on the cultivar, but they will not be little twig
3 trees.

4 COMMISSIONER IMAMURA: Well, that satisfies my
5 question, Mr. Sharpe, and I'm glad to hear that.

6 MR. SHARPE: Great.

7 COMMISSIONER IMAMURA: In general, I think just the
8 materiality, the overall design of the building, I think is --
9 demonstrates a well-thought out -- well-integrated design
10 solution, so, I certainly appreciate the time and effort that the
11 design team put behind it, so for Mr. Sponseller that's a
12 compliment to his design team and their efforts behind it.

13 Overall, I don't think I have any other questions and
14 will yield the rest of my time to Commissioner May, who may have
15 some more probing questions.

16 CHAIRPERSON HOOD: Let the record reflect that
17 Commissioner May does not go first every time. I'm hearing that
18 from the public, so he does not go first every time. Anthony
19 Hood went first. Okay, Commissioner May, last.

20 COMMISSIONER MAY: I'm very happy to go last,
21 sometimes.

22 So, first of all, I would just say, I'm really quite
23 surprised by the volume of this record, and I mean that in a good
24 way. Right. It's -- I mean, this is the sort of project that I
25 would have figured would trigger a very large response from people

1 in the surrounding area who are unhappy with it in some way, and
2 so the fact that, you know, you were here with -- you know
3 certainly some comments for and against, but not a huge volume,
4 I think that's -- that's a very good thing, and I think you've
5 done a good job with your community outreach. I was very
6 concerned about this when we first set it down that we were going
7 to have that kind of reaction, so I'm pretty pleased about that.
8 It means that you've done the right work that you need to do with
9 the community.

10 Let's see. I am -- I appreciate the fact you've
11 addressed the, you know, the issues having to do with the broader
12 planning effort that have been raised by some of the people who
13 are in opposition, and also glad to have heard more about the
14 retail situation and why the retail opportunities are limited.

15 Just to be clear, though, the -- I mean, a lot of that
16 retail that was on the site was -- I mean, you had multiple floors
17 of retail, right?

18 MR. SHARPE: Yeah. The current configuration is one
19 tenant below grade in approximately 40,000 square feet. That's
20 where Nordstrom Rack used to be.

21 COMMISSIONER MAY: Sure.

22 MR. SHARPE: And then three tenancies upstairs, each
23 of which is approximately 30,000 square feet and each of which
24 is two stories.

25 COMMISSIONER MAY: I see. Okay. Yeah, that's a lot

1 of retail and, you know, we often hear in cases like this that
2 -- or cases that we hear, that second story or below grade retail
3 often just doesn't work. It's an exceptional case when something
4 can be made to work. I can think of a few examples; we don't
5 need to go into those.

6 The -- I guess, I do -- I have a couple of architectural
7 questions, so maybe we want to bring Mr. Sponseller up.

8 MR. SHARPE: I'll get out of the way.

9 MR. SPONSELLER: Good afternoon.

10 COMMISSIONER MAY: Good afternoon.

11 So the first question I have is the rainscreen, and I
12 understand the -- I mean, your explanation has to do with sort
13 of the structural differences, right?

14 MR. SPONSELLER: Correct.

15 COMMISSIONER MAY: Putting aside the structural
16 differences, what would you do? What would you want to do with
17 this building?

18 MR. SPONSELLER: We like both options. We wouldn't
19 present -- we never show something we cannot live with and do
20 not like. So it's like choosing amongst your children. We think
21 both options could be very beautiful. You notice that we rendered
22 them the same way. There's benefits one way or the other. The
23 rainscreen panels are larger format, so they have an elegance to
24 them that brick masonry often doesn't have. Brick masonry on the
25 other hand, is quite residential in feel and soft to the touch,

1 but the rainscreen panel texture and look have been improved
2 dramatically in the last ten years. The technology is incredible.
3 They're actually a clay product, a porcelain product, so we're
4 comfortable with either frankly. And it's really just the issue
5 of furthering our engineering, further refining our detailing to
6 know whether we can support -- one thing we'd like to do is the
7 same material everywhere, so not a huge fan of breaking things
8 up too much or making your life too complicated. So that's why
9 we're hedging a little bit on that -- on the material option.

10 COMMISSIONER MAY: So what is the actual product that
11 you're thinking about for the rainscreen?

12 MR. SPONSELLER: There is three or four. We also in
13 that regard, we always have to have three or four --

14 COMMISSIONER MAY: Sure.

15 MR. SPONSELLER: -- certifiers to meet the need there.
16 They're mainly European, unfortunately --

17 COMMISSIONER MAY: Uh-huh.

18 MR. SPONSELLAR -- but there's a porcelain ozone
19 (phonetic) product, there's a German product I can't recall the
20 name of, and I think there is an American product as well for
21 the large format rainscreen panels.

22 COMMISSIONER MAY: Right.

23 MR. SPONSELLER: For the brick masonry, there's
24 actually in this color range with this brick texture and scale,
25 there's really only a couple that we really like in terms of the

1 brick. It's actually more limited than the rainscreen, but --
2 does that answer your question in terms of suppliers?

3 COMMISSIONER MAY: Yes. Yeah, I mean, that's helpful.

4 So one of the things that seems to be missing and maybe
5 I just missed it somewhere, but I don't see -- I see images of
6 what you want to do, but I don't see actual photos of the samples.
7 Did you submit that?

8 MR. SPONSELLER: Yes. On page -- do we want to go back
9 to the presentation?

10 We did submit some samples on the materials page at the
11 very end of our architectural sheet. The product reference there
12 -- and this is probably helpful to those who are curious about
13 the rainscreen panel -- is porcelain ozone (phonetic) is a product
14 used on The Silva in Columbia Heights, I believe, is the location
15 of that property. It's a new residential building developed by
16 East Bank. That has a limestone rendition that was very similar
17 to the coloring that we liked on our building, so that was a
18 sample.

19 We'd be happy to submit, as I mentioned, the multiple
20 -- the multiple suppliers, we could submit a range of colorings
21 by three -- from three different manufacturers, if that's
22 helpful. We'd be happy to do that for you.

23 COMMISSIONER MAY: But I'm still -- I mean, you say
24 that you submitted something, but I'm not finding it. Can you
25 point to it? What page it might be on or --

1 MR. KADLECEK: Page 12.

2 MR. SPONSELLER: Page 12. Thank you.

3 MR. KADLECEK: On the presentation.

4 MR. SPONSELLER: If -- whoever is running the slides,
5 could please go to page 12? We'd appreciate that.

6 COMMISSIONER MAY: I can look it up.

7 MR. SPONSELLER: Okay. It's the sheet that has all of
8 our exterior materials on it and the top left image is a
9 rainscreen panel -- large format rainscreen panel.

10 COMMISSIONER MAY: So this is the one that has, like,
11 everything, the architectural louver and all that kind of stuff.

12 MR. SPONSELLER: Yes. Yes. Yes.

13 COMMISSIONER MAY: But what I'm looking for is
14 something that says -- I mean, the equivalent or photographs of
15 what you would have handed to us in the hearing room.

16 MR. SPONSELLER: Oh, okay. We can submit those.
17 Absolutely.

18 COMMISSIONER MAY: Yes.

19 MR. SPONSELLER: I'm happy to do that. And we'll
20 include multiple, you know -- as you know, in the industry and
21 with the supply issues, we'll include --

22 COMMISSIONER MAY: Yeah.

23 MR. SPONSELLER: -- a couple of different manufacturers.

24 COMMISSIONER MAY: That's fine, but I think, yeah,
25 photographs of the actual --

1 MR. SPONSELLER: Okay.

2 COMMISSIONER MAY: -- samples that you have in your
3 office would be the best way to show us that.

4 MR. SPONSELLER: Sure. Okay. Happy to do that.

5 COMMISSIONER MAY: I realize that -- that's the one
6 thing one thing I really, really, really miss about not being in
7 the hearing room, is that I like to touch the materials so.

8 MR. SPONSELLER: Absolutely. I agree with you.

9 COMMISSIONER MAY: I had to give that up. All right.

10 So back to my other questions. So one of the things
11 that you may have heard me talk about before is the use of light
12 colors on buildings and how important it is to make sure that
13 you don't have, you know, streaking and discoloration that
14 occurs. And I think actually the building just to the north,
15 the Chevy Chase Pavilion building --

16 MR. SPONSELLER: Uh-huh.

17 COMMISSIONER MAY: -- the cornice material there, I
18 don't even know what the material is.

19 MR. SHARPE: You're preaching to the choir.

20 COMMISSIONER MAY: What is it?

21 MR. SPONSELLER: You're preaching to the choir on that
22 issue.

23 COMMISSIONER MAY: Okay. Yeah. I mean, we just got
24 to -- what are you going to do to make sure that you don't have
25 that kind of discoloration that you have in the neighboring

1 building or another light-colored building in town.

2 MR. SPONSELLER: Believe it or not, the solution is
3 actually quite simple. So whenever -- and this is -- you're
4 literally preaching to the choir on this issue, because I do a
5 lot of white buildings. Whenever you have a facade that is
6 suspect to a parapet, the key is to deliver the rain on the
7 parapet to the interior of the building, if possible.

8 COMMISSIONER MAY: Uh-huh.

9 MR. SPONSELLER: So if you can direct the water --
10 because the issue occurs, the streaking occurs when there's a
11 body of water sitting there collecting silt and not running off
12 in a quick fashion. So if the slope of your sills and parapets
13 is -- first of all, if it's pitching over the facade, try to
14 pitch to the interior, if you can.

15 COMMISSIONER MAY: Uh-huh.

16 MR. SPONSELLER: If you can't do that -- on windows you
17 can't do that with a lot of labor, you just have to have a steeper
18 pitch than you normally would. So like a one to four pitch for
19 the sill -- which you don't perceive from the streetscape anyway,
20 it still looks like a thin horizontal band -- will solve that
21 problem. And we learned this the hard way and we spent a lot of
22 time with this. And I will say the rainscreen is friendlier for
23 that issue than the brick, but not a distinguishing condition or
24 a situation, but the rainscreen doesn't really have that problem,
25 because you're dealing with an interior cavity, as you know --

1 COMMISSIONER MAY: Uh-huh.

2 MR. SPONSELLER: -- for the water treatment. You don't
3 have the buildup of water on it. But I completely agree with
4 you on this issue.

5 COMMISSIONER MAY: Okay. All right. Well, I mean,
6 it's -- yeah. I mean, it's -- there are a lot of different places
7 where it can go wrong, but it sounds like you are all over it
8 and have done a lot of these and I know that you have, we've
9 seen a few of them.

10 MR. SPONSELLER: Yeah.

11 COMMISSIONER MAY: And, I mean, it's -- the only way
12 to address this is if you had -- if the detailing of the building
13 itself were something that were highlighted, when you get that
14 kind of discoloration, like, the soot can bring out the details.

15 MR. SPONSELLER: Absolutely.

16 COMMISSIONER MAY: (Indiscernible), it's a very modern
17 very modern (audio interference).

18 MR. SPONSELLER: Yes. Yes.

19 COMMISSIONER MAY: (Audio interference.)

20 MR. SPONSELLER: We're -- I'm very confident about that
21 issue.

22 COMMISSIONER MAY: Okay. All right. Very good. Let's
23 see. The Office of Planning raised an issue with location of
24 the IZ units and not wanting to have too many of them located on
25 the courtyard.

1 MR. SPONSELLER: Correct.

2 COMMISSIONER MAY: There are four -- on some floors
3 there are four and they were saying no more than three.

4 MR. SPONSELLER: Yes.

5 COMMISSIONER MAY: It doesn't sound like it's an awful
6 lot of units. I mean, I know there was a response having to do
7 with keeping it proportionate and all that kind of stuff, but it
8 didn't seem like it would be too heavy a lift to relocate those
9 units so that you only have three on the interior courtyard at
10 any given moment.

11 MR. SPONSELLER: I think it was --

12 COMMISSIONER MAY: Would you?

13 MR. SPONSELLER: I would just add this. In my
14 experience in a number of residential buildings in urban
15 locations -- first of all, let me back up.

16 We have designed the building so that one of the
17 benefits of stepping down the building to the neighborhood is
18 that it brings more light into the courtyard. So the courtyard
19 is -- and we've studied this extensively in our modeling, the
20 views out of the courtyard with the stepping on the east facade
21 is -- greatly improves the visibility and livability of the
22 courtyard spaces. And in my experience on projects, including
23 the City Center project, City Ridge projects, projects in other
24 areas where we have buildings that have both a street face and
25 an interior court, oftentimes the Court is more desirable than

1 the street for views and quiet, and I support -- I support that,
2 by the way.

3 So I want to begin with just the fact that we don't see
4 the courtyard as a negative space at all. We think it's a high
5 quality residential environment. And I think the flexibility
6 that the ownership is looking for here is, you know, using the
7 regulations that are already inherent in the IZ delineation to
8 disperse them appropriately throughout the building and not
9 putting a strict limit on three in the courtyard, because it
10 represents kind of a high proportion of the building units total,
11 but I think that's the owner's perspective on that issue. I
12 personally feel that the courtyard is a very desirable place to
13 have the views and live in a quieter space looking over the
14 gardens.

15 COMMISSIONER MAY: Right. Yeah, I don't disagree on
16 this. That's a perfectly reasonable perspective on it. I don't
17 think it's necessarily a negative.

18 MR. SPONSELLER: Right.

19 COMMISSIONER MAY: But, you know, if you do have that
20 in combination with like having a tight corner unit, something
21 like that, maybe they're not as good, but it's --

22 MR. SPONSELLER: Right. Right.

23 COMMISSIONER MAY: -- that's only part of it. I mean,
24 do you have a sense of how many -- how many units would have to
25 be reassigned in order to meet that threshold?

1 MR. SPONSELLER: You know, honestly, I don't. I don't
2 think we ever calculated what we currently had for delineation
3 of those on the courtyard versus the perimeter. We can certainly
4 -- if there's subsequent materials that we're filing, we'd be
5 happy to include that analysis for you, Chairman May.

6 COMMISSIONER MAY: Yes.

7 MR. SPONSELLER: Commissioner May. Sorry.

8 COMMISSIONER MAY: Commissioner May, yes.

9 MR. SPONSELLER: We'd be happy to provide that as part
10 of our submission.

11 COMMISSIONER MAY: So does that mean if I'm going last,
12 does that mean that I'm the Chairman now?

13 MR. SPONSELLER: Sorry. Apologies. No, I understand
14 your comment.

15 COMMISSIONER MAY: Okay.

16 MR. SPONSELLER: We understand the gist of it, and we
17 can provide that information.

18 COMMISSIONER MAY: I don't know that it's -- that it's
19 that big an issue from my perspective.

20 MR. SPONSELLER: Right.

21 COMMISSIONER MAY: It was something that caught my eye
22 in the Office of Planning's report.

23 MR. SPONSELLER: Okay.

24 COMMISSIONER MAY: I don't -- I don't have any other
25 questions. I just have one last comment, which is that I

1 personally think the rainscreen solution is the better solution
2 because the building just sort of calls for that.

3 MR. SPONSELLER: Scale of it.

4 COMMISSIONER MAY: Yeah.

5 MR. SPONSELLER: The repetition, I can see that.

6 COMMISSIONER MAY: Yeah. I'm also not a great big fan
7 of white brick to begin with so.

8 MR. SPONSELLER: Right. It's not white typically, but
9 I understand your comment.

10 COMMISSIONER MAY: Yeah, the light colors.

11 MR. SPONSELLER: Yeah.

12 COMMISSIONER MAY: When you go into that light range
13 of colors, I feel like it's bigger to have that larger -- better
14 to have that larger module.

15 MR. SPONSELLER: Correct.

16 COMMISSIONER MAY: That's a minor preference thing. So
17 that's it for me, Mr. Chairman.

18 CHAIRPERSON HOOD: Thank you very much, Chairman May.
19 I want to say this and when we were talking about the
20 retail. I was thinking about 15 years ago when I was in that
21 area -- I think this was the area, I may be wrong -- the \$400.00
22 dress shirts. Now, I know my colleagues wear \$400.00 dress
23 shirts; I can't afford it. So when I walked in the store, I walk
24 right by. I don't even know the name of the store no more. But
25 when I saw the price, I had to hurry up and get out of there.

1 All right. Any second rounds? Any second round?
2 Vice Chair Miller.

3 VICE CHAIR MILLER: Yeah, just a couple of questions.
4 Are there any balconies on these 310 units?

5 MR. SPONSELLER: Yes.

6 VICE CHAIR MILLER: How many balconies are there?

7 MR. SPONSELLER: The total count, I can't give you the
8 total count. I'd have to add it up. My guess is that around 20
9 percent -- 20 percent. We like to design the balconies so that
10 there are either terraces on top of building elements, or that
11 they're recessed into the building facade to provide a slightly
12 more formal condition for the outdoor space, that's a preference
13 in a location such as this. So that's why they are somewhat hard
14 to spot on the renderings. But if you look at the renderings
15 carefully, particularly on the neighborhood side, you'll see
16 them. They're woven in with the green panels that we're including
17 for the neighborhood adjacency.

18 VICE CHAIR MILLER: Okay. Thank you for that response.

19 And, Mr. Kadlecek, you may be doing this in rebuttal
20 anyway, but we're going to need a rebuttal in writing, I think,
21 to the Office of Attorney General's comments in the record and
22 testimony. I think they may be speaking -- they may be testifying
23 tonight. You may have seen their submission that came in
24 recently. And I don't necessarily agree with their statements
25 about it being non-compliant with the Comprehensive Plan or non-

1 compliant with our IZ regulations, but I do agree with the
2 Chairman and others in the community, including the ANC that say
3 with this amount of heightened density that's being asked for in
4 this PUD and map amendment, even though it is largely not
5 inconsistent with the Comp Plan change that upped the density and
6 all the public benefits associated with the PUD and map amendment,
7 that we could probably -- we can do better. I think we can do
8 better. I think we can, but I -- so I'll just leave it at that.
9 Thank you.

10 CHAIRPERSON HOOD: Okay. Thank you again. Any other
11 second rounds?

12 All right. So with that, Ms. Schellin, I think that
13 Commissioner Quinn is the Commissioner who's going to do the
14 cross. Does Commissioner Quinn have any cross? If you can bring
15 him up and let's see if he has any cross. Not his presentation,
16 but any cross at this time.

17 Commissioner Quinn. There you go.

18 COMMISSIONER QUINN: I do not have any. Thank you for
19 asking.

20 CHAIRPERSON HOOD: Okay. Thank you.

21 All right. Let's go to the -- Hold on one second, let
22 me get my -- I know it was a long time, and I don't even know
23 what's next. Let me look at this.

24 MS. SCHELLIN: Attorney General?

25 CHAIRPERSON HOOD: Yeah, but is there any other --

1 let's go to the Attorney's office -- Office of Attorney General.
2 Then, let's go to DDOT. I want the Office of Planning to be last
3 in all cases from now on.

4 So let's go to the Office of the Attorney General, any
5 other government agencies that want to testify, and the District
6 of the Department of Transportation. Then, we'll take OP last,
7 in that order.

8 Ms. Bullitt.

9 MS. BULLITT: Yes. Good evening, Commissioners. I
10 hope everyone is well. Mr. Young, if you're controlling the
11 slides, do you mind bringing up our slides? They're at Exhibit
12 34. I believe it's that second one, yeah. Yep, exactly. Thank
13 you.

14 So good evening, Commissioners. My name is Lily
15 Bullitt. I'm testifying today on behalf of the Office of the
16 Attorney General.

17 As I mentioned, our slides are at Exhibit 34, and we
18 also have a written filing at Exhibit 31. We are, of course,
19 happy to answer any questions. If so, we request the ability to
20 respond in writing just to provide further detail.

21 Next slide, please.

22 So OAG is testifying in opposition to this project on
23 the limited basis of the application's affordable housing
24 proffer, which should be increased. In this case, the proffer
25 is insufficient because it fails to set aside at least one third

1 of housing units as affordable to very low and extremely low-
2 income households. This is a requirement in the Comprehensive
3 Plan for a property located in a Future Planning Analysis Area.

4 A Future Planning Analysis Area requires a heightened
5 level of planning before zoning changes can take place. If that
6 planning has not been completed, 33 percent of housing units must
7 be set aside to very and extremely low-income households.

8 Separately, the project fails to meet or exceed the 18
9 percent IZ set-aside that would be required by the IZ Plus formula
10 for the same increase in density. This is the same position that
11 we've taken in several other recent PUD cases, and as previously
12 stated, applicants have been uniformly offering 15 percent, but
13 without clear justification as to why that number is appropriate
14 to the specific PUD. Because there is no explicit guidance in
15 the regulations about an appropriate baseline proffer, OAG is
16 attempting to provide clear and consistent means of determining
17 a baseline IZ proffer that is in line with the specific PUD
18 application.

19 Next slide, please.

20 So Future Planning Analysis Areas as designated on the
21 Generalized Policy Map require a heightened level of planning,
22 specifically for equitable development and affordable housing.
23 This planning must take place prior to zoning changes in these
24 areas, and I'll go more into details about what Future Planning
25 Analysis Areas require in a bit, but essentially they require

1 additional heightened planning for equitable development to
2 assure affordable housing goals are met.

3 Next slide, please.

4 The District is in a affordable housing crisis and to
5 address it, the Mayor's office, along with OP, reviewed the state
6 of housing and affordable housing in the District back in 2019.
7 The resulting report, the Housing Equity Report, set the goal of
8 creating 12,000 affordable units across the City by 2025. The
9 report found that the Rock Creek West Planning Area where this
10 modified PUD is located, has a few affordable units. In 2019,
11 there were 470 affordable units. This is less than one percent
12 of the District's dedicated affordable units. Even though Rock
13 Creek West contains 19 percent of the District's land area and
14 13.6 of the District's population.

15 The second lowest planning area was Capitol Hill, which
16 had 1,882 units, which is over four times what Rock Creek West
17 had. So Rock Creek West was and is significantly lagging behind.

18 The Friendship Heights neighborhood, in particular, is
19 lacking affordable housing. A Technical Assistance Panel Report
20 found that in 2021 there were no IZ units and no affordable units
21 in Friendship Heights.

22 To ensure that affordable housing is equitably
23 distributed across the City, the Mayor set the goal of adding
24 1,990 units to Rock Creek West by 2025. So the Housing Equity
25 Report set the District wide goal of 12,000 units and decided

1 that 1,990 of them should be located in Rock Creek West.

2 Next side, please.

3 So we're at four years into the six-year timeline of
4 that goal, and this shows us where we're doing. This is from
5 September 2022. And since 2019, Rock Creek West has added 71
6 affordable units. That's just 3.6 percent of its target, which
7 you can see represented as that gray line at the top of the yellow
8 circle, which I tried to highlight the Rock Creek West area.

9 Next slide, please.

10 This is from the 2019 Housing -- Equitable Housing
11 Report, which stated that even when you take into account the
12 developments in the pipeline, Rock Creek West still needs to
13 supply 1,910 affordable units.

14 Next slide, please.

15 Thanks. The Housing Equity Report set the goal of
16 providing 12,000 affordable units in the District and 1,990 in
17 the Rock Creek West Planning Area. A follow-up report was
18 released in 2021, that's the Mayor's Rock Creek West Road map.
19 It identifies where within Rock Creek West, those 1,990 units
20 should be placed; 70 percent of the new affordable units should
21 be located in Future Planning Analysis areas.

22 The road map identifies key properties where affordable
23 units should be housed. Specifically, the road map identifies
24 the density that was granted by the 2021 FLUM amendments and
25 Future Planning Analysis Areas.

1 Because this additional density is in a Future Planning
2 Analysis Area where planning for equitable development is
3 required, the density is meant to house much of the planning
4 area's affordable housing goal. The modified PUD site was one
5 of the sites identified. In the 2021 FLUM updates, the
6 designation increased from mixed-use medium density commercial
7 residential to mixed-use high-density commercial residential,
8 authorizing significantly more density.

9 The property is located in the Wisconsin Avenue Future
10 Planning Analysis Area, so the grant of additional potential
11 density was meant to make way for increased affordable housing.

12 Next slide, please.

13 So it is necessary to plan for this affordable housing
14 because ad hoc development will not meet our affordable housing
15 goals. These are two developments in progress where the site was
16 granted additional potential density through the FLUM
17 amendments. These projects are also located in the Wisconsin
18 Ave. Future Planning Analysis Area, and neither of them are
19 seeking additional density.

20 So 5151 Wisconsin Ave Northwest is promising 11 percent
21 inclusionary units, and that's just as an MOU, unenforced MOU
22 with ANC, now it's a condition of its development. And then
23 Mazza, which is across the street from the current application,
24 the modified PUD is developing as a matter of right under the
25 existing zone and is offering 10 percent IZ.

1 So if all or many of these other projects within the
2 Future Planning Analysis Area are similarly developed, how will
3 Rock Creek West reach its affordable housing goal?

4 Next slide, please.

5 The Housing Equity Report similarly recognized that
6 land use changes, meaning the FLUM amendments, should add more
7 density specifically for affordable housing purposes.

8 Next slide, please.

9 So what are the requirements of Future Planning
10 Analysis Areas? The Comp Plan states, and as I mentioned before,
11 that their purpose is to ensure adequate planning for equitable
12 development. This is achieved through a two-step process. So
13 first, a planning analysis, and then second, the re-zoning. The
14 planning analysis "shall precede any zoning changes."

15 So the first step of planning for equitable development
16 ensures that any population growth that comes with the additional
17 population density in the Future Planning Analysis Area will not
18 unduly strain or inequitably impact city-wide infrastructure,
19 including affordable housing.

20 Next slide, please.

21 Affordable housing is essential to the infrastructure
22 planning for Future Planning Analysis Areas.

23 This is clear because the only exception from
24 performing the initial planning analysis, the first step of the
25 two-step process, is if the applicant provides 33 percent of its

1 units as affordable to low and extremely low income households.
2 Thirty-three percent or one-third is the ratio set by the Mayor
3 in the Housing Equity Report for new affordable units to market
4 rate units. So the only way a zoning change may proceed without
5 performing the first step analysis is if it meets, at a minimum,
6 the Mayor's housing equity goal and this is because the first
7 step to planning analysis is performed for the purpose of ensuring
8 that the Mayor's goal is met.

9 This exemption is also an incentive for affordable
10 housing providers who supply a 100 percent or deeply affordable
11 unit housing units. They are incentivized to provide affordable
12 housing in these Future Planning Analysis Areas, because they
13 don't have to wait for the future planning analysis to take place.
14 So by knowing the future planning analysis requirement, we are
15 gunning the incentive for affordable housing providers.

16 And I would just like to address what tonight has been
17 called a PUD exemption. I just want to take a look at the
18 language in the Comp Plan, and it's not necessarily an exemption
19 in the sense that the PUD does not have to undertake the required
20 planning, but it's more flexibility in terms of the timing of the
21 two-step process.

22 So the Comp Plan says, "In the case of a PUD, the two-
23 step process may be combined and done at the same time," but it
24 still says that both steps of the two-step process must occur.
25 So the equitable development planning analysis can take place at

1 the same time as the PUD, but it's not an exemption from the
2 planning analysis.

3 In this case, neither Applicant nor OP have completed
4 an equitable development planning analysis for infrastructure and
5 affordable housing in terms of the city-wide capacity as the Comp
6 Plan requires.

7 Next slide, please. Oh, sorry. Stay on this slide.
8 Sorry. Got ahead of myself.

9 There's also an exemption for zoning changes, which are
10 compatible with the 2012 FLUM. This underscores the fact that
11 the 2021 FLUM amendments in the Future Planning Analysis Areas
12 are for the specific purpose of equitable development and
13 affordable housing. So planning for equitable development must
14 occur before zoning changes that seek to use density granted by
15 the 2021 FLUM amendments.

16 The Office of Planning is currently working on its
17 Wisconsin Avenue Development Framework Study, which includes the
18 modified PUD site and OP has stated publicly that this is an
19 ongoing framework study which anticipates completion sometime in
20 the spring of 2023. They have stated publicly that the framework
21 study will not include the equitable development analysis it
22 impacts on infrastructure and utilities as required by the
23 Comprehensive Plan.

24 OP described that the framework study is at initial
25 stage in assessing the full buildout of the Future Planning

1 Analysis Area, which will then inform the equitable development
2 planning analysis, which will be conducted separately and later
3 in 2023. This is from a November public webinar.

4 Next slide, please.

5 Oops, sorry. Actually, one slide before. Page 12.

6 Yep, sorry. Thank you.

7 So to comply with the Future Planning Analysis
8 requirements, the modified PUD can qualify for the exemption by
9 reserving 33 percent of its units for very-low and extremely low
10 income households, or the Commission can postpone or continue the
11 public hearing until OP completes the required equitable
12 development analysis, which they anticipate will start in 2023,
13 or the Applicant can complete the required equitable development
14 planning analysis as part of the PUD application. The analysis
15 would have to evaluate the current and future infrastructure
16 capacity, particularly affordable housing.

17 The District set the goal of creating 12,000 affordable
18 units across the District, 1,990 in the Rock Creek West planning
19 area, and 70 percent of those in the Wisconsin Ave and
20 Connecticut as Future Planning Analysis Areas where additional
21 planning is required to ensure that housing goals are met.

22 This PUD must perform the required equitable
23 development analysis, because this PUD plays a direct role in
24 meeting the City's infrastructure and affordable housing goals.

25 Okay. Next slide, please.

1 So separately from the Future Planning Analysis
2 requirement, the modified PUD's 15 percent IZ set-aside is
3 insufficient to ensure that it is superior to a matter of right
4 development.

5 Next slide, please.

6 The IZ Plus formula was intended to introduce
7 affordable housing by recapturing a proportional amount of
8 additional density granted through a map amendment. It
9 establishes a clearer ratio of how much affordable housing should
10 be provided when additional density is being used.

11 OAG believes this formula is an analogous situation to
12 a PUD, and PUDs must be superior to what could be built under a
13 matter of right development.

14 Next slide, please.

15 And next slide, please. It's a bit out of order.

16 Here, the original PUD was allowed to build 1,333
17 square feet in the original building. This excludes the
18 residential townhomes -- townhouses in the back of the building.
19 Applicants are seeking to build 380 square -- 385,000 square
20 feet, so this is 198 percent increase in density.

21 Looking at the two IZ Plus options, option 2 provides
22 the provides the greater set-aside and results in 18 percent or
23 67,680 square foot set-aside.

24 Next slide, please.

25 So the minimum PUD proffer is 18 percent and that's 18

1 percent at 60 percent MFI, which is the basis. This is -- the
2 18 percent represents 11,280 square feet more than applicants
3 currently proffer, or 15 percent -- their current proffer of 15
4 percent, which is approximately 11 additional units than what
5 they're currently proffering.

6 And I just want to note, because it's been said here
7 tonight that a maximum by-right development would require 8 or
8 10 percent set-aside. That is incorrect. If you look at the
9 basic IZ formula at Subtitle C, Section 1003.1 and .2, provides
10 that if the development is Type I construction and the set aside
11 is the greater of either 8 percent or 50 percent of the 20 percent
12 bonus density, which is 8.33 percent of the gross residential
13 GFA. If it's Type II construction, then the set-aside is the
14 greater of either 10 percent or 75 percent of the 20 percent
15 bonus density, which is 15 percent of the buyer density or 12.5
16 percent of the gross residential GFA. So it's either 8.33 or
17 12.5 percent, but the point is that even the basic IZ formula,
18 as well as the IZ Plus formula requires a higher set-aside, so
19 the more density you use, the higher set-aside it requires.

20 Next slide, please.

21 OAG applauds the Applicant's willingness to deepen the
22 affordability levels on some of the units in its IZ proffer.
23 Units at 50 percent and 30 percent MFI are desperately needed in
24 the District, especially the 30 percent, and we think it's
25 wonderful that the Applicant has proffered these.

1 OAG believes that the current proffer is still not
2 equivalent to the minimum 18 percent at 60 percent MFI that is
3 required to be secured to a matter of right.

4 So how do we determine the value of these deeper
5 affordability proffers? OAG based its evaluation on DHCD's
6 maximum rent table for IZ units. These provide a basis for the
7 worth of these units to the Applicant. So you can see we showed
8 our work here -- we know it's important to the Commission -- that
9 we based the calculation on the ratio of the value of a 30 percent
10 MFI unit to a 60 percent MFI unit, and a 50 percent MFI unit to
11 a 60 percent MFI unit. So taking that ratio, we determined that
12 a 30 percent MFI unit will reduce the Applicant's overall IZ set-
13 aside by 500 square feet and a unit at 50 percent MFI will reduce
14 the Applicant's overall IZ proffer by 170 square feet.

15 Next slide, please.

16 So if we take their Applicant's current proffer with
17 26 units at 15 percent MFI, reduced -- that's a 170 square feet
18 reduction per 26 units and then a 500 square foot reduction per
19 two units at 30 percent MFI level, that comes out to a total
20 reduction in their total IZ set-aside minimum requirement in
21 5,420 square feet.

22 Next slide, please.

23 Given that the deeper affordability proffer by
24 Applicant only counts for 5,420 square feet reduction in their
25 overall IZ set-aside, the Applicant's proffer is still 5,860

1 square feet short, or about 1.55 percent of gross residential
2 floor area.

3 Next slide, please.

4 So to ensure the project is superior to a matter of
5 right development, OAG suggests that the Applicant increase the
6 IZ proffer by at least 1.55 percent to a 16.55 percent total IZ
7 set-aside, including the current deeper affordability units that
8 they've already proposed.

9 Alternatively, they can increase the number of 30
10 percent and/or 50 percent MFI units according to the DHCD ratio
11 that I just explained, to reach an equivalent of the minimum 18
12 percent IZ set-aside that's required to ensure the project is
13 superior to a matter of right.

14 Next slide, please.

15 So just to recap everything I've said here tonight.
16 There are two options for how to proceed here from OAG's
17 perspective. The Commission and Applicant can wait for either
18 OP or the Applicant to perform the Future Planning Analysis
19 equitable development analysis -- sorry -- Future Planning Area
20 equitable development analysis and once that is completed the
21 application can move forward, but must still proffer the 18
22 percent IZ set-aside or an equivalent with deeper affordability
23 levels.

24 Alternatively, the application may proceed now prior
25 to the equitable development analysis, but it must proffer 33

1 percent to very low and extremely low income households.

2 The next slide, please.

3 Oops. That's fine. That's it. Our public contact
4 information is here. So please, anyone that's watching or
5 listening, we're happy to explain our conclusions further. Thank
6 you very much.

7 CHAIRPERSON HOOD: Thank you, very much, Ms. Bullitt.
8 I do have a few questions. I don't need any follow up on anything.
9 We won't need any follow up. I just need to -- I can ask you
10 these questions right now.

11 First, let me just ask, and I know at OAG, you all have
12 a different role now. Well, I know you probably would know, but
13 did the Office of Attorney General participate in the writing of
14 the Comprehensive Plan. Did you all, like everybody else, did
15 you all participate?

16 MS. BULLITT: You know, I would need to quadruple check
17 with all of my colleagues, because (indiscernible), I wasn't at
18 OAG when it was amended, but I don't believe that the land use
19 section did, but I would -- I don't want to go on the record
20 saying that before I check with OAG.

21 CHAIRPERSON HOOD: Okay. It seems like they should
22 have from what I'm seeing now. But I would also say -- it's
23 almost like me this morning. It's almost like being a Monday
24 morning quarterback. You know, I'm a Giants fan. And I was
25 thinking all the stuff my coach did wrong, why he didn't win the

1 game yesterday. That's what it seems like to me. So just let
2 me know. I'm just curious. They should have had a proactive
3 part. That's what the government -- I'm speaking from a citizen
4 standpoint. That's what the government should be doing, trying
5 to get -- trying to help us get to these achievements. And
6 whether we disagree or not, we should be working for the best
7 interest of the residents of the District of Columbia. That's
8 what our (indiscernible) was and that's what I know all agencies
9 do, because I know that's what my tax dollars and all these people
10 who pay taxes in the City, that's what we want to see.

11 So let me ask you, when you say "low," what is your
12 definition of very low to extremely low? Let's start with very
13 low. Give me your parameters.

14 MS. BULLITT: So extremely low, I believe is defined
15 and this in the DHCD regulations, I believe. I can find an exact
16 site and give it to you, but there is a definition, a set
17 definition, and extremely low is 30 percent MFI and very low is
18 50 percent MFI.

19 CHAIRPERSON HOOD: So do you realize -- I know DHCD and
20 others -- do you realize that people, including myself, are
21 fighting for less than that, because that's where it really is.
22 That's what (indiscernible). All of this jargon that we're
23 talking is really irrelevant. So what I'm hearing when you talk
24 about 30 and 50 percent, the people who most need it can't get
25 it. So that's where I am. And that's what I mean by collaborating

1 and helping the residents with OP and the residents help us get
2 there. So anyway, I just need to know that.

3 And let me ask you: What do you think is the extreme
4 -- and I heard you, and I fully agree with you one 100 percent
5 -- what do you think that the difference is -- you talk about
6 the low affordable areas, we all know it's the Rock Creek West,
7 and you said, I think the second was Capitol Hill. What do they
8 both have in common?

9 MS. BULLITT: So I believe what I said about Capitol
10 Hill was that they had the second lowest amount of affordable
11 units in 2019.

12 CHAIRPERSON HOOD: Right. So what do they both have
13 in common? I'm going to tell you right now; I already know the
14 answer. I just want to know if you know the answer. What do
15 they both have in common? And the reason I'm asking is because
16 when you bring these analyses, you've got to really vet
17 everything. What do both of those areas have in common?

18 MS. BULLITT: High housing prices would be one of my
19 first guesses. Zoning that doesn't require -- I mean, I know
20 Rock Creek -- Capitol Hill has many single family homes, not as
21 much development. Yeah.

22 CHAIRPERSON HOOD: I wish you would look that up and
23 come back and next time I see you tell me what they both have in
24 common. You don't have -- you don't have to follow up with me,
25 or anything, but they both have something in common. And no,

1 | you didn't hit it, as far as I'm concerned.

2 | So let's talk about -- let's put back up page 19, Ms.
3 | Schellin, if you don't mind.

4 | (Indiscernible) is setting off my (indiscernible).

5 | So Ms. Bullitt, if we did the MFI at -- let's say if
6 | we did 20 -- let me see -- this is off the cuff. Let's say if
7 | we did 28 units at 50 percent, 26 units at 30 percent, and two
8 | units at 10 percent, what would our numbers look like?

9 | MS. BULLITT: If you give me a few minutes, I can pull
10 | up my Excel and we can figure that out, but I know -- let's see.
11 | Do you mind repeating what you just said? Twenty units at --

12 | CHAIRPERSON HOOD: I'm taking the 28 units, and I'm
13 | just curious -- I tell you what, next time -- next time do me,
14 | if we're doing this, let's do a comparison. Help me to -- because
15 | I'm trying to get lower. And I know what the Vice Chair said
16 | about our rules. You know, I'm trying to get lower, even though
17 | our rules tell us they are where they are. But if we take the
18 | 28 units and take those and take the 28 units to 50 percent, the
19 | 26 units to 30 percent, and the two units to 10 percent. I guess
20 | what I'm trying to figure out -- maybe I'll ask the Applicant
21 | this here. Don't worry about this. I'm going to ask the
22 | Applicant to look at this, or even OP to look at this and tell
23 | me -- don't tell me if it's achievable, because I know the
24 | Applicant is going to tell me no, but tell me if this is workable.

25 | And, Ms. Bullitt, I'm not going to ask you, but I

1 appreciate this drawing here, I mean, this presentation you have
2 here, this PowerPoint page, because I want to use that to try to
3 help me understand how do we eventually get lower.

4 So again, I'm actually asking the Applicant and OP, and
5 OP you can supplement the record for me, but I don't need anything
6 from you Ms. Bullitt. But 28 units at 50 percent, 26 units at
7 30 percent and two units at 20 percent, and I want to -- and I'm
8 going to ask the Applicant is it doable? And I want to ask OP
9 also from a planning perspective. I know it far reaches outside
10 of our regulations, but I'm just curious, and I would like to
11 see how we can get to that. Because I think that's where the
12 rubber meets the road and that's what people are looking forward
13 to when we talk about affordable housing, because some of this
14 -- even at 60 percent is not affordable, and I'll leave it at
15 that.

16 Let me see if my colleagues have --

17 MS. BULLITT: Mr. Chairman, I was -- there's one point
18 that I wanted to mention, but this is actually very much in line
19 with the current regulations, which there's a site which allows
20 that if 100 percent of the IZ proffer is at 50 percent MFI, it
21 allows the total reduction of 20 percent in the total IZ set-
22 aside. We did 17 percent, which is roughly in line. We believe
23 that extra 3 percent is just an incentive to ensure that 100
24 percent of the units are at deeper affordability levels. So this
25 is actually very much in line with the current regulations as

1 they stand.

2 CHAIRPERSON HOOD: Right. Right. And I agree with
3 that. I agree that if we are following the regulations and like
4 I say, it goes back to what the Vice Chair, those are the
5 regulations. But I think the residents want -- are expecting
6 more. I think we are trying to achieve more, but the question
7 is, from what I hear developers, those who are putting the money
8 up -- I hear this all the time, there's a point of no return.
9 There's a point where we just can't make it work. I hear a lot
10 of that too. I mean, I hear it all.

11 So I'm just trying to figure out -- I'm trying to figure
12 out the same thing I'm asking you all to do with the Office of
13 Planning, DDOT and everybody else, let's work together to try to
14 get to where we need to be and let's not -- let's not be an
15 Anthony Hood and do Monday morning quarterback on the Giants/
16 Washington Commanders game. So that's kind of where I am. So
17 thank you.

18 All right. Let's see if my colleagues.

19 We can take that down, Ms. Schellin, please.

20 Ms. Schellin, you're doing an excellent job. I just
21 want you to know that.

22 Vice Chair Miller.

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

24 Yeah, I watched that game and there's expressions about
25 a tie. What a tie is, like, kissing your sister, or whatever.

1 I actually like kissing my sister, not a romantic kiss, but --
2 so I don't think that's a good expression, but -- it was very
3 unsatisfying, I think. I was watching with a lot of Europeans
4 who were even more disappointed than me, because I have no
5 expectations at this point.

6 Anyway. I don't think I have any questions for OAG
7 beyond -- you know, I think we as -- well, I personally, and I
8 think my fellow Commissioners will agree with the aspirational
9 goals that are -- and interpretations that are embedded in your
10 -- I've said this before Ms. Bullitt to you, your 100 percent
11 absolute conclusions about what's required and not by the
12 Comprehensive Plan. There's a lot of interpretation of what's
13 required and not, and I realize you're in this advocacy role, but
14 I -- so I previously asked that the Applicant provide a -- I
15 don't have any questions of you. I do disagree with some of your
16 conclusions about the non-compliance, the absolute non-compliance
17 with the Comp Plan and our own IZ regulations, but I don't
18 necessarily disagree with the aspirational goals and that we need
19 to get there, and so I do want us -- I would like -- I asked
20 previously for the Applicant to write a written rebuttal to your
21 testimony and written record -- written comments submitted, and
22 I think we also, obviously, need it from the Office of Planning
23 as well for our record to be complete, and I'll just leave it at
24 that. I appreciate your being here this evening. Thank you.

25 MS. BULLITT: Thank you.

1 CHAIRPERSON HOOD: And Commissioner Imamura.

2 COMMISSIONER IMAMURA: All right. Thank you, Mr.
3 Chairman.

4 Ms. Bullitt, it looks like you're in the hotseat again
5 tonight.

6 MS. BULLITT: I do.

7 COMMISSIONER IMAMURA: I agree with Vice Chair Miller's
8 comments about -- I think, and, you know, everybody sort of shares
9 these aspirational goals for more and deeper affordable housing
10 across the City, as long as it's within the regulations that
11 we've seen, and I find sort of this nuanced interpretation of
12 conversation pretty interesting in how OAG looks at it versus OP
13 who are the planning experts.

14 And I appreciate the (audio interference) gymnastics
15 that OAG (audio interference). I don't think I have any
16 particular comments about your presentation per se, but I think
17 that -- I certainly hope that you see and I think that the public
18 has seen that the Commission certainly shares in those
19 aspirational goals and that we are trying to find creative ways
20 to encourage developers to do that.

21 So I feel as though OAG is sort of that sister agency
22 that continues to push the boundaries, and I think that's a
23 healthy -- that's sort of a healthy relationship, that we all
24 sort of play on the same team, if you will. All right. With
25 that, Mr. Chairman, I think Commissioner May have more probing

1 questions for Ms. Bullitt, so you're not done yet, Ms. Bullitt.

2 MS. BULLITT: Thank you.

3 CHAIRPERSON HOOD: Okay. I'll turn it over to Chairman
4 May. That's his new name now.

5 COMMISSIONER MAY: I'll actually have my name changed
6 tomorrow. All right. No, actually, I do not have any further
7 questions. I appreciate the analysis and I'm looking forward to
8 hearing from the Office of Planning and the Applicant and for
9 their reactions to this.

10 MS. BULLITT: Thank you.

11 COMMISSIONER MAY: Thank you.

12 CHAIRPERSON HOOD: Okay. Does the Applicant have any
13 cross of Ms. Bullitt, OAG?

14 MR. KADLECEK: No, thank you.

15 CHAIRPERSON HOOD: Okay. And who else? Oh,
16 Commissioner Quinn, do you have any cross of Ms. Bullitt?

17 COMMISSIONER QUINN: I do not. Thank you, Chairman.

18 CHAIRPERSON HOOD: Okay. Thank you. Thank you, Ms.
19 Bullitt. We appreciate you.

20 MS. BULLITT: Thank you, Chairman.

21 CHAIRPERSON HOOD: Take care. Okay.

22 Ms. Schellin, do we have DDOT and Ms. Burgess -- yeah.
23 Ms. Bridges, I'm sorry. Where did I get Burgess from? Ms.
24 Bridges.

25 MS. BRIDGES: Hello. Good evening, Chairman, and

1 Members of the Commission. For the record, I'm Kelsey Bridges
2 with the District Department of Transportation.

3 DDOT is supportive of the Applicant's proposal. As
4 you heard in the presentation, the Applicant has coordinated
5 with DDOT on the transportation impacts and has come to
6 agreement with the Applicant on a Transportation Demand
7 Management plan to mitigate the project's impacts on the
8 transportation system.

9 The Applicant has agreed to the additional TDM elements
10 DDOT requested in the report, as noted in the revised
11 Transportation Demand Management plan, Exhibit 30 on record.

12 With agreed to TDM plan included in the final zoning
13 order and continued coordination with DDOT for the Public Space
14 (indiscernible), DDOT has no objection to the approval of this
15 application. Thank you.

16 CHAIRPERSON HOOD: Okay. Thank you, DDOT. Ms. Bridges,
17 let's see if we have any questions. I don't have any. I want
18 to thank you for your report. Let's go to Vice Chair Miller.

19 VICE CHAIR MILLER: No questions. Thank you. Thank
20 you for your report, Ms. Bridges.

21 CHAIRPERSON HOOD: And Commissioner Imamura.

22 COMMISSION IMAMURA: No questions. Thank you, Ms.
23 Bridges.

24 CHAIRPERSON HOOD: All right. And Commissioner May.

25 COMMISSIONER MAY: No questions.

1 CHAIRPERSON HOOD: Okay. Let's go to -

2 VICE CHAIR MILLER: I may have one. Maybe I do have
3 one question.

4 CHAIRPERSON HOOD: Go right ahead.

5 VICE CHAIR MILLER: The ANC thought it was over-parked.
6 Do you think it's over-parked?

7 MS. BRIDGES: There is additional parking since -- more
8 parking than we would like since there are close to a Metro, but
9 they are reusing the existing facility and they have provided a
10 TDM plan that includes enhanced ops -- options to help encourage
11 anyone who's visiting or living in the projects to use alternative
12 modes.

13 VICE CHAIR MILLER: Okay. Thank you.

14 CHAIRPERSON HOOD: Okay. Before we go to the Office
15 of Planning, I'm going to take a six-minute break. Let's come
16 back at 6:36, if that's okay? 6:36. All right. Thanks.

17 (Whereupon, a recess was taken.)

18 CHAIRPERSON HOOD: Okay. Mr. Kirschenbaum, you may
19 begin.

20 MR. KIRSCHENBAUM: Thank you, Good evening.

21 Ms. Schellin, if you could upload our PowerPoint, that
22 would be great.

23 So good evening. Good evening, Chairman Hood, and
24 members of the Zoning Commission. I am Jonathan Kirschenbaum
25 with the Office of Planning.

1 Next slide, please.

2 We recommend this modification of significance. You
3 should have some evidence to allow for the redevelopment of this
4 existing PUD with a map related amendment to MU-9A.

5 Our recommendation relies heavily on the provision of
6 new housing and affordable housing at deeper affordability levels
7 than required by the regular IZ program. To ensure these two
8 public benefits are superior and will encourage long-term
9 residential tenancy, we recommend the following conditions:

10 No more than 10 percent of dwelling units shall be used
11 as co-living units and there shall be no lodging use, and the
12 Applicant has agreed to these conditions as you heard earlier.

13 And after hearing the Applicant's response, we no
14 longer recommend that no more than three units shall face the
15 interior courtyard per floor.

16 The projects would not be inconsistent with the maps
17 and policies of the Comprehensive Plan, including when reviewed
18 through a racial equity lens.

19 Next slide, please.

20 While the majority of the property is labeled high-
21 density residential, high-density commercial in the FLUM, it
22 should be noted that a portion of the eastern side of the property
23 is lated -- excuse me -- is labeled moderate-density residential.

24 The next slide.

25 When viewed in isolation, this portion of the site may

1 not be consistent with the FLUM. However, the Comprehensive Plan
2 notes that FLUM designations are generalized and do not follow a
3 specific property boundaries. Further, the FLUM itself is not a
4 zoning map. In addition, the moderate-density residential
5 designation in the Framework Element also states, "greater
6 density may be possible through a PUD." The Future Land Use Map
7 is intended to be used in conjunction with the Comprehensive
8 Plan's policies and actions. The Framework Element more
9 specifically states that "making this determination for a
10 selected zone district, the Zoning Commission considers and
11 balances the competing and sometimes conflicting aspects of the
12 Comprehensive Plan." In this case, the majority of the proposed
13 site is labeled high-density residential, high-density
14 commercial. The Comprehensive Plan contains many policies
15 supporting the creation of new housing and affordable housing
16 while avoiding displacement, which are all part - sorry -- which
17 are all proposed public benefits of these PUDs -- of this PUD:
18 310 housing units where none exists; deeper affordability at --
19 for the IZ units at 30 to 50 percent MFI levels and no
20 displacement of any residents.

21 Next slide, please.

22 Similar to the FLUM, while the majority of the site is
23 labeled a Regional Center on the policy map, it should be noted
24 that a portion of the eastern side of the property is labeled
25 Neighborhood Conservation Area.

1 Next slide.

2 The Framework Element states, "The guiding philosophy
3 in neighborhood conservation areas is to conserve and enhance
4 established neighborhoods," but not to preclude development,
5 particularly to address city-wide housing needs.

6 As I stated earlier, a major public benefit of this PUD
7 will be the provision of significant housing and affordable
8 housing that will directly address the District's city-wide
9 housing needs outlined in both the Comprehensive Plan and the
10 Housing Equity Report.

11 Next slide, please.

12 So the policy map also indicates that the property is
13 in a Future Planning Analysis Area. You heard some testimony
14 about this already. The Implementation Element states that PUDs
15 may proceed forward in these areas when the planning analysis and
16 re-zoning are combined. In this case, the proposed PUD has been
17 reviewed through a racial equity lens to ensure equitable
18 development; has been reviewed against the policies of the
19 Comprehensive Plan; it has been reviewed by various District
20 agencies to ensure adequate capacity of public infrastructure.

21 The benefits and amenities package has also been
22 reviewed by the community, the ANC and OP.

23 Regarding comments made about this needs to provide 33
24 percent of units at very low and extremely low incomes that is
25 not tied to PUDs, that is separate. You know, it's some sort of

1 separate category of projects that can proceed forward. But
2 again, as I stated, the Implementation Element is very clear that
3 PUDs are allowed to proceed forward in Future Planning Analysis
4 Areas where there has been no planning analysis -- already done
5 in this case, of course, this has had a planning analysis through
6 -- which is -- which we've discussed in set down report and our
7 public hearing report. So therefore, the planning analysis, the
8 rezoning requests have been combined and review of this PUD, at
9 this time, would not be inconsistent with the Comprehensive Plan.

10 Next slide, please.

11 Since the time of set down, we have continued to work
12 with the Applicant on the proposed benefits and amenities
13 package. Your overall design of the building would be superior
14 to what could be built as a matter of right, including stepping
15 down the building in the rear to be respective of the residential
16 neighbors to the east.

17 The PUD would provide 310 residential dwelling units
18 ranging from studios to two bedrooms, and this is a significant
19 public benefit, because in this planning area 77 percent of the
20 land is developed with detached, single-family homes. Only 10
21 percent of the land is developed with apartment houses. So this
22 will provide significant housing diversity, both in terms of unit
23 sizes and then also price points just because of the range of
24 unit sizes that will be provided for this project.

25 The PUD will also provide more affordable housing at

1 15.43 percent of residential floor area and deeper affordability
2 at 30 percent and 50 percent MFI, which is more than what's
3 required by the regular IZ program.

4 This is a superior public benefit considering only an
5 estimated 470 dedicated affordable units exist in this planning
6 area. Relatedly, the planning area has the lowest number of
7 (indiscernible) affordable units in D.C. and is in various need
8 of more affordable housing.

9 As noted in our public hearing report, we recommend the
10 Commission require that each 30 percent MFI unit be at least 800
11 square feet in size. We also appreciate the Applicant's
12 commitment to build out two units, one of them being IZ to the
13 ANSI A Center prior to lease-up, which will help support people
14 with disabilities.

15 And just to reiterate that IZ Plus was designed for map
16 amendment applications that are not part of PUDs. So again, PUDs
17 do now have an IZ Plus requirement and there are other benefits
18 and amenities that are part of this PUD to balance with the
19 affordable housing proffer.

20 Now, regarding those other benefits and amenities, we
21 find that the following proffers are also superior: landscaping
22 that adds to the attractiveness of the building and provides
23 additional open space for building residents; the goals and
24 retaining portions of the existing building to reduce
25 environmental waste that impacts in the neighborhood; planting

1 nine more street trees that are required on Wisconsin Avenue;
2 providing a solar array at the Iona Senior Center; commitment to
3 market the retail space to local minority and/or women-owned
4 businesses; and transportation improvements at the intersection
5 of 43rd Street Northwest and Military Road, as well as the
6 addition of ten electric vehicle charging stations on site.

7 So overall, we find that the public benefits and
8 project amenities provided through this PUD will be generally
9 commensurate with the amount of flexibility gained through the
10 PUD process.

11 Next slide, please.

12 Regarding racial equity, as we've discussed, the
13 proposal would provide 310 dwelling units where none currently
14 exist and in a planning area where there's very few apartment
15 houses to begin with. The Comprehensive Plan recognizes that
16 without increased housing, the imbalance between supply and
17 demand drives up housing prices. This planning area has both the
18 lowest share of dedicated affordable units in the District and
19 also the greatest need for more affordable housing as identified
20 in the Housing Equity Report.

21 As discussed earlier, 15.43 percent of the residential
22 floor area will be dedicated to IZ units, including two units at
23 33 percent MFI. Just under half of the units would be 50 percent
24 MFI, and just over half of the remainder of the IZ units would
25 be 60 percent MFI. This proffer contains more IZ units overall

1 and provides many units at deeper affordability almost than
2 required by the regular IZ program. Making room for more
3 affordable housing has the potential to benefit non-white
4 populations who on average have lower incomes than white
5 residents.

6 Redevelopment of the site would not result in
7 residential displacement, as there are currently no residential
8 uses at the property. The proposal would create more housing and
9 affordable housing in a transient-rich area that's adjacent to a
10 Metro station, and it's also along several bus lines. The project
11 would create jobs and would be in proximity to other nearby
12 employment opportunities.

13 Further, the Applicant hasn't -- excuse me -- the
14 Applicant has made a commitment to market the retail spaces to
15 local minority and/or women-owned businesses and provide a tenant
16 improvement allowance to such tenants to help outfit retail
17 spaces. The proposal would also help bring more residents to an
18 area where existing retail uses have been struggling in recent
19 years. The proposal will be located near many residential
20 amenities, including schools, retail, supermarkets and other
21 recreational opportunities.

22 Finally, the project would save approximately 1,150
23 tons of embodied carbon by retaining the below grade and ground-
24 floor steel and concrete. This will have a favorable
25 environmental impact by creating less pollution and material

1 waste, which will be favorable to all residents in the community.

2 And as discussed by the applicant, they have agreed
3 with OP's suggestions for design flexibility as outlined in our
4 public hearing report on pages 5 through 7. So with that, OP
5 can recommend approval of the application.

6 And again, just to reiterate, our recommendation relies
7 heavily on the provision of new housing and affordable housing
8 at deeper affordability levels that are required by zoning in
9 addition to the other benefits and amenities proffered by the
10 Applicant.

11 That concludes my presentation, and I'm happy to take
12 questions. Thank you.

13 CHAIRPERSON HOOD: Thank you, Mr. Kirschenbaum and the
14 Office of Planning. I do have a few quick questions, and I want
15 to thank you for your slide 4. I've probably heard it before
16 -- but this is definitely applicable and germane to this case,
17 when you said the competing interests, because sometimes
18 competing interests conflict. And I know when people present
19 their cases in front of us, they're focused on what their issue
20 is and their main thing is, and I know we have to include it all.
21 Sometimes we may not agree with, whether you're a proponent or
22 opponent and may not agree with OP, OAG, or whomever. We have
23 to take it all in and try to move forward, and this to me, your
24 PowerPoint page, on page 4 of your presentation was so apropos
25 to what we're doing, the way I see the case.

1 So I have a question -- a couple questions right quick.
2 You've heard and maybe Ms. Steingasser can answer -- first, let
3 me back up.

4 Did the Office of Attorney General when you were going
5 through the Comprehensive Plan Task Force -- I mean, not task
6 force, the Comprehensive Plan, the rewrite and everything, did
7 they participate? Were they around where they participated in
8 how we formulate and put things together, or how things were
9 done? And I know specifically I stayed away from it, because I
10 knew I would have to deal with it here. But I'm just curious,
11 what was their role? Either Mr. Kirschenbaum or Ms. Steingasser.

12 MS. STEINGASSER: Chairman Hood, I don't believe they
13 had a role. I don't think the making of the policy was not in
14 their purview at the time. And, as far as I know, they did not
15 participate in the submittals or in the review of the Comp Plan
16 drafts.

17 CHAIRPERSON HOOD: Okay. I'm just saying, because it
18 sounds like Monday morning quarterback. I don't want to do any
19 more Monday morning. I've done enough for today of being a Monday
20 morning quarterback. And I didn't have anything to do with it
21 in the beginning, so I just think that I could see the City moving
22 in a better direction. People don't have -- we don't have to
23 agree, but for the best interest of the City -- and I'm just
24 saying this for the record, I've said it previously -- but I just
25 think this Monday morning or after the zoning fact

1 | quarterbacking, it's not working for me. And I will let the new
2 | Attorney general know that if I have to. So I don't have a
3 | problem with that. I think he already knows it, because I've
4 | already expressed it, because I think it's not beneficial to the
5 | residents either.

6 | Also, all the -- you heard my new -- and I know the
7 | Office of Planning, you are the (indiscernible) the head of
8 | planning of the City, I get that. But when I start looking at
9 | the 30 percent, and as the Vice Chair has said, when I start
10 | looking at -- and I hear what the public is saying, let's get to
11 | -- let's get to lower. Let's get to where the rubber really
12 | meets and people who are in the most need.

13 | So, Ms. Steingasser, I don't know if you all can help
14 | me today, and I know this is not necessarily within our
15 | regulations, but I'm just curious. From a planning perspective,
16 | if I said 28 units at 50 percent, 26 units at 30 percent, and
17 | two units at 20 percent, what would you say back to me?

18 | If you have an answer now, it's up to you. If you do,
19 | you can give me a two-line answer later on. You don't have to
20 | do it now. But if I was to say that, what would you come back
21 | with?

22 | MS. STEINGASSER: I would come back this evening saying
23 | we would have to reach out to DHCD and work through the numbers
24 | with them and the Applicant.

25 | CHAIRPERSON HOOD: Okay. Okay.

1 MS. STEINGASSER: The effects on a project from the
2 developers standpoint, I'm sure they're going to respond as well,
3 has to do with their ability to get financing for the project to
4 -- because the IZ units, the affordability units are for the life
5 of the project, which means they are for the life of all of the
6 -- all of the loans, and so it has a financing implication behind
7 the scenes that we're not part of. But between those two, between
8 DHCD and the City's projects and funding and the development
9 project, we would ask to get back with you with that.

10 CHAIRPERSON HOOD: Okay. I would be interested in
11 that. And as I said, I'm going to try to push that in this case,
12 or any case. I just want to know so when we're making our
13 decisions, if we need to push for that, which I would love to
14 do. But I want to know the other ramifications to anything that
15 we do, and I get that.

16 So you've heard some of what the Office of the Attorney
17 General mentioned in their report, would you like to -- I think
18 the Vice Chair has already asked for this, so I don't really need
19 to, I think he's asked for a response to some of the report. Can
20 we get that or do you have one tonight for us or how?

21 MS. STEINGASSER: Yes, sir, we'll be happy to get you
22 a written response. In summary, we don't agree with the reading
23 and interpretation of the Future Planning Analysis Areas. We do
24 believe that with the -- we agree with Vice Chairman Miller that
25 the City Council made a very specific action to include allowing

1 funds to proceed simultaneously with or before a future planning
2 area. And we also don't agree with using IZ Plus as a floor. IZ
3 plus was to specifically be between a matter of right development
4 and a PUD. It was not ever meant to be part of the PUD analysis.

5 So this constant churning of the IZ Plus as some kind
6 of floor is just not at all consistent with the -- with the
7 purposes of the IZ Plus, the staff report or the orders that were
8 written for IZ plus. So those -- but we'll be happy to get a
9 more official written response for the record.

10 CHAIRPERSON HOOD: Okay. I would appreciate it. Again,
11 as I said, I know you all do the planning. I don't plan. I just
12 try to make it work and try to do it with the stuff before us,
13 and there are a lot of competing interests so.

14 I also would like to have about the Comp Plan, where
15 it mentions about the planning issues that you just mentioned.
16 If you can just either tell where that is, what regulatory --
17 where it is in the Comp Plan, I would like to read that. I've
18 heard it. I may have read it. I was trying to find it right
19 quick as Mr. Kadlecek had mentioned it, but I've been unable to
20 do that so.

21 All right. That's all the questions --

22 MS. STEINGASSER: It's like in the Implementation
23 Element.

24 CHAIRPERSON HOOD: It's in the Implementation Element,
25 okay.

1 MS. STEINGASSER: Yes, sir. Section 2503 is where it
2 really --

3 CHAIRPERSON HOOD: All right. Right on it; 2503.

4 MS. STEINGASSER: I'm very familiar with that section.

5 CHAIRPERSON HOOD: Right. All right. Okay. That's
6 all I have.

7 Let's see. Vice Chair Miller, do you have any questions
8 of OP?

9 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
10 you, Ms. Steingasser and Mr. Kirschenbaum for the Office of
11 Planning written report, all your work with the Applicant to
12 improve the project and your verbal presentation and responses
13 here tonight. And, yes, we look forward to having a written --
14 and I appreciate your willingness to provide a written response
15 to the conclusions about the non-compliant Comprehensive Plan
16 aspects and non-compliant IZ aspects of this project that is
17 before us that the Office of Attorney General has made with such
18 absolute certainty here tonight, as they have in other cases, in
19 their new advocacy role. So I think that would be helpful to
20 have, and we have cases going forward where we can improve and
21 enhance our Inclusionary Zoning and affordable housing
22 requirements, but we have certain requirements now and it's a
23 little bit disconcerting and to hear our -- how the proposal
24 before us is totally non-compliant with the Comp Plan, not only
25 the Comp Plan, but existing -- not only IZ Plus, which doesn't

1 even apply, but I think they said the regular Inclusionary Zoning.

2 So I think we need a, for the record, a point-by-point
3 rebuttal of -- if you -- or agreement, if you have it, if you do
4 agree with any of the conclusions that have been provided tonight.
5 I think that would be important to have for our consideration
6 going forward.

7 And the other aspect that I asked the Applicant to
8 provide, which I think you have provided, but if you could just
9 reiterate it maybe in any supplemental response that you provide,
10 is to whatever extent the moderate-density residential
11 designation on this site that's before us leads into the larger
12 development that's being proposed as part of this case. It would
13 just be useful to hear how the public benefits and the setbacks
14 and the step downs, mitigate and how the public benefits outweigh
15 any balance -- out balance that moderate density -- if any of
16 that height and density is one any part of it. I realize it's
17 not a zoning map. It's a soft edge map. You know we put -- I
18 remember when we put those -- there was a time early on when
19 those Comp Plan maps didn't have streets on them.

20 MS. STEINGASSER: Yeah.

21 VICE CHAIR MILLER: We couldn't even figure out where
22 they were -- where the designations were. We realize it's not a
23 zoning map, but I think that we need to supplement the record
24 and if there's anything else. I appreciate the supplement -- the
25 responses that you have provided verbally tonight for what you've

1 heard so far, and there may be other opposition testimony we'll
2 hear tonight, I don't know what we're going to hear. But if you
3 want to provide any -- anything else verbally, but I look forward
4 to hearing -- to having a written response so that our record is
5 complete so.

6 MS. STEINGASSER: Yes, sir. We'll be happy to do that.

7 VICE CHAIR MILLER: Okay. Thank you, Ms. Steingasser
8 and Mr. Kirschenbaum for your work on this project.

9 MS. STEINGASSEER: Uh-huh.

10 CHAIRPERSON HOOD: Okay. Commissioner Imamura.

11 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

12 I echo Vice Chair Miller's comment that Ms. Steingasser
13 and Mr. Kirschenbaum, I appreciate your responses, and your
14 expertise in planning and stewardship of the Comp Plan, so thank
15 you very much, both of you. And I will defer the rest of my time
16 or yield my time to Commissioner May.

17 CHAIRPERSON HOOD: Okay, Chairman May. I want to thank
18 you Ms. Steingasser, because I am looking at what you gave me,
19 at 2503 now, so thank you, and I may have question after Chairman
20 May finishes -- Commissioner May finishes.

21 COMMISSIONER MAY: I'm getting used to going last.
22 This is kind of fun.

23 VICE CHAIR MILLER: I used to like that position.
24 Yeah.

25 COMMISSIONER MAY: I've got a couple of questions. The

1 -- let's see. The -- oh, I forgot my questions. No, I got it.

2 So we so often are facing this comparison when we're
3 doing the PUD with what would have happened if this were an IZ
4 Plus case. And, you know, we know the difference between IZ plus
5 and PUD, and some folks don't have that much experience with it
6 and don't fully understand it, and some people do have a lot of
7 experience with it that still have their own opinion of what it
8 means.

9 But if you looked at it just sort of basically on the
10 numbers, and I think that somebody said that it would be 18
11 percent if it were an IZ Plus case. And so we're really talking
12 about the difference between 15.43 and 18 percent IZ in theory,
13 right, that might be the difference or something like that.

14 So in the Office of Planning and I -- it doesn't matter
15 who talks of this, just talk about what are the other factors
16 that sort of make up for that difference. Because, you know,
17 planning a new development is supposed to be, you know, a process
18 of granting some additional relief and flexibility in exchange
19 for superior public benefits. So what are some of those other
20 superior public benefits that come out of this, that are not just
21 the IZ Plus calculation?

22 MR. KIRSCHENBAUM: I can take that. So it would be the
23 overall design of the building. The stepping down of the
24 building, both -- I'm sorry in the rear to be respective of the
25 neighbors to the east, and the matter of right building could,

1 | you know, it would not have to be stepped back quite like that.

2 | It's also the way they have articulated the front
3 | facade along Wisconsin Avenue. It's also the greening of the
4 | building, which serves both as sort of projects amenity to the
5 | residents of the building, but also a sort of public benefit to
6 | the surrounding neighbors that will be, you know, if the design
7 | is effective, there will overall be a nice building that would
8 | not necessarily be built matter of right.

9 | There are also retaining portions of the existing
10 | skeleton of the building, and that will provide, you know, a
11 | great environmental benefit to the neighborhood by reducing
12 | pollution through the -- by reducing pollution during the
13 | building construction. They're providing a solar array at the
14 | Iona Senior Center. They are going to commit to marketing and
15 | the leasing of the retail space to local minority and/or women-
16 | owned businesses, and they will also be providing transportation
17 | improvements at the intersection of 43rd Street and Military Road
18 | to improve pedestrian safety there. They will also be providing
19 | more attributable charging stations that are required by DDOT
20 | specifications.

21 | And also, the last part too was -- is building out two
22 | ANSI units for people with disabilities. I mean, the buildings
23 | have to provide accessible units, but they don't have to be built
24 | out at the time of lease-up, and this will help people with
25 | disabilities who often have a hard time finding housing in

1 | general, this will provide two more housing units that are already
2 | built to those specifications. Okay.

3 | MS. STEINGASSER: And if I could add, Commissioner May.
4 | We don't start with an IZ Plus analysis. We don't even consider
5 | the IZ Plus. That's a -- that's an arbitrarily inaccurate place
6 | to start. We start with what is IZ. And in this case, we would
7 | look at what would the IZ requirement be as part of any
8 | requirement, but this is an existing PUD, so it's got a very
9 | substantial amount of infrastructure underneath it. The parking,
10 | the below grade spaces, they all exist, and so it would be a very
11 | difficult application to try to say, okay, this is what the matter
12 | of right would be, because is the matter of right the existing
13 | PUD that's been on this site, or is it what's underneath that
14 | PUD which is, you know, lower and goes back to the 1980s.

15 | So we would start -- we would start with what is the
16 | matter of right of the existing site. And then we add on IZ.
17 | And then we start to look at what are -- what does the Comp Plan
18 | say about other priorities for this area? And is there something
19 | we know of that the neighborhood is really adamant about. And
20 | then sometimes it's space for daycare, that's a big one. Or a
21 | senior facility.

22 | You know, there are types of social programs that are
23 | expensive to operate and difficult to find space for and so that
24 | may be important to a neighborhood. And in the case of the Iona,
25 | the solar array not only generates the energy for the building,

1 but it also creates a type of repeating income that comes in from
2 the cell of a surplus energy, so it creates -- has the kind of,
3 like double give there.

4 So we start by looking at those kind of things. We
5 don't hop to straight to IZ Plus. And to be honest, because IZ
6 Plus was never meant to be applied for a PUD, it was meant to be
7 in place so that when the Comprehensive Plan FLUM was adopted,
8 there would be -- there wouldn't be a rush to just get map
9 amendments, and then we would end up with only the eight and a
10 half to 12 percent IZ. We wanted to make sure that we didn't
11 lose that opportunity that we would normally capture under PUD,
12 and so that's where the IZ Plus came in. So there was, you
13 know, matter of right with IZ, IZ Plus for map amendments and
14 then the PUDs. So there was a tiering effect of how these work
15 as tools for development of the site.

16 COMMISSIONER MAY: Okay. Thank you. I honestly -- you
17 all didn't tell me anything I didn't already know from either
18 reading the record or from our experience with IZ Plus, but I
19 think it's important to reiterate this during the course of the
20 hearing so that people who are listening to us who are not
21 exposed to it all the time, get to understand what IZ Plus is
22 and what it is not. And it's also helpful, I think, for people
23 who try to use it as a tool to push the Zoning Commission to make
24 different decisions that they understand what the role of IZ Plus
25 is and is not.

1 I also think, you know, in this circumstance, I think
2 one of the things that we have to keep in mind is that any time
3 we do a PUD, it's going to get compared to what would happen
4 under IZ Plus, and so, even though, you don't start there as a
5 planning -- in the planning process, it is a measure that people
6 will always apply, and so, I think we have to understand it in
7 that context.

8 So I want to go on to the FLUM question for just a
9 second. And the property as it is, the building that's already
10 there is already partially located within what would
11 theoretically be beyond that soft border of the higher-density
12 development and into the neighborhood conservation area, is it
13 not?

14 MR. KIRSCHENBAUM: That would be correct.

15 COMMISSIONER MAY: Yeah. And the building, the portion
16 of this block directly to the north, and I've already forgotten
17 the name of the building, but the building that's to the north
18 of the corridor, it looks like about 40 percent of that is
19 arguably within the neighborhood conservation area already and
20 is a higher development, higher-density development; is it not?

21 MR. KIRSCHENBAUM: I don't know about the percentage
22 that's in that area, but, yes, it is a higher density development.

23 COMMISSIONER MAY: Yeah, and it's -- but it definitely
24 bleeds over some of these. In other words, it bleeds over, right?

25 I mean, you can't really apply a percentage, because

1 again, it's a soft border -

2 MR. KIRSCHENBAUM: Right.

3 COMMISSIONER MAY: -- and the FLUM is not a zoning map.
4 So there's already that kind of overlap between the higher density
5 development and the neighborhood conservation area.

6 Okay. One last question: I know this is in there
7 somewhere, but the density that is proposed is 7. something
8 percent, but the density that would be allowed in this zone if
9 they maximized would be how much?

10 MR. KIRSCHENBAUM: So if this was just sort of a
11 straight map amendment to MU-9A, it would be 7.8. So they're
12 under -- they're building a little under the maximum FAR allowed
13 by the MU-9A zone.

14 COMMISSIONER MAY: Okay.

15 MR. KIRSCHENBAUM: You know, and that's actually
16 significantly under what would be allowed through a PUD
17 (indiscernible). They theoretically could have requested up to
18 9.36 FAR.

19 COMMISSIONER MAY: Right. Right. And we heard the
20 applicant make case that it was not about the density. It was
21 about getting flexibility on the height, so that they could push
22 some of the height closer to Wisconsin Avenue and then soften the
23 edge toward the neighboring community.

24 MR. KIRSCHENBAUM: Correct. I just think it's important
25 to point out that that is -- you know, that is a primary purpose

1 of a PUD for this sort of ability to sort of move density to make
2 these buildings work in kind of with the neighborhood and also
3 to give the Zoning Commission discretion over these, you know,
4 designs -- excuse me -- over the designs of buildings in a way
5 you that, you know, a map amendment with just IZ Plus does not
6 provide.

7 COMMISSIONER MAY: Right. Okay. Thank you very much.
8 You circled back to my other point. Very good. Thank you very
9 much.

10 MS. STEINGASSER: Commissioner, if I could --

11 COMMISSIONER MAY: Yes.

12 MS. STEINGASSER: Let's see, on slide 5. If Ms.
13 Schellin can bring up slide 5 for you. It shows the Regional
14 Center designation, and there's only two Regional Center
15 designations on the Comprehensive Plan.

16 One in Georgetown and one up here in Friendship
17 Heights. And part of the definition of that Regional Center
18 talks to the issue of height and density being second only to
19 downtown, that there needs to be a recognition of that height and
20 density, and as it steps back and is -- is -- we don't have the
21 full definition of it here on the slide, but it is very much a
22 distinct -- distinct categorization, and it's one of the few
23 times where the policy map really leads the land use more than
24 the FLUM, and you'll be seeing another case coming up. And so,
25 it does recognize that there is a focus on this part of Friendship

1 Heights. You can see that it is indicating that the bulk of the
2 building should be focused on the street and not on to the west
3 -- I mean to the east of the neighborhood. But that definition
4 is really an important one and extra height and density are
5 actually called out in the definition of the Regional Center.

6 COMMISSIONER MAY: Great. Thank you, very much.

7 MS. STEINGASSER: Uh-huh.

8 COMMISSIONER MAY: That reminds me of something else
9 that I've been meaning to say. Well, it would be helpful when
10 the Office of Planning is going to actually offer a PowerPoint
11 presentation, that we have it at least a little bit in advance,
12 so that we can pull it down and look through it. Because a lot
13 of times I'm flipping back-and-forth while I'm watching what's
14 on -- what's being presented to us, I'm flipping back-and-forth
15 on the actual submissions, so it would be helpful for us to have
16 this. I know it eventually it gets into the record, but having
17 it, you know, by hearing time would be very helpful.

18 MR. KIRSCHENBAUM: Certainly.

19 COMMISSIONER MAY: Okay. Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you. Let's see, any
21 go backs?

22 Vice Chair Miller.

23 VICE CHAIR MILLER: Okay. Thank you, Mr. Chairman.

24 I appreciate all the responses to my fellow
25 Commissioners' questions.

1 Just one quick follow -- final question.

2 I appreciate that you're going to provide further the
3 written responses to our questions and the Office of the Attorney
4 General's comments, but what is -- and this isn't really -- well,
5 what just out of curiosity, what is the status of the Friendship
6 Heights Planning Analysis that the Office of Planning is
7 undertaking and what is the estimated timetable that's involved
8 with that?

9 MR. KIRSCHENBAUM: You're on mute.

10 MS. STEINGASSER: The Upper Wisconsin Avenue Framework
11 is expected to be done in early 2023, and there will be no Small
12 Area Plan following that. This will be the planning document to
13 address the -- the Future Planning Analysis Area.

14 VICE CHAIR MILLER: Okay. Thank you. I just wanted
15 to have a context for that. Thank you.

16 CHAIRPERSON HOOD: And I just want to note the way I
17 read 2503, I think we're perfectly in line with what we're doing
18 here this evening unless somebody can -- maybe I'm misreading it.
19 I mean, that happened before. So I just wanted to say that and
20 if somebody who has a problem with us proceeding like this can
21 help me understand that language better, then I would appreciate
22 that as well.

23 All right. Any other questions? All right. Let's go
24 to the -- Applicant, do you have any questions of the Office of
25 Planning?

1 MR. KADLECEK: No questions. Thank you.

2 CHAIRPERSON HOOD: Okay. And Commissioner Quinn, did
3 you have any questions of the Office of Planning?

4 COMMISSIONER QUINN: No. Thank you, Commissioner.

5 CHAIRPERSON HOOD: Okay, thank you, Office of Planning.
6 We appreciate the report. Okay.

7 Now, let's go to the ANC. Commissioner Quinn is going
8 to be represented the ANC 3E, I believe. There you go. You may
9 begin.

10 COMMISSIONER QUINN: Good evening, members of the
11 Zoning Commission. My name is Tom Quinn, and I am an Advisory
12 Neighborhood Commissioner representing Single Member District
13 3E04, which runs along the east side of Wisconsin Avenue from
14 Tenleytown to Western Avenue.

15 I'm here today to testify on behalf of ANC 3E in support
16 of this request to build a 12-story mixed use development at 5333
17 Wisconsin Avenue.

18 This proposed project is in my Single Member District,
19 and when this hearing began and it was still light out, I could
20 see the gap between the buildings adjacent to these two lots, two
21 blocks due west of me from my desk at home in the 5300 block of
22 41st Street.

23 Although the requested map amendment sought for this
24 project allows additional density above what can be built by
25 right, the property is on the same block as a Metrorail station

1 and is situated within a mixed-use residential, high-density and
2 commercial high-density development designation on the
3 Comprehensive Plan's Future Land Use Map.

4 The applicant presented at seven properly noticed and
5 public ANC 3E meetings between March and December of 2022. While
6 the ANC 3E has reservations regarding this project as proposed,
7 it features numerous benefits and amenities beyond what will be
8 provided for a matter of right project, and it will advance
9 policies of the Comprehensive Plan, including the following. And
10 I've got an entire page of amenities. I'm not going to list
11 these because the Applicant has listed them and the Office of
12 Planning has listed them twice.

13 I do want to add a little bit of background to some of
14 these amenities and how we got to them, which is not in my written
15 testimony since I'm subtracting a page here.

16 Particularly, on my own, I want to just talk about the
17 solar panels and how we got there. We had from the beginning
18 asked for two things in this project that we were ultimately
19 unable to deliver. The first of which was we wanted the Applicant
20 to cover the roof of the project with solar panels. That turned
21 out to not be entirely feasible, in part, because of the terracing
22 of the building. They didn't have a large contiguous roof area,
23 because of the step downs, which was, obviously, we considered
24 that a community benefit in the design. So that that sort of
25 precluded a large solar array along with the green roof features.

1 The other thing we tried to do from the beginning at
2 the request of some of our constituents was to include some space
3 in the building for a neighborhood organization. That sort of
4 unfortunately turned out to be a dead end for a couple of reasons.
5 Primarily, that we could not find a DC agency that wanted to
6 lease space, even if we could find a workable amount of space in
7 the building, so we just sort of hit a dead end on that. But
8 one of the organizations we were hoping to find space for because
9 we don't have a senior center in Ward 3, was Iona, which if you're
10 not familiar, is a senior services non-profit that is currently
11 located in Tenleytown.

12 So we were trying to -- trying to find a way to leverage
13 this process to get them a usable community space. We didn't
14 get there, but we sort of stumbled on the idea of the Applicant
15 paying for the solar they couldn't put on their own roof, on the
16 roof of Iona, which would provide them -- I mean, we're estimating
17 -- we think it could be good for about \$10 to \$15,000 a year
18 worth of combined free electricity and solar renewable energy
19 credits. That's how we got to that amenity and it checked a
20 couple of boxes at the -- not just the ANC, but some folks in
21 our community had been asking for benefits for that important
22 community institution.

23 Another thing that we had asked for was improving the
24 street trees along Wisconsin Avenue. If you're not familiar with
25 that block, the street trees on the other side of the block had

1 never grown in. We've had meetings with Urban Forestry and the
2 commercial landowners on all sides of Wisconsin Avenue and
3 Friendship Heights, and we were basically told that these tree
4 vaults were a stumbling block to getting mature street trees on
5 the block. And if you've been there, we just have these puny
6 -- if they're even there at all, we have these puny runt of trees
7 on that block. So that was a response to something we asked for
8 that we think is going to improve the neighborhood, and I think
9 will also be an immediate benefit for the future residents of
10 this project.

11 Some (indiscernible) Chevy Chase Park is, if you're not
12 familiar, is right on the border between D.C. and Montgomery
13 County, and the landscaping around the park has been in dismal
14 condition for the 20 years I've been in the neighborhood. We've
15 had no success in getting DPR and DGS to improve it. It's two
16 blocks from the project. It's essentially -- it's the border
17 between the District and Montgomery County. We thought it was
18 an embarrassing -- embarrassing what this block of our
19 neighborhood looked like. And we suggested that as an amenity
20 and they agreed, so we're really excited to see this -- this two
21 block stretch be landscaped and improved.

22 Another one of the benefits that's been listed is the
23 improvements at 43rd and Military, which has an immediate access.
24 This is actually the back intersection adjacent to this block,
25 and it has long been an unsafe crossing. We've been seeking help

1 from DDOT for 20 years on this block. And I don't know if it's
2 a monetary thing or a manpower capacity issue, we've never had
3 any headway with DDOT and the Applicant has stepped up and agreed
4 to spend quite a bit of money to improve this intersection. We
5 are very excited about it. I'm not sure -- the Friendship
6 Children's Center who has actually two childcare centers on
7 opposite sides of this intersection. It's a nonprofit, parent
8 run childcare center, both built, both centers, by the way, were
9 paid for -- were proffered as PUD amenities, if you had forgotten
10 those. Hopefully, they're going to have someone here to testify
11 tonight in favor of that particular amenity, because that's one
12 of -- the Friendship Children's has been asking for intersection
13 improvements at this intersection since my kids started there 15
14 years ago, so we're really happy to deliver that.

15 But what I want to quickly go over is the retail
16 agreement. They did agree with us on some limits to the retailers
17 who can come in, but more importantly, some money for buildout
18 if we can recruit a woman or local or minority-owned business.
19 We're excited about the possibility of that helping to deliver
20 some tenants that we have not had in the neighborhood to date.

21 We're also excited about the LEED Gold certification.
22 One thing that the Applicant hasn't mentioned is they are going
23 to make two of the electric vehicle charging stations available
24 to the public. I think in terms of trying to build out in
25 network, publicly available charging stations, we need to be

1 getting them everywhere and we don't currently have any on this
2 block. So when this project delivers, we'll have some publicly
3 available EV charging stations.

4 Another little quirk that they didn't mention is they
5 are providing some bicycle parking spaces on the ground floor.
6 The zoning doesn't really stipulate where the bicycle parking
7 spaces go. And we certainly thought for people who actually
8 bike, having their bikes near the front door as opposed to having
9 to go in the garage and then get the bikes out of the garage to
10 get to the street would -- that undermines one of the primary
11 conveniences of biking, which is you can get to and from the
12 front door really quickly. So we're happy that they stretched
13 to provide some space near the lobby for bicycle parking for
14 residents who bike a lot.

15 All right. So the Applicant has embodied all the
16 foregoing promises which I didn't fully list, and others in the
17 Memorandum of Understanding executed contemporaneously with this
18 resolution, which I've also submitted to the record, and has
19 agreed to ask the Zoning Commission to embody the terms of this
20 MOU in any Zoning Commission order regarding this case. However,
21 despite our enthusiasm about the amenity package in support of
22 this proposal, ANC 3E believes this project, like every project
23 has room to be better. Although we are grateful for the IZ units
24 the project will provide, we believe the current housing crisis
25 and especially the dearth of affordable units in our neighborhood

1 requires the ANC, Applicants, and the Zoning Commission to always
2 seek as high a number of IZ units as is economically viable, and
3 we urge the Zoning Commission to join ANC 3E in always pressing
4 Applicants for maximal IZ.

5 Second, we are disappointed by how little retail space
6 the applicant is offering. We understand that cavernous mall
7 retail no longer attracts many patrons in this area. We believe
8 ample street retail is vital to Friendship Heights'
9 revitalization. For years, developers and smart growth
10 advocates, including some of us on the ANC 3E have argued that
11 what retail needed to succeed was more residential density. With
12 this project, and at least two others nearby in progress, and
13 likely additional projects appearing in the near future, we will
14 finally have the density to support great retail.

15 Yet, the Applicant has told the ANC and the public that
16 it will build only 15,000 square feet of retail space, and the
17 applicant has asked in filings for flexibility to build as little
18 as 9,000 square feet of retail space, although the Applicant has
19 subsequently offered to commit to a minimum of 10,500 square
20 feet. We believe this is a missed opportunity.

21 Third, the project contains considerably more parking
22 than is required by zoning for a building so close to a Metro
23 station, and there's ample excess parking available in the same
24 complex. We believe this will unnecessarily incentivize driving
25 and car ownership and that the current retail space that is being

1 converted to parking could have been better put to other uses,
2 particularly since that space has unusually high ceilings.

3 The final concern we have grappled with as have others
4 on this hearing tonight, is the applicant's decision to move
5 forward with the project before the Wisconsin Avenue Development
6 Framework is concluded. Given the value of getting some buildings
7 built as soon as possible, we accept the Applicant's decision to
8 proceed now, but we note that our concerns above might have been
9 addressed in the completed development framework.

10 In spite of the foregoing, we believe the provision of
11 both market rate and affordable housing and other amenities
12 enumerated above outweigh our concerns and the project merits
13 support.

14 It's ANC 3D's view despite the concerns noted above
15 that the height and density sought for the project are appropriate
16 if the Applicant provides the above-listed amenities, which ANC
17 3E believes are commensurate with the project's scope.

18 In reliance on the promises contained in the MOU, which
19 we've also submitted to the record, the materials submitted in
20 connection with the above referenced application, the ANC 3E
21 supports the application and respects -- respectfully joins the
22 Applicant in asking the Zoning Commission to incorporate each and
23 every provision in the MOU in any order issued in connection with
24 the above-referenced application.

25 ANC 3E voted to support this project with three

1 Commissioners who voted in support, one in opposition, and one
2 Commissioner not present at its properly noticed public meeting
3 on December 1st, 2022. Thank you for the time. That concludes
4 my testimony.

5 CHAIRPERSON HOOD: Thank you, Commissioner Quinn. We
6 appreciate your testimony and all the work that the ANC does.
7 I guess Chairman Bender, yourself, and all your other -- well
8 the other two Commissioners as well.

9 One of the things that I do want to ask is -- let me
10 see if I can find it -- you mentioned an E on page 2 of your
11 submission. It says, "The developer will make an effort to market
12 to and recruit local, minority, and women-owned businesses to the
13 retail space and will offer a tenant improvement allowance of up
14 to \$40 per square foot to assist in build-out costs to such
15 businesses." So I think that's great. I don't know if you
16 probably helped them or directed them. I know we have the Black
17 Chamber of Commerce. We have the Hispanic Chamber of Commerce.
18 And I'm saying that actually so that the Applicant can listen.
19 I'm hoping they reach out and some of those businesses also.
20 Because I know we have a D.C. Chamber of Commerce to do exactly
21 what you all have asked for here, and I think that's very
22 admirable of this area to ask for that, this ANC. And I do like
23 your report. It tells me exactly where the problems still lie.
24 And I see where you all covered about the concern about the
25 framework -- Wisconsin Avenue Development Framework, so I think

1 this is pretty straightforward.

2 I don't have any questions, but, I will -- the only
3 thing I will say is that -- I'm sure I'll leave it up to our
4 legal folks -- but typically we point at this MOU, memorandum of
5 understanding, or whatever your agreement is, I'm not sure -- we
6 will do whatever we can in our order, but I think we particularly
7 mention it, that this is in place, but I will leave that up to
8 the legal folks in the Office of Zoning Legal Division. But
9 thank you for the work that you all have done, because I think
10 this is very well done, and now I don't have any questions.

11 So, Vice Chair Miller, any questions or comments.

12 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
13 you Commissioner Quinn for all your work on this case and all
14 the other issues in ANC 3E.

15 Do we have -- just remind me. Somebody remind me. Do
16 we have in the record, the memorandum of understanding between
17 3-E. Okay. You submitted that, Mr. Quinn?

18 COMMISSIONER QUINN: (No audible response.)

19 VICE CHAIR MILLER: So we have that. So we want to at
20 least reference it in the order, if we get to that point, and
21 incorporate as much as you asked for into what's appropriate as
22 conditions of our order, and I -- so, thank you. Thank you for
23 that. I just -- I'm not on top of all what's in our record being
24 at a remote location. I usually have paper in front of me. I
25 know nobody else deals with paper on our Zoning Commission, but

1 I'm still back in the 20th century on that. So. But thank you.
2 I appreciate -- I appreciate all your work on this case. Thank
3 you.

4 CHAIRPERSON HOOD: Okay. Commissioner Imamura.

5 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

6 Commissioner Quinn, I just want to comment that I
7 appreciate your work and contributions to the body of politic
8 through the ANC. And I will yield the rest of my time to
9 Commissioner May.

10 CHAIRPERSON HOOD: Commissioner May.

11 COMMISSIONER MAY: I do not have any comments or
12 questions. I appreciate your testimony and all of the work that
13 you put into this project. I mean, seven presentations on this
14 project alone at ANC meetings seems like a lot, so I appreciate
15 that. We're only going to have one.

16 CHAIRPERSON HOOD: All right. Thank you. Let's see
17 if we have any questions of the Applicant, the Applicant's team.
18 Mr. Kadlecek.

19 MR. KADLECEK: No questions. Thank you.

20 CHAIRPERSON HOOD: Okay. And I'm sure Commissioner
21 Quinn doesn't have any questions of himself so.

22 All right. Thank you. All right. Hold tight
23 everybody. Let's go to -- Ms. Schellin.

24 MS. SCHELLIN: Yes, sir.

25 CHAIRPERSON HOOD: Let's see if we can work through the

1 witness list.

2 MS. SCHELLIN: Okay. All right. First, Mr. Kadlecek,
3 can you tell me if Andrea Foss is part of your team?

4 MR. KADLECEK: Yes, she is.

5 (Crosstalk.)

6 MR. KADLECEK: Yes, she's part of our team. So, yes.

7 MS. SCHELLIN: Okay. That's what I thought. I just
8 wanted to verify. Okay. Let me look for -- first, Charlotte
9 Jackson. She is here, so I am going to make her a panelist. And
10 then Cheryl Cort. She is here. I'll make her a panelist. And
11 then we have Ellen McCarthy, Ms. Spaulding. I think we can get
12 -- oops, I don't see Ms. Spaulding on here now.

13 CHAIRPERSON HOOD: Who's that little lady trying to
14 hide behind Ms. Jackson. We like little old ladies. We would
15 like for them to come up and tell us their name. Don't be
16 bashful. Come on up and tell us -- she said, I don't know you.

17 MS. JACKSON: Are you ready? Say hi.

18 CHILD: Hi.

19 CHAIRPERSON HOOD: And then we got -- and then we got
20 -- we got somebody they don't have a problem coming to the - tell
21 us your name. Your first name. Don't give us your last name.
22 Don't give us your last name. Just tell us your first name.

23 MS. JACKSON: Suzanna (phonetic).

24 CHILD: Suzanna.

25 CHAIRPERSON HOOD: And the other person, the other

1 young -- the other person. And the other person who ran -- who
2 may not want to tell us your first name.

3 CHILD: I'm Marianne (phonetic).

4 CHAIRPERSON HOOD: So are you all enjoying what you all
5 are watching? Are you all watching us?

6 CHILD: Yes.

7 MS. JACKSON: Barely.

8 CHAIRPERSON HOOD: Is it interesting?

9 CHILD: Yes.

10 CHAIRPERSON HOOD: Okay. Well, play it back tonight
11 and you'll probably go to sleep. Well, it's good to see you all.
12 Glad you are listening, or you're getting ready to listen.

13 All right. Ms. Jackson --

14 MS. SCHELLIN: Okay, I don't see -- I'm sorry. I don't
15 see Ms. Spaulding. Susan Spaulding, I no longer see on here,
16 and I don't see Mary Jobe. I believe, J-o-b-e.

17 MR. KADLECEK: Ms. Schellin, we know -- Ms. Spaulding
18 told us that she had to leave, so she's not back.

19 MS. SCHELLIN: She had to leave, okay.

20 And do you know anything about Mary Jobe, J-o-b-e. She
21 signed up late, so she may have left too. So right now, I just
22 have the three. Those are the ones that signed up in support.

23 CHAIRPERSON HOOD: Okay. Thank you. Let's --

24 MS. SCHELLIN: That's all I have.

25 CHAIRPERSON HOOD: Let's take Ms. Jackson first. I see

1 the young people are getting ready for school tomorrow. Okay.

2 MS. JACKSON: Thank you. Yeah, so I live on 43rd Street
3 in the Courts of Chevy Chase. Mary Jobe or Jobe does actually
4 live on 43rd Street also, she's on the other side of the street
5 from me. And she is a current parent at Friendship Children's
6 Center who has also expressed concern to me about that
7 intersection at 43rd and Military.

8 My children both attended FCC. I am also the Ward 3
9 representative to the D.C. Pedestrian Advisory Council. And so
10 we -- I along with Tom have been trying to get some safety
11 attention to this intersection for years and years. We've really
12 just encountered a lot of resistance and indifference from DDOT,
13 which is, you know, very disappointing considering that the
14 employees, you know, the staff and the parents and the students
15 at FCC have repeatedly raised concerns about the dangers, and
16 also sometimes the abusive and aggressive behavior that they face
17 from drivers.

18 You know, we have teachers that are trying to walk
19 across this intersection, you know, with toddlers and
20 preschoolers, and because there's not sufficient safety
21 infrastructure in place, you know, they get these just
22 aggressive, horrible comments like yelled at them by angry
23 drivers. It's very threatening. It's very stressful.

24 So, we are all thrilled. We're just very thrilled that
25 the, you know, the developer is offering to make these long

1 requested safety improvement to this intersection as part of
2 their development. It's just a big relief to us to have that
3 raised crosswalk and those extensions there.

4 And actually, Suzanna asked if she could say a little
5 bit in her own words about how -- because she crossed that
6 intersection to go to FCC for many years, and experienced that
7 it was not that safe. So she asked if she could just say in her
8 own words that what she feels about the safety changes to the
9 intersection.

10 SUZANNA: It's very dangerous to these little kids who
11 don't eat -- haven't -- don't know as much as the people in
12 elementary school. And since they're like one of the youngest
13 kids to be crossing that road, it's not as safe for them, because
14 drivers can't see them, and there could be accidents and many
15 people could get -- get hurt, and we don't want that.

16 MS. JACKSON: So we're all very excited that there's
17 safety improvements coming to the intersection. And, in
18 addition, we are -- we are just very supportive of the project.
19 There's been a ton of outreach from the developer, like from the
20 very beginning of the project has an outreach. You know, the
21 project itself is -- we're very excited about, like, the retail
22 around here as, you know, is like is -- really struggling and
23 we're really excited about the prospect of like some local, you
24 know, businesses to add to the retail, like, options for us.
25 Especially, if they're like women-owned or minority-owned,

1 that's great. More housing, also always great. Especially around
2 here where there's like the transit and the walkable options to
3 support it without generating a lot of extra car trips.

4 So overall, just very supportive (indiscernible.) And I'm
5 sorry. Marianne would also like to briefly say something.

6 MARIANNE: So it's quite dangerous and like my sister
7 said, the younger kids can get hurt and so adults and other older
8 kids can. And sometimes some of the drivers aren't paying
9 attention. There could be an accident and the driver could hit
10 somebody.

11 MS. JACKSON: Yeah, which is very scary. So, that's
12 all we have to say. I'm sure I'm probably over the three-minute
13 time limit, but thank you for hearing the public input.

14 MARIANNE: Is it over?

15 CHAIRPERSON HOOD: No, we're not over, but I do want
16 to say that it's always encouraging me when I see young people
17 come down and testify, and I want to thank you both.

18 Actually, all three of you, but I especially want to
19 thank the young folks, because you all -- you all are the ones
20 who are directly impacted and you see it and that shows us that
21 you're paying attention.

22 And what I like the most about your testimony is that
23 don't have it written down. I have to write notes, because I
24 can't -- I have to remember; try to remember, but you all --
25 you all handled it. You were very concise and you all did an

1 excellent job, and this is your start to being involved in
2 community engagement, so thank you both. I really -- we really
3 appreciate it.

4 MS. JACKSON: Thank you.

5 CHAIRPERSON HOOD: And guess what? Tell your friends
6 when you go to school, tell them to Google the Office of Zoning,
7 and they will be able to see it. Even your teacher. Maybe,
8 they'll give you an A for it, and tell them to watch that part.
9 Maybe they'll give you a good grade for participating tonight.
10 Okay.

11 MS. JACKSON: That's a good idea. Thank you so much.

12 CHAIRPERSON HOOD: Thank you, both.

13 All right. Thank you.

14 Let me see if they have any questions for you, Ms.
15 Jackson, first before you go.

16 MS. JACKSON: All right.

17 CHAIRPERSON HOOD: Any of my colleagues have any
18 questions or comments?

19 COMMISSIONER MAY: No. Thank you.

20 CHAIRPERSON HOOD: Okay. Does the Applicant have any
21 questions or comments?

22 MR. KADLECEK: No thanks.

23 CHAIRPERSON HOOD: And, Commissioner Quinn, any
24 questions or comments?

25 COMMISSIONER QUINN: (No audible response.)

1 CHAIRPERSON HOOD: Okay. Thank you both. I mean,
2 thank you all three of you. Take care. Good night.

3 MS. JACKSON: Thank you. You too. Good night.

4 CHAIRPERSON HOOD: All right. Ms. Schellin, I think
5 we go to Ms. Cort. Who's next?

6 MS. SCHELLIN: Ms. Cort.

7 CHAIRPERSON HOOD: Ms. Cort. Ms. Cort. Okay, Ms.
8 Cort, you may begin.

9 MS. CORT: Thank you, Chairman, and Members of the
10 Commission. My name is Cheryl Cort. I'm with the non-profit
11 called Coalition for Smarter Growth. We are dedicated to making
12 the case for smart growth to promote walkable, inclusive transit-
13 oriented communities and the land use and transportation policies
14 investments needed to make those communities flourish.

15 We wish to express our support for this planned unit
16 development to redevelop an existing retail building into a 12-
17 story, 130-foot mixed-use building with 310 apartments, more or
18 less, in the Friendship Heights Regional Center, a high amenity
19 neighborhood.

20 We support the 15 percent set-aside, which is higher
21 than what is required and we especially support the deep
22 affordability offered with the 30 and 50 percent median family
23 income units, which are very expensive to provide.

24 The planned unit development advances racial equity in
25 preventing displacement in two ways. First, it adds housing into

1 an exclusive Upper Northwest neighborhood, which helps to reduce
2 displacement pressures elsewhere in the City, where it's easier
3 to build and it also adds significant, affordable and deeply
4 affordable homes without displacing anyone. It's just replacing
5 some retail.

6 We appreciate that this is a planned unit development
7 and not a matter of right project. We are concerned about a
8 number of matter of right projects moving forward, meaning they
9 are under producing housing in this sought after neighborhood.
10 They are helping to cause a shortfall in the Mayor's goal for
11 affordable housing in this neighborhood. And so we want to
12 encourage developers to provide a planned unit development where
13 we can get more housing, more affordable housing, and other
14 amenities.

15 We -- and we -- and the question about a PUD in the
16 related to the planning -- future planning work going on is that
17 we worked very hard on the Comprehensive Plan, and we strongly
18 supported not stopping producing a lot of housing in Upper
19 Northwest in order to do the planning exercise if we could do it
20 through a planned unit development, and that's what was provided
21 for. That's how the Council decided to move forward with that.
22 So we have the planning effort. I actually -- I just went to
23 one of the planning workshops this weekend, that is moving
24 forward. And what we want to see in the future out of that is
25 that we re-zone properties that are designated in the new Future

1 Land Use Map for a higher density and that we incorporate IZ Plus
2 into those, so that we can actually build out those properties
3 as a matter of right with those higher levels of IZ in them.

4 And in terms of the benefit that's being offered
5 through the IZ on this site is that the cost of those 30 percent
6 -- the 30 percent median family income units are extremely
7 expensive. They are typically really only done through deep
8 subsidy programs, like local rent supplement combined with
9 Housing Production Trust Fund. They are rare. It's hard to
10 produce them, and so, it's very limited to take this into a
11 market-rate development to produce those 30 percent median family
12 income units and to some extent the 50 percent. Thirty percent
13 median family income units don't even come close to covering
14 their operating costs from the rents recovered from that unit,
15 and so it requires a lot of ongoing operating subsidy. So we
16 appreciate that -- this is sort of -- those deeply affordable
17 units are going to be limited, but very much valued that they're
18 in the mix for this -- for this project. So they're being cross-
19 subsidized, but it's a very kind of -- it's a limited -- there's
20 limited opportunity to find deep subsidy through that kind of
21 cross-subsidy.

22 So just, you know, just to conclude, we support moving
23 ahead with this proposal. We think it is very much consistent
24 with the update to the Comprehensive Plan, and we think it's a
25 good start for recreating Friendship Heights as a much more --

1 with a lot more housing opportunities and more affordable
2 housing. Thank you.

3 CHAIRPERSON HOOD: Thank you, Ms. Cort. Do you have a
4 moment to stick with us for a few more minutes? I know you've
5 been with us, what, three hours now? But it feels --

6 I'd like to go --

7 MS. CORT: My family wants to know when I'm finished,
8 but I'll stick with you for a few more minutes.

9 CHAIRPERSON HOOD: I tell you what. No, let's do this.
10 Let's do this. I'm going to do you just like I did the first
11 person. So we thank you Ms. Cort for all your work that you all
12 have been doing and we appreciate your testimony.

13 Let me see if my colleagues have any quick questions.

14 Commissioner -- Vice Chair Miller.

15 VICE CHAIR MILLER: No. Thank you, Cheryl Cort for all
16 of your work on the Comp Plan in this arena and your testimony
17 tonight. Appreciate it.

18 CHAIRPERSON HOOD: Commissioner Imamura.

19 COMMISSIONER IMAMURA: (No audible response.)

20 CHAIRPERSON HOOD: Okay.

21 Commissioner May.

22 COMMISSIONER MAY: (No audible response.)

23 CHAIRPERSON HOOD: Okay. No questions.

24 Does the Applicant have any questions of Ms. Cort?

25 MR. KADLECEK: No questions. Thank you.

1 CHAIRPERSON HOOD: And Commissioner Quinn, do you have
2 any questions of Ms. Cort?

3 COMMISSIONER QUINN: I do not. Thank you for asking.

4 CHAIRPERSON HOOD: Ms. Cort, thank you very much, and
5 thank you for sticking with us. Thank you.

6 MS. CORT: Thank you very much, Chairman. Thank you.

7 CHAIRPERSON HOOD: All right.

8 Ms. McCarthy, I was mentioning you earlier, because I
9 looked in my file. I had about nine cases of your submission.
10 So I know we don't move that fast, but I said she want to make
11 sure we got the copies.

12 Go ahead, Ms. McCarthy, you may begin. Ms. McCarthy,
13 you have been with us for three hours. We want to hear you.
14 You're on mute.

15 MS. MCCARTHY: Good evening.

16 CHAIRPERSON HOOD: There you go.

17 MS. MCCARTHY: Good evening, Chairman Hood and members
18 of the Commission.

19 As the former director of the D.C. Office of Planning
20 and a 30-year plus resident shopper and Metro station user in the
21 Friendship Heights area, I am testifying on behalf of Ward 3
22 Vision to strongly urge you to approve the proposed project by
23 Street Retail, LLC at 5333 Wisconsin Avenue.

24 There are a few key issues: One, with regard to the
25 number of affordable units, as Ms. Steinbrenner -- Steingasser

1 and others have noted, this is a PUD amendment, not a de novo
2 application, and affordable housing is just one part of the
3 Applicant's total amenities package. As such, as you know, the
4 Zoning Commission's role is to determine whether the total
5 amenities package being offered is commensurate with the zoning
6 flexibility being sought, mitigates any potential negative
7 impacts and is not inconsistent with the Comp Plan.

8 We think the ANC has negotiated an excellent package
9 of amenities and let the Zoning Commission know that they are
10 satisfied with the requirements of the PUD amenities package
11 having been met. Also, it's clear that the proposed zone is
12 consistent with the newly amended Comprehensive Plan and the
13 FLUM.

14 Regarding the adequacy of the amenities package, we
15 believe that the major benefit of the PUD related zoning map
16 amendment is to allow for extra height for the portion of the
17 building closest to Wisconsin Avenue, so it can step down in the
18 rear toward the townhouses and single family houses. Isn't that
19 what we all want to encourage? To have -- massing the height
20 along major arterials with the respectful stepping down to lower-
21 scale residential.

22 The affordable unit percentage is very close or meets
23 the minimum for IZ Plus, even though Section X, 502.2(a) of the
24 Zoning Regulation states that IZ Plus "shall not apply to a map
25 amendment that is related to a PUD application."

1 We think it's particularly important to note that
2 Street Retail, LLC is including units at 30 percent MFI, which
3 goes beyond the requirements and is very rare, and they are
4 providing accessible units which is a terrific precedent.

5 The OAG witness calculates that it comes with the low
6 -- the affordable -- the very affordable units, it comes to within
7 1.55 percent of what they consider to be the target number of IZ
8 units, but they don't account for the value of all the other
9 amenities that are being provided. And strictly speaking, as an
10 older member of the community, I think something -- there are a
11 lot of other people like me in the neighborhood and the benefit
12 to Iona Center, which provides important services to the elderly
13 in the area, it is a very worthwhile amenity, along with the many
14 others that are provided.

15 Also, very important, they are converting what had been
16 a primarily commercial building to a residential building, which
17 will help achieve the kind of street vitality we want to see in
18 Friendship Heights. And they're still providing ground floor
19 retail, which is important for walkability. As we've seen, the
20 below-grade retail that was there before just doesn't work.

21 Also, I would say, Chairman Hood, with regard to your
22 concerns that zoning -- the PUDs do benefit all the residents of
23 the District of Columbia. I think the fact that the Applicant
24 is committing to target those retail -- of retail stores to
25 ownership of women-owned businesses and disadvantaged business

1 owners is an important part of economic opportunity and ought to
2 be considered along with the number of IZ units as part of the
3 overall contribution to equitable development of the project.

4 Now you'll hear from some applicants that the density
5 increase is substantial based on the zoning of when the PUD was
6 proposed. However, the relevant comparison is to the C-3-B zone
7 of 5.0, which would have been 6, had IZ been around at the time,
8 meaning that the density increase is only slightly more than 1.5
9 FAR. When that original PUD was applied for, the developer, in
10 the final version, the developer was a retail developer,
11 McCaffery, who only really cared about the retail. So to compare
12 it to a two-story retail project and say that the current increase
13 in density is that the amenities package should be based on that
14 comparison is just not a relevant -- not relevant to the
15 calculation of what is an appropriate amenity package.

16 You'll also hear from opponents that any increases in
17 density must await the completion of the Rock Creek West study.
18 However, when the Council adopted the Framework Element and
19 Implementation Element of the Comprehensive Plan, they
20 specifically changed the language which carried that restriction
21 to state that projects that were PUDs did not have to wait for
22 the adoption of a new Small Area Plan since PUDs are subject to
23 such great scrutiny.

24 Many of us -- and I would add, I think it's very
25 important to note, many of us have been disappointed by the fact

1 that the current proposed projects in Friendship Heights area and
2 along the Wisconsin Avenue corridor have been too fainthearted
3 with respect to pursuing up-zoning consistent with the up-FLUMing
4 we fought so hard for. This has meant that hundreds of what
5 could have been new residents of the neighborhood have been close
6 to having the opportunity to live here, but I think what all OAG
7 shows, those two projects, the Mazza Gallerie and the Fox 5
8 building, that's an example of what we could get if we too
9 ideologically apply an abstract set of standards to the
10 Inclusionary Zoning units without looking at what is the whole
11 package of being offered. We will discourage other developers,
12 other property owners from going through the process to provide
13 us with higher quality buildings and a more robust residential
14 population in an extremely transit accessible location.

15 Also, I should add in passing, that the 1,990 units
16 that were targeted for Rock Creek West in the Housing Equity
17 Report assumes something like 1,100 of those units would be in
18 existing residential rent controlled building and that the City
19 is attempting to exchange a payment for covenanting permanent
20 affordability on those. So it's not assumed that all 1,900 units
21 are going to be new construction in the Rock Creek West area.

22 With regard to Chairman Miller -- or to Vice Chair
23 Miller's concern about the moderate density section, I don't have
24 the Comp -- the moderate-density designation. I don't have the
25 Comp Plan in front of me, but I'm virtually positive that in the

1 language that talked PUD flexibility in the Comp Plan, it
2 discussed the fact that there might be higher density in one
3 portion of a parcel and lower density in the other portion of
4 the parcel that was I think specifically apropos to McMillan, but
5 it applied to any project, and that as long as the overall density
6 fits within the categories, the combination of the categories,
7 that that should make the project not inconsistent with the
8 Comprehensive Plan.

9 So, in short, a substantial portion of our housing
10 shortage has been caused by the fact that new housing is not
11 being constructed. A developer is finally putting up their hands,
12 asking for additional flexibility so they can provide more
13 residents in our neighborhood, which has been decimated by the
14 overbuilding of commercial and the lack of demand for retail.
15 This is a project that offers substantial amenities, a really
16 beautiful design, and for those reasons, we at Ward3Vision were
17 very happy to support the project. Thank you.

18 CHAIRPERSON HOOD: Thank you, Ms. McCarthy.

19 Before I forget, Ms. Schellin, if we you could put --
20 it was in there nine times earlier, now I don't see it at all.
21 If we could put Ms. McCarthy's -- because I wanted to follow it
22 as she was reading it. If we can make sure that gets into the
23 record. I would appreciate it.

24 But Ms. McCarthy, thank you for what you have done in
25 the past and what you continue to do. I don't have any questions

1 of you, but I'm looking forward to re-reading your testimony.
2 But thank you for all the work that you have done and what you
3 continue to do. Let me go to Vice Chair Miller.

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

5 I would echo your comments. Thank you, Ellen McCarthy
6 for all of your work and for your testimony tonight on behalf of
7 Ward3Vision, and as a good neighbor of this development, and as
8 the former director of the Office of Planning who tried to do a
9 Wisconsin Avenue Small Area Plan, I think 20 years ago. We don't
10 need to go into that --

11 MS. MCCARTHY: Thank you (indiscernible).

12 VICE CHAIR MILLER: Anyway, your institutional
13 knowledge and advice tonight is very much respected and
14 appreciated, and I thank you for being here and good to see you.

15 CHAIRPERSON HOOD: Okay. Commissioner Imamura.

16 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

17 I don't think I could put it any better than Vice Chair
18 Miller. Thank you, Ms. McCarthy.

19 CHAIRPERSON HOOD: And Commissioner May.

20 COMMISSIONER MAY: Pretty much the same. And very nice
21 to see you, Ms. McCarthy. It sounds like you're muted, if you're
22 talking, but --

23 MS. MCCARTHY: I was saying it was nice to see you too,
24 and to hear of your elevation to Chairman. I -- you know, who
25 knew?

1 CHIARPERSON HOOD: He gets a lot of -- as you know, he
2 gets a lot of different titles. But he doesn't mind when I have
3 a lot of fun with him about his Georgetown, and Chairman, and
4 that kind of stuff, so he can take it, so I do it, so thank you.

5 Mr. Kadlecek, I saw you turn -- did you have a question
6 earlier, or do you have a question of Ms. McCarthy?

7 MR. KADLECEK: I don't. I just wanted to be ready to
8 say, I don't have any questions.

9 CHAIRPERSON HOOD: Oh, okay. Okay. All right, and
10 Commissioner Quinn.

11 COMMISSIONER QUINN: No questions. Thank you.

12 CHAIRPERSON HOOD: Okay. Again, thank you, Ms.
13 McCarthy. And tell Mr. Bradley we all said hello as well. Thank
14 you.

15 MS. MCCARTHY: I will.

16 CHAIRPERSON HOOD: Okay. All right --

17 MS. SCHELLIN: Chairman Hood, Mary Jobe is now up. I
18 just made her a panelist. If she could go ahead --

19 CHAIRPERSON HOOD: Is she a proponent or --

20 MS. SCHELLIN: She's up now. Yes.

21 CHAIRPERSON HOOD: Okay. Go ahead, Ms. Jobe.

22 MS. JOBE: Hi. How are you? Thanks for allowing me
23 to speak. I'm sorry I wasn't on call when you called me because
24 of my little buddy.

25 I am here on behalf of the Board of Directors for the

1 Friendship Children's Center, which you heard about from Tom
2 Quinn earlier. We are writing in support of this project.

3 Our support for this project is based on the proposed
4 amenities that Federal Realty have in their Comprehensive Plan,
5 which includes the safety improvements of the intersection at
6 43rd Street and Military Street, Northwest.

7 To provide some background, this intersection, as you
8 have heard, is extremely dangerous. And during the past few
9 months, we have alerted various members of the community about
10 the intersection's impact on our school and surrounding
11 neighborhoods.

12 I'll add just some background about the school. The
13 Friendship Children's Center is a licensed non-profit school that
14 provides daycare and early learning for infants, toddlers,
15 preschool-aged children, and the FCC offers foundational
16 instruction for children ages three months to five years old.

17 The FCC works to ensure that the schools serve the
18 families that live and work in the neighborhood of Friendship
19 Heights surrounding the school. FCC is located in two buildings
20 in the Friendship Heights neighborhood. The first building,
21 which is located at 4310 43rd Street, which is also the street
22 that I do live on. I live a few houses away from the building
23 and live in the middle of the two buildings. And the other one
24 is located at 5411 Western Avenue, and it houses the junior
25 preschool, preschool, and pre-kindergarten classes.

1 These two buildings are located about approximately two
2 blocks away from each other and the intersection at issue, which
3 I will refer to as the "intersection," is located at the 43rd
4 Street and Military Road.

5 The FCC community uses the intersection frequently
6 throughout each regular workday. For example, the FCC students
7 will walk through the neighborhood with their classes on their
8 way to the park and to the playground, and will pass through the
9 intersection. In addition, during the day the FCC and the 19
10 staff members regularly walk between the two buildings in order
11 to transport supplies to the children, back-and-forth to both
12 facilities.

13 We have -- there have been several complaints
14 throughout our community about the dangerous crosswalk. I,
15 myself, do use that crosswalk four times a day when I go for
16 drop-off and pickup, and it's dangerous. There are often, for
17 example, vehicles frequently speed (indiscernible). It is
18 controlled by three stop signs and they do not stop. There is
19 -- we did provide some -- we have data of car crashes versus
20 pedestrians that have happened at that intersection.

21 I had met in May of 2022 with Tom and also one of the
22 safety engineers attached to this project to observe this
23 intersection. Prior to this meeting, we were in touch with DDOT,
24 Ward 3 community engagement specialist, and the MPD. And while
25 we appreciate DDOT's responsiveness, not enough has been done to

1 remedy the issue that we raised.

2 We appreciate very much Federal Realty's taking the
3 safety of our faculty, staff, and our young students seriously
4 in continue -- by committing to safety enhancements by adding a
5 north-south crosswalk on the west side of the intersection,
6 adding (indiscernible) outs and adding raised crosswalks at this
7 intersection as part of their Comprehensive Plan. And in part
8 because of the dangerous -- the dangerousness of the
9 intersection, the primary concern of the FCC community, we
10 support this project. Thank you.

11 CHAIRPERSON HOOD: Thank you, Ms. Jobe.

12 There's a young person when I saw her raising her hand.
13 Does she want to say anything?

14 CHILD: (No audible response.)

15 CHAIRPERSON HOOD: Okay. I guess not.

16 All right. So we will -- let's see if we have any
17 questions of Ms. Jobe. She wants to smile at us. I see. Okay.

18 All right. Vice Chair Miller, do you have any
19 questions?

20 VICE CHAIR MILLER: No. Thank you, very much for being
21 here tonight.

22 CHAIRPERSON HOOD: Okay.

23 Commissioner Imamura, any questions?

24 COMMISSIONER IMAMURA: No. Thank you, Ms. Jobe, for
25 participating in the public process, and being a good example for

1 young people out there.

2 CHAIRPERSON HOOD: And Commissioner May.

3 COMMISSIONER MAY: No questions. Thank you, very much
4 for your testimony.

5 CHAIRPERSON HOOD: Mr. Kadlecek, any questions?

6 MR. KADLECEK: No questions. Thank you.

7 CHAIRPERSON HOOD: And Commissioner Quinn, any
8 questions?

9 COMMISSIONER QUINN: No. Thanks to my constituent,
10 though.

11 CHAIRPERSON HOOD: Okay, great. Thank you very much,
12 and you all have a great evening.

13 MS. JOBE: Great, thank you.

14 CHAIRPERSON HOOD: Thank you. Bye Bye.

15 Ms. Schellin, do we have anybody else in support?

16 I guess now we'll go to opposition.

17 MS. SCHELLIN: No one else in support. So, I'm going
18 to go to the witnesses in opposition and there's one undeclared.
19 If I could just call all of them at once, I think we have room
20 for them. There's just one, two, three, four, five.

21 CHAIRPERSON HOOD: Sure. Sure.

22 MS. SCHELLIN: Okay. So, Margaret --

23 CHAIRPERSON HOOD: Sure. Go right ahead.

24 MS. SCHELLIN: Margaret Dwyer is first. Shelly Repp,
25 did see him; Shelly Repp. Marilyn Simon. Mr. Klacik. Who am I

1 hearing? Gary Klacik. It looks like the only thing I can do is
2 unmute him. I cannot make him a panelist, so all I can do is
3 unmute him. Okay. And last undeclared is Elizabeth Vaden --
4 Vaden, and I can make her a panelist.

5 CHAIRPERSON HOOD: Okay.

6 MS. SCHELLIN: That is the order.

7 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Before we
8 start, let me thank everyone. Sometimes our hearings do run
9 long, and I try to do an assessment at 9:00 o'clock, but we're
10 not going to make it to 9:00, but I want to thank you. Because
11 now as we in our homes for the most part, I want to thank you
12 all for outlasting and sticking to the time. I know it's a little
13 long, but we really appreciate your patience.

14 So, Ms. Schellin, I'm not sure who you called first,
15 but whoever it was, they can go ahead.

16 MS. SCHELLIN: Margaret Dwyer.

17 CHAIRPERSON HOOD: Okay, Ms. Dwyer.

18 MS. DWYER: Okay. Thank you. Can you hear me? Hello.

19 CHAIRPERSON HOOD: Yes, we can. Yes, we can.

20 MS. DWYER: Okay, great. Sounds good.

21 So my name is Margaret Dwyer. and I'm here today
22 speaking in opposition to the proposed plan on behalf of Ward 3
23 Housing Justice, a grassroots advocacy group working to create
24 more truly affordable housing and economic opportunity in Ward
25 3. I also live about three blocks from the property.

1 We are opposing this proposed plan for three reasons:
2 First, we don't think it complies with the designation of a
3 Regional Center on the Comp Plan general -- Generalized Policy
4 Map. This designation was maintained during the recent amendment
5 process, so we think that they should live up to it -- to live
6 up to this designation. It should offer the largest range of
7 commercial functions outside of the central employment area.

8 Regional Centers are eligible for density and intensity
9 of uses because they are located on major arteries and all of
10 the other characteristics.

11 The heights and density seen only in downtown are
12 allowable in Friendship Heights, specifically to support the
13 realization of the Regional Center.

14 So since this -- this project doesn't really offer any
15 of the attractions, the employment, nothing except neighborhood
16 serving retail and housing, we think that the fundamental premise
17 for the map amendment is missing.

18 And, secondly, and we note there's been a lot of back-
19 and-forth about this already, so we're not going to belabor it,
20 but we think that, that this project started out with an original
21 PUD that allowed 94,400 square feet to be built as a matter of
22 right, but the Applicant is seeking, like, almost 400,000 square
23 feet, with 385,000 square feet, I think.

24 And so we think that the Applicant should provide more
25 of additional affordable housing to ensure that it's superior to

1 what we read as what would be required in the matter of right,
2 and we'd like to see more than 18 percent as an IZ set-aside.

3 And most importantly to us, we don't think the project
4 addresses racial equity meaningfully. We know that the Zoning
5 Commission is in the process, I think, of revising their equity
6 analysis standards and we think this is an opportunity to apply
7 better standards here in this case.

8 The application doesn't address the core issue in Ward
9 3 -- Ward 3's lack of racial equity. Displacement, particularly,
10 of Black and Brown residents is not really the core issue in Ward
11 3, where the issue has historically been and continues to be
12 exclusion.

13 Black and Brown residents once formerly excluded by
14 racial covenants and redlining are now more likely than White
15 residents to find themselves excluded by housing prices that are
16 unattainable given that the median income for Black families and
17 individuals is between 40 and 50 percent of the AMI.

18 So we think that since 18 percent IZ would be required,
19 we think in an equivalent matter of right project, and exclusion
20 is best countered by intentional inclusion, 20 percent IZ should
21 be the absolute minimum included in this PUD modification with
22 the additional 5 percent IZ at the 40 percent AMI to target the
23 median income of black residents.

24 We want this PUD to contribute to our Friendship
25 Heights where what we call the Should Be Community can live:

1 folks on fixed incomes, workers from the nearby Lisner Hall or
2 the Embassy Hotel Suites or the new Wegmans.

3 So when I signed up for this, I had to choose whether
4 I was going to oppose, whether the organization would sign up to
5 oppose or support, and I want to say that, that was -- we wish
6 that we could have said yes, but -- because there's a lot that
7 we love about this proposal. It's beautiful. The developer has
8 been very accessible to the community. We're thrilled with the
9 new housing. We appreciate the attention to black and brown and
10 women-owned businesses and have offered to work with the
11 developer on this, since we've been working with the NAACP to
12 make this happen. We don't object to the higher density per se,
13 we just think that this big creative company can and should do
14 better on affordability. So for those reasons, we urge you to
15 decline to approve the proposal for zoning relief put forward by
16 the owner until and unless Federal Realty modifies the proposal
17 to include 20 percent IZ, composed of the 15 percent of the AMI
18 levels already proposed, an additional 5 percent at 40 percent
19 AMI. Thank you so much for hearing us out. I really appreciate
20 it.

21 CHAIRPERSON HOOD: Thank you, Ms. Dwyer. If you can
22 hold tight. I am going to hear everyone before we do our circle
23 of questions.

24 Who was next, Ms. Schellin? Was it, Mr. Repp?

25 MS. SCHELLIN: Yes.

1 CHAIRPERSON HOOD: Okay, Mr. Repp, you go right ahead.

2 MR. REPP: Yes. Thank you. Good evening, everybody.
3 My name is Shelly Repp, and I'm testifying tonight on behalf of
4 the Committee of 100 on the Federal City.

5 Before I get into C 100's testimony, however, I should
6 point out that four hours ago you denied a request for power --
7 party status from Gary Klacik who lives next to this facility.
8 He's an architect. He has a 29-page PowerPoint that I assume
9 that he expects to go through, and I hope that you give him the
10 time he deserves to make that presentation.

11 With respect to the Committee of 100's comments, I
12 point out that as we hear -- we've already heard the Applicant
13 is proposing to convert a two-story commercial building with
14 94,000 square feet of retail into a 12-story, 130 foot seven --
15 371 (sic) square foot building with approximately 30 -- 310
16 apartments, but only 10,500 square-feet of retail.

17 The Applicant is proposing a project that is larger
18 than and out of scale with all commercial and residential
19 buildings in Friendship Heights.

20 For the reasons, I'm going to go through in a minute,
21 the Committee of 100 believes that the application should be --
22 should not be approved by the Zoning Commission.

23 Because Friendship Heights is no longer the vibrant
24 commercial and entertainment district it once was, the Committee
25 of 100 agrees that the area needs revitalization.

1 In the amended Comprehensive Plan, the District
2 government designates Friendship Heights as a Future Planning
3 Analysis Area and a planning process, in fact, is already underway
4 as you've heard. Among other things, the planning process will
5 address the under-utilized sites in the area and infrastructure
6 constraints. On infrastructure, I point out that we read the
7 Comprehensive Plan as requiring that if planning is considered
8 as part of zone -- as part of re-zoning, that they evaluate the
9 full build-out of the entire area, not the specific site, and
10 address -- and address population growth of the entire area.

11 I point out, earlier Ms. McCarthy referred to a -- the
12 small area planning process that was conducted 20 years ago, and
13 I believe that infrastructure issues were one of the issues that
14 was raised at that time.

15 The application -- Applicant is attempting to leapfrog
16 the planning process. The Committee of 100 believes that
17 consideration of this application should await completion of this
18 planning process, so that it can be considered as part of the
19 overall redevelopment of the area.

20 We read the Implementation Element of the Comprehensive
21 Plan is requiring that any re-zoning, the way to completion of
22 the planning process echoing the fundamental principle that
23 planning precedes zoning. The sole exception of this restriction
24 would be in cases where the developer reserves all -- at least
25 one third of the housing units as affordable to very low and

1 extremely low-income households for the life of the building.

2 As noted, the Applicant is providing a little more than
3 15 percent affordable housing and only two units at the very low
4 levels. For this reason alone, the application is not consistent
5 with the Comprehensive Plan.

6 Friendship Heights, as just pointed out by Ms. Dwyer,
7 Friendship Heights is designated as a Regional Center of the
8 Comprehensive Plan. Regional Centers support and serve area
9 shopping needs that are not met downtown. The added height in
10 Friendship Heights at least in part is justified by its
11 designation as a Regional Center. The Applicant, however, is not
12 meeting those shopping needs as the amount of retail space, in
13 fact, is being reduced by 89 percent, I have. Maybe, it's even
14 just 95 percent. Regional Centers should allow for additional
15 housing and employment opportunities. While additional housing
16 is being provided, hardly any retail space is being provided and
17 not many jobs. For all the -- for all the -- for this reason
18 also, the project is inconsistent with the Comprehensive Plan.

19 The Applicant is proposing that 15.43 percent of the
20 residences will consist of affordable housing subject to the
21 District's Inclusionary Zoning Program. The Committee of 100
22 believes, given the amount of zoning relief requested by the map
23 amendment, that the IZ set-aside for this project is much too
24 low. If the project were subject to IZ Plus, the required set-
25 aside would be around 18 percent. That is because the proposed

1 increase in FAR is at least 158 percent.

2 We strongly believe that the IZ Plus requirement should
3 set an affordable housing floor for PUD projects generally, and
4 specifically, for PUDS like this one.

5 Finally, because of the out-of-scale height of the
6 proposed structure, the project falls -- fails to respect the
7 concerns of some of the residents -- some of the neighbors to
8 the east of the project. Part of the eastern façade, facing
9 those neighbors would appear to be as high as 120 feet, not much
10 lower than the 130-foot height along Wisconsin Avenue. This is
11 not gentle density as generally promoted by the Office of
12 Planning.

13 Given the shortcomings -- finally, given the
14 shortcomings of this proposal, the Committee of 100 recommends
15 that the Commission decline to approve the application and direct
16 the Applicant to address the comments raised. Thank you.

17 CHAIRPERSON HOOD: Thank you. Next, Ms. Schellin.
18 Who's next?

19 MS. SCHELLIN: Marilyn Simon.

20 CHAIRPERSON HOOD: Ms. Simon, go right ahead.

21 MS. SIMON: My name is Marilyn Simon. I owned a house
22 on 43rd Street since 1985. In 1997, I testified on behalf of
23 Friendship Neighborhood Coalition, a party in the McCaffery PUD.

24 Today, I am testifying in opposition to this
25 modification to that PUD. I will discuss four major issues.

1 The affordable housing is significantly less than what
2 would have been required if IZ Plus applied. This is important
3 because that should be the base on which any amenity should be
4 evaluated. The proposed project is out of scale with developments
5 in the area. The tabulations provided by the Applicant do not
6 capture the massive increase in height and density, and the
7 requested map amendment should not be considered until the Office
8 of Planning completes the planning effort for the area.

9 The IZ offer is about 15 percent of residential floor
10 area. If the IZ Plus requirement is applied, the requirement is
11 18 percent of residential floor area. They are providing 55,650
12 square feet. With IZ Plus, the requirement would be 66,780 square
13 feet. They are only providing about 83 percent of what would
14 have been required with IZ Plus. I've included details of the
15 calculation in my written testimony.

16 The proposal is out-of-scale with the existing
17 development in the area. The two tallest and most dense buildings
18 in the Upper Wisconsin Avenue corridor are the two PUDs on Square
19 1661. This project has a density that is 46 percent higher than
20 each of those PUDs. It would have nearly twice the density of
21 Chase Point, the residential-PUD just north of the site. It
22 would be 30 percent taller than Chevy Chase Pavilion and 44
23 percent taller than Chevy Chase Plaza.

24 Directly to the east are the townhouses that are part
25 of this PUD. To the east of the townhouses, there is a

1 neighborhood of low-density, detached, semi-detached and rowhouse
2 homes, mostly only two-stories high.

3 The Applicants did not provide tabulations comparing
4 the project with the zoning envelope, using the underlying zoning
5 or with the limits of the current PUD. The tabulations they've
6 provided seriously understate the increased height and density
7 they are requesting.

8 OP in its pre-hearing submission provided a corrected
9 tabulation. The Applicants are asking for a 140 percent increase
10 in height and a 210 percent increase in density over the approved
11 PUD. If compared with matter of right under underlying zoning,
12 it is 86 percent increase in height and 115 percent increase in
13 FAR.

14 As others have already discussed, the planning effort
15 for Friendship Heights must be completed before they could move
16 ahead with the map amendment based on the FLUM change.

17 Here I want to note that the upper Wisconsin Avenue
18 corridor study done about 20 years ago suggested major up-zoning
19 in the area. Our Council member demanded that the Office of
20 Planning do an infrastructure study to determine whether or not
21 the area could support the amount of density that could be built
22 out under the proposal. They began the infrastructure studies,
23 and as they were finding out that the infrastructure couldn't
24 even support a full build-out with existing zoning, they ended
25 up dropping the proposal, although it's come back several times

1 in FLUM changes.

2 In summary, based on the above concerns, along with
3 concerns about the meager amenity package, especially as compared
4 with the enormous increase in height and density, I ask that this
5 application be denied. Thank you.

6 CHAIRPERSON HOOD: Thank you. Ms. Simon. Next. I
7 think at some point we have Ms. Vaden, Ms. Schellin, right?

8 MS. SCHELLIN: Mr. Klacik, and then Ms. Vaden is
9 undeclared.

10 CHAIRPERSON HOOD: Oh, okay. I'm sorry. I just saw
11 her. Okay. All right. Let's go to Mr. Klacik.

12 Now, Mr. Klacik, let's see how it goes. You probably
13 won't make it through your 29.

14 I heard somebody asked for -- I think it was Mr. Repp
15 asking for 29. That's not going to happen. I would have probably
16 been more amenable, but since Mr. Repp put that on the record,
17 and we have the Courts, depending upon what happens, I will -- I
18 will be amenable, but I want to make sure that it's not sent
19 back to this Commission because of process issues. But you may
20 begin your testimony, and I will deal with it accordingly.

21 COMMISSIONER MAY: Mr. Chairman, if I could just add
22 one thing? I've looked through Mr. Klacik's testimony, and
23 there's a lot of images of the project as it is, and we don't
24 really need to have a re-education about what the project is. I
25 think it would be helpful for him to get to the point about what

1 his concerns are.

2 CHAIRPERSON HOOD: Thank you, Commissioner May. I
3 observed that and I appreciate you for bringing that up. I do
4 agree a hundred percent. So, Mr. Klacik, you may begin.

5 COMMISSIONER MAY: Do we want to have Ms. Schellin
6 bring the presentation up?

7 CHAIRPERSON HOOD: Yeah. He -- we're going to make
8 those -- all those (indiscernible) -- but like you said, let's
9 take to heed to what Commissioner May and I have said and his
10 response. Let's move through this as quickly as possible.

11 MR. KLACIK: I'm here. Can you hear me?

12 CHAIRPERSON HOOD: Yes, I can hear you now. Go right
13 ahead.

14 MR. KLACIK: Okay. That's not my presentation.

15 CHAIRPERSON HOOD: Okay. Once your presentation gets
16 up -- it's a picture, Ms. Schellin, I think the first page.

17 MR. KLACIK: No. It's just -- the first page --

18 CHAIRPERSON HOOD: Yeah, it's the first page is an
19 email to Ms. Ackerman. But I can already tell you, we can skip
20 past that. We can skip past the address, so why don't we start
21 with Wisconsin Avenue, and also taking into heed to what Mr. --
22 Commissioner May said, so we're trying to help you get resolved.

23 MR. KLACIK: Yeah, I understand. I understand. I got
24 it.

25 CHAIRPERSON HOOD: Okay. Go right ahead. Go right

1 ahead.

2 MR. KLACIK: Go to Slide 7.

3 What I would like to know is what is the criteria for
4 being a party? I mean, I wasn't even asked to participate in
5 that decision.

6 CHAIRPERSON HOOD: The criteria is your submission.
7 Your submission was very general. The main question is how you
8 uniquely -- uniquely, other than how everybody else is affected
9 -- but once you do your presentation, your presentation will fall
10 in line with what everybody else has pretty much said. So I can
11 tell you now you -- like, this right here, we get this, but go
12 ahead. I'm going to let you do your presentation.

13 MR. KLACIK: Yeah. Okay.

14 CHAIRPERSON HOOD: Yeah.

15 MR. KLACIK: This slide, the Comprehensive Plan has
16 certain city-wide elements. I've pulled this out of the staff
17 report. I just wanted to highlight the number and Chapter 3:
18 Land Use; Chapter 9: Urban Design; and Chapter 3: Rock Creek
19 West. There's a lot of numerous references to proper scale
20 massing, step downs and transitions between new development and
21 the existing single-family neighborhoods. And I think this has
22 a lot of relevance to my concern with the project is that its
23 size and the way it relates to the neighborhood.

24 So you can go to next one, 8. Slide 8.

25 Okay. Some more elements there.

1 Slide 9, additional elements there.

2 And go to the next slide.

3 And these are two that I highlighted for the
4 Comprehensive Plan, Urban Design, Infill Development. And also
5 Rock Creek West, Infill Development, about where, you know,
6 relating spatially to the surrounding neighborhood, regarding
7 building rooflines, setbacks and landscaping and avoid
8 overpowering contrast to scale and height. The next one, Design
9 transitions between large and small scale development to
10 ameliorate the appearance of an overlying scale and relate to the
11 scale of the surrounding buildings. I don't think the project
12 does that. It starts to do that in some places, but it doesn't
13 -- it doesn't do that.

14 You can go to the next one.

15 This is part of action items in the Urban Design
16 component. There's a scale transition study to evaluate options
17 that you can read for improving design compatibility, stepping
18 down to building heights, et cetera. That is part of the
19 Wisconsin Avenue Development Framework, the planning project
20 that's underway now, but our street retail is not currently
21 participating in.

22 So the next slide.

23 I was going to go through a series of things here, but
24 let's go to 513. No, back up one. Okay, here's slide 13.

25 This slide is from Street Retail, September-October

1 2021 presentation to the neighborhoods. His initial contact with
2 the general neighborhood and in here Federal said they needed the
3 additional height to 130 feet so that they could step down the
4 building at the right-hand side or the east side, which is the
5 right-hand side of this diagram below 90 feet to relate to the
6 scale of the neighborhood. That hasn't happened.

7 You can go to the next slide. Okay.

8 This is something that I just wanted to illustrate, is
9 that the Applicant has had a habit throughout the process of
10 where he's -- he draws the lowest sections of the rear of the
11 building, but doesn't draw the highest sections. So if you look
12 at the lower right of the architect that's on the panel, he's
13 drawing a section A, B and C, which are the lowest sections of
14 the building, but he doesn't draw sections through the next two
15 steps, which are the highest steps of the building, which I --
16 which misleads people and has misled people throughout the
17 process.

18 Okay. You go to Slide 18. Just scroll through the
19 others. Okay.

20 Okay, 18. Here goes another example where he takes a
21 section through the lowest part of the building, which this
22 section is through the red -- if you look at the elevation at
23 the top -- through the red area, and -- but it also serves a
24 purpose that beyond this, the lower section of the building,
25 which is seven stories or about 80 feet, there's three much larger

1 areas of the building, which are immediately adjacent to the
2 alley.

3 Can you go to the next slide?

4 CHAIRPERSON HOOD: Mr. Klacik, your time is up.

5 Ms. Schellin, could you give Mr. Klacik another three
6 minutes, please? And then that'll be it.

7 MR. KLACIK: So this slide illustrates on the red
8 towards the bottom that the single-family neighborhoods are
9 houses -- are in a range of less than 35 feet. The top of the
10 townhouses are 55. And we have segments of the building that go
11 up -- from up -- most of the building is over 100 feet and some
12 of it as high as 120 feet. So it's really not stepping, despite
13 what everybody says, it is really not stepping down on the north
14 side of the building. It steps down at the south side, but not
15 at the north side.

16 So let's go to the next -- you can go to slide 20.

17 Okay. These next couple items are really -- I did this
18 in the spirit of trying to get in the record things the Applicant
19 has said that I don't think are in the record yet. So he has
20 this idea for a vertical garden, which is great. But if you go
21 to the next slide -- okay, he presented to the ANC in the lower
22 right corner, a series of drawings like you see in the lower left
23 corner and several images.

24 So my request here is that since those drawings are
25 done, can we get in the record what the Applicant has said he's

1 going to do regarding the vertical gardens? I have no problems
2 with the vertical gardens. I'm just looking for documentation
3 so we don't get in an argument down the road.

4 You can go to the next slide.

5 Can you just scroll through, scroll through, scroll
6 through. Okay. This one is another -- we can back up one.

7 This was the Planning Department asked for a rooftop
8 lighting plan, and this plan is not a -- this is not a lighting
9 plan, it's a picture, and none of the data behind the lighting
10 plan -- to create this is documented anywhere.

11 If you go to the next slide.

12 Well, what's that? The other way, yeah. If you go to
13 the next slide, what I'm suggesting here -- no. No. I'm sorry.
14 Back one. Yeah.

15 This is something from the International Dark-Sky
16 Association, an Illuminating Engineers Society, and it's just
17 about light pollution can be a problem to the neighborhood, unless
18 attention is paid during the design process to put lights where
19 it's needed, and there's five principles here: All lights should
20 be -- have a clear purpose; lights should be directed only to
21 where needed; lights should be no brighter than necessary; and
22 lights should be only used when it is useful; and use warmer
23 color lights where possible, not near these blue lights. So
24 again, I don't think the Applicant addressed the Planning
25 Department comment, although they accepted it. So again, I would

1 ask this just a condition about getting a lighting plan correctly
2 documented.

3 The next one. Next slide, please.

4 Noise. The noise can be a neighborhood -- a
5 neighborhood problem also. The Applicant has stated in the HVAC,
6 it is going to have a central HVAC system and there will be no
7 exterior HVAC condensing units. All equipment should be in an
8 enclosed structure and shielded. The same with the emergency
9 generator, in an enclosed structure and shielded. I would like
10 on the HVAC and the generator to -- those statements to be in
11 the record. We have a problem now with noise where the hotel
12 runs their generator, and I can hear it inside my house even if
13 I replace my windows. It sounds like a supersized industrial
14 vacuum. They run it every Monday morning just to exercise it
15 and that's fine, but it's noisy and the people closer to it must
16 even have a bigger problem.

17 Next item.

18 CHAIRPERSON HOOD: Mr. Klacik, I'm going to let you
19 finish this closing thought.

20 MR. KLACIK: (Indiscernible.)

21 CHAIRPERSON HOOD: Let me finish. We have your
22 PowerPoint, and I'm going to have to cut you off at this point,
23 but go ahead and finish your thought.

24 MR. KLACIK: This is an important one. Residential
25 parking. The Applicant said in his report and even more to me,

1 (indiscernible.) Along in this slide is from, I think, in October
2 present -- or in a November presentation that the apartment
3 tenants would not be able to obtain DC parking permits for on-
4 street parking. I don't see that documented in the record yet
5 and it needs to be documented.

6 CHAIRPERSON HOOD: All right. Well, thank you very
7 much. We appreciate it. Let's see if we have any questions or
8 comments, and I will start it off.

9 I do hear Ms. Dwyer's exclusion. I'm going to see
10 where we go with that. I've asked for some stuff, not necessarily
11 germane to exactly how you'd phrase it, but I think we're in
12 close proximity.

13 I don't have any questions of anyone else, but I will
14 say this Mr. Klacik, your presentation and looking through your
15 presentation, I stand by the rule that I made previously, again,
16 "uniquely affected," so I want to make sure I put that on the
17 record as well.

18 Let me see, Commissioner -- Vice Chair Miller, do you
19 have any questions of anyone?

20 VICE CHAIR MILLER: I don't. Thank you, Mr. Chairman.

21 No, I don't think I have any questions. I appreciate
22 everyone's participation tonight. I think we will want rebuttal
23 from the Applicant to some of the most recent testimony by Gary
24 Klacik, and Shelly Repp, which I think we'll get in rebuttal
25 testimony or in a supplemental statement.

1 So there was a lot there in the most recent submission,
2 and I think we -- there might be some useful conditions that
3 could be offered.

4 When -- I would say in response to Shelly Repp, you
5 know, you -- I don't want to get into a whole dialogue at this
6 late hour, but you say it's out of character with what's there
7 -- out of character in terms of the height and density of what's
8 there in the neighborhood. You know, for 25 years that new block
9 site has been much lower in density and height than what's in
10 the neighborhood. The Mayor and Council just recently changed
11 the Comp Plan from medium high -- medium-density residential
12 commercial to high-density residential commercial, and this kind
13 of goes along with that. So, yeah, it's going to be a little
14 higher than what's next door to it on either side. I think now
15 -- I think, as opposed to -- for the past 25 years being much
16 lower than what's been on it -- on either side, it's certainly
17 not -- even with what's being proposed, higher than what's one
18 block away across the Maryland line. Six stories, maybe, more
19 out there. You know, you say it's out of character with the
20 area. Friendship Heights is Maryland and D.C. And on the
21 Maryland side, I think that -- I don't know how many stories
22 more, more than us. So those are just a few of my comments.

23 I appreciate, though, everybody's testimony and
24 participation and patience at this late hour, and I'm sorry to
25 delay it any further, Mr. Chairman, but I just wanted to offer

1 that everyone is listening to what you're saying, and we'll
2 consider it as we go forward. Thank you.

3 CHAIRPERSON HOOD: Thank you, Vice Chair.

4 Commissioner Imamura.

5 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'll
6 be brief. I just want to thank everybody for expressing your
7 concerns. They are valid. We are listening and appreciate your
8 participation in the public process tonight.

9 CHAIRPERSON HOOD: Okay. And Commissioner May.

10 COMMISSIONER MAY: Yeah. I would just -- I don't
11 have questions, but I do want to make a comment and this goes
12 back to the questions that I asked to the Office of Planning.

13 But we keep hearing about IZ Plus being the minimum
14 amount of IZ for a planned unit development, and I think you all
15 need to really go back and understand better what IZ Plus is.

16 IZ Plus was an alternate -- an alternative to a planned
17 unit development where we were seeing properties that were
18 getting significantly up-zoned and yet we were -- we did not have
19 a tool for requiring a greater piece of that up-zoning for
20 Inclusionary Zoning. It is not -- I mean, as we heard tonight,
21 it is not the measure of a PUD. And if we were to treat it that
22 way, we would lose the extra benefits that come with a PUD. So
23 I think you need to think more clearly about it. It's fine if
24 you think that, that the thresholds are too low, right. If you
25 figure that the standards for IZ are too low or that IZ Plus

1 standards should be higher. You should be arguing for that in
2 whatever way you can. But, you know, you don't try to
3 misinterpret what the purpose of the tool is. That's all.

4 CHAIRPERSON HOOD: Okay, thank you.

5 Before I go to Ms. Vaden, let me see. Does the
6 Applicant have any cross of either one of these witnesses?

7 MR. KADLECEK: No, thank you.

8 CHAIRPERSON HOOD: Okay. And Commissioner Quinn, any
9 questions of either one of the witnesses in opposition?

10 COMMISSIONER QUINN: No, thanks. Thank you for asking.

11 CHAIRPERSON HOOD: Okay. Ms. Vaden, I don't think you
12 went. So, now undeclared, Ms. Vaden.

13 And, Ms. Schellin, I think you can take everybody else
14 down.

15 Ms. Vaden, you may begin. You have the floor, and
16 thank you for your patience as well.

17 MS. VADEN: You're very welcome.

18 Good evening, Commissioners. My name is Elizabeth
19 Vaden. I live at 5410 41st Street, Northwest, in Friendship
20 Heights, four blocks from the development under discussion.

21 My church, St. Columbus Episcopal in Tenleytown, less
22 than a mile from Friendship Center, is a member of the Washington
23 Interfaith Network, or WIN, and one of five congregations leading
24 WIN's Ward 3 affordable housing work group.

25 The other congregations are Adas Israel, Chevy Chase

1 Presbyterian, National United Methodist and Temple Sinai.
2 Together, our members number more than 4,800 households. I'm
3 here today to speak on behalf of WIN Ward 3.

4 As clergy representing our five congregations wrote in
5 an opinion piece for the *Washington Post* last February,
6 "Redevelopment of the Friendship Heights neighborhood creates an
7 unparalleled opportunity, both to redress historic wrongs and to
8 build a more vibrant and inclusive future."

9 Our clergy affirmed that our faith communities support
10 the creation of housing affordable to more Washingtonians who
11 want to live in Friendship Heights, including teachers,
12 firefighters, police, and those who labor in our retail and
13 service sectors.

14 WIN supports Mayor Bowser's ambitious goal of creating
15 1,990 additional affordable housing units in Rock Creek West by
16 2025, for two reasons. First, our communities in Upper Northwest
17 must do their part in the city-wide effort to address the housing
18 crisis. Perhaps, more importantly, we believe our neighborhoods,
19 which already offer great schools, multiple transit options and
20 abundant green spaces will be even better and stronger if they
21 are inclusive and equitable.

22 The Federal Realty Investment Trust proposal for
23 development of this property is a step in the right direction.
24 This stretch of Wisconsin Avenue is an appropriate setting for a
25 mixed-use building with significant density, and these apartments

1 will be in close proximity to retail, offices, and transit,
2 including, Metrorail and multiple metro bus and ride-on bus
3 routes.

4 Moreover, we're encouraged by Federal Realty's
5 willingness to exceed the current Inclusionary Zoning
6 requirement, having agreed to dedicate just over 15 percent of
7 residential square footage to affordable units, including those
8 two very important deeply affordable units, as well as two fully
9 accessible units.

10 We appreciate Federal Realty's commitment to affordable
11 housing as a significant part of the amenities package approved
12 by ANC 3E, and we're hopeful that other developers will follow
13 Federal Realty's lead in doing more than the minimum to advance
14 affordability.

15 Meeting the Mayor's goal for Rock Creek West will be
16 difficult, however, if not impossible, absent changes in D.C.
17 policy and practice, and here I'm going to repeat what all of
18 the Commissioners have already attested to. One reason for this
19 is current zoning rules that demand only modest improvements by
20 developers in affordable housing -- excuse me -- modest
21 investments in affordable housing. Unless these rules are
22 changed, we can expect to see significant redevelopment along
23 Wisconsin Avenue corridor without significant gains in affordable
24 units. Thus, our purpose in being here today is not to approve
25 or oppose. Rather, WIN Ward 3 wants to convey the urgent need

1 to raise the bar for Inclusionary Zoning in Friendship Heights
2 and pursue substantial changes in zoning rules as part of a
3 broader effort to invest in affordable housing in Upper
4 Northwest.

5 We'll be further discussing our views with the Office
6 of Planning to help ensure that its recommendations for Wisconsin
7 and Connecticut Avenue development include strengthening
8 Inclusionary Zoning requirements. WIN also will be working with
9 our allies to reform and improve D.C. zoning rules and procedures
10 to help ensure that low and moderate income residents can own and
11 rent housing in Ward 3 and beyond.

12 Development is flourishing along the major corridors
13 of Upper Northwest. We don't want to miss this significant moment
14 to repair past wrongs and move toward a more equitable and dynamic
15 future. Thank you.

16 CHAIRPERSON HOOD: Thank you so much, Ms. Vaden, for
17 your testimony, very enlightening. But I just have a -- one of
18 the founders of WIN and I were talking about two weeks ago, and
19 I just have a question for you.

20 When we did the zoning rewrite, what you said made a
21 lot of sense. Like, some of that probably didn't dawn on me,
22 and I think that the Vice Chair and others who sat on the
23 Commission have mentioned some of that as we were going through
24 that process. Did WIN take an active role in our zoning rewrite?

25 MS. VADEN: Do you mean in create -- creating the

1 updated Comprehensive Plan?

2 CHAIRPERSON HOOD: No. In creating the Zoning
3 regulations and stuff. You know, like what we did in 2000 -- I
4 think we call it 2016 now, our 2016 Regs. Did WIN play a role
5 in that?

6 MS. VADEN: That's a very good question, Mr. Chairman,
7 and I don't know the answer to it, but I can find out for you.

8 CHAIRPERSON HOOD: Okay. Okay.

9 MS. VADEN: Sure.

10 CHAIRPERSON HOOD: Some of those things that I would
11 like to have heard when we were doing that, so. But anyway. I'm
12 going to make the (indiscernible), and I know the Vice Chair has
13 definitely been on that.

14 So thank you very much for your very thought out and
15 thoughtful testimony.

16 Okay, Vice Chair, do you have any questions?

17 VICE CHAIR MILLER: No questions. Just thank you, Ms.
18 Vaden, for your testimony and all the work, all the good, good,
19 good work of WIN and WIN Ward 3. We all want to get there with
20 you, and we appreciate your work with us in the past and going
21 forward. So, thank you.

22 CHAIRPERSON HOOD: Okay. Commission Imamura.

23 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

24 Ms. Vaden, I just want to thank you for the time you
25 spent to prepare a very well-written testimony tonight. So,

1 | thank you so much.

2 | CHAIRPERSON HOOD: And Commissioner May.

3 | COMMISSIONER MAY: I have no comments. Thank you very
4 | much for your testimony.

5 | CHAIRPERSON HOOD: All right. You and Commissioner
6 | Quinn is right on it. He knows I'm getting ready to come to him
7 | very shortly.

8 | COMMISSIONER QUINN: I don't have any questions.

9 | CHAIRPERSON HOOD: Hold tight. Do the Applicant have
10 | any questions?

11 | MR. KADLECEK: No thank you.

12 | CHAIRPERSON HOOD: All right.

13 | Commissioner Quinn, if you want to introduce the other
14 | Commissioner. You know, when young folks come on, it's always
15 | good to see young folks, because I think there's -- especially
16 | if they're close by you, they can be part of the process, because
17 | they're going to be taking over -- not tomorrow, but very soon.

18 | So, Commissioner Quinn, if you don't have any
19 | questions, you can -- if your -- the other person there with you
20 | want to introduce themselves and give us their first name and say
21 | hi.

22 | COMMISSIONER QUINN: Say hi.

23 | CHAIRPERSON HOOD: Let their teacher know they
24 | participated, maybe they'll get an A.

25 | COMMISSIONER QUINN: They can see me.

1 PATRICK: Okay.

2 COMMISSIONER QUINN: Say hi.

3 PATRICK: Hi, I'm Patrick.

4 CHAIRPERSON HOOD: Hello Patrick. You make sure your
5 teacher watches this, and she's going to hear me say that
6 hopefully you'll get extra credit for watching this and
7 participating with us tonight.

8 PATRICK: Okay.

9 CHAIRPERSON HOOD: So you (indiscernible) took care of
10 the homework they gave you.

11 COMMISSIONER QUINN: Okay. You want to go next.

12 CHILD: Hello.

13 CHILD: Hello.

14 COMMISSIONER QUINN: I don't have any questions. Just
15 thank you to my constituent for speaking up again.

16 CHAIRPERSON HOOD: All right. Thank you.

17 Vice Chair Miller, you said something?

18 VICE CHAIR MILLER: I just wanted to ask Patrick how
19 old he was, but he's gone.

20 How old are you?

21 PATRICK: 11.

22 VICE CHAIR MILLER: 11. Well, good to see you here.
23 Thank you for participating tonight. My 3-year-old, Archie,
24 grandchild is not here tonight, but he would appreciate you being
25 here too.

1 CHAIRPERSON HOOD: Yep, and thank you very much. All
2 right.

3 PATRICK: Good night.

4 CHAIRPERSON HOOD: Good night. All right. Thank you,
5 Commissioner Quinn. All right.

6 And thank you, Ms. Vaden. We appreciate your testimony
7 again, thank you. And also for waiting and being a nice person,
8 so thank you.

9 All right. Mr. Kadlecek, let's see -- yeah, okay.

10 Mr. Kadlecek, do you have rebuttal?

11 MR. KADLECEK: No. I just have a few closing thoughts
12 so I can give those --

13 CHAIRPERSON HOOD: Okay.

14 MR. KADLECEK: -- if the Commission wants to hear that
15 now, or if somebody else doesn't --

16 CHAIRPERSON HOOD: Closing thoughts would be just fine,
17 unless somebody else wants to do it another way.

18 Okay. Let's do closing thoughts.

19 MR. KADLECEK: All right. Thank you, Chairman Hood,
20 and members of the Commission for the time tonight. I know it's
21 late, so I will keep this brief.

22 We will provide written responses to the specifics of
23 the OAG testimony that you heard earlier on the record. But I
24 just wanted to leave the Commissioners with some thoughts about
25 the project.

1 I think it's important to remember that, especially,
2 what you heard from OAG and some of the other opponents is what
3 this project isn't, but I want to just recap what this project
4 is and why it's important.

5 This project is the largest IZ proffer of any market-
6 rate PUD in the District to date, creating inclusive housing
7 opportunities. And while it won't solve the affordable problem,
8 the affordable housing problem, it will make a significant
9 contribution.

10 This project is the largest residential PUD in Ward 3
11 in many years, helping revitalize Friendship Heights and helping
12 begin the change over from what it was to what it will be.

13 This project is comprised of many significant and
14 important benefits and amenities commensurate with the additional
15 height and density gained through this process, including
16 superior architecture, neighborhood infrastructure improvements,
17 sustainable features and right size retail with an emphasis on
18 recruiting minority and women-owned businesses.

19 This project is more consistent with the Comprehensive
20 Plan and the GPM and FLUM than what's currently on the site.

21 And finally, this project is widely supported and
22 accepted by the neighborhood. I think as Mr. May noted at the
23 very beginning of this hearing, the fact that this record is
24 relatively thin for something in Ward 3, I think speaks volumes
25 to the outreach that the Applicant has done and the work that

1 the Applicant has done in working with the community.

2 So I think those are all really important things to
3 take away. And again, we really appreciate the time and energy
4 and look forward to moving forward on this project.

5 CHAIRPERSON HOOD: All right.

6 Well, thank you very much, Mr. Kadlecek, and your team,
7 And I want to thank everybody who commented tonight: pro, con,
8 undeclared, whatever the case may be. The young folks, they
9 really make my day. So I want to thank everybody who commented.
10 And sorry, we missed Archie tonight, he usually joins us.

11 So let's see if we have any -- do the Commissioners,
12 have any final comments. If not, Ms. Schellin, if you can give
13 us a schedule.

14 MS. SCHELLIN: I don't recall everything that was asked
15 for just because I was trying very hard to keep up.

16 Mr. Kadlecek, how much time do you think you need to
17 respond, because I know we're going to be looking at the January
18 meeting, either the 12th or the 26th. So I just need to know,
19 how much time you need to respond to what's been asked for?

20 MR. KADLECEK: We would like two weeks to provide
21 everything we've been asked for.

22 MS. SCHELLIN: Okay. So that would put you guys at the
23 19th of December by 3:00 p.m. And because of the holidays, we'll
24 allow the ANC a little extra time. We won't have him have to
25 work over the holidays. So we'll allow the ANC until January

1 9th to provide their response, if they choose to do so, they
2 don't have to, but if they choose to. And also, the Office of
3 Planning and DDOT. And then we could schedule this for the
4 January 12th public meeting.

5 CHAIRPERSON HOOD: Mr. Kadlecek -- before that, Mr.
6 Kadlecek, don't forget my little scenario about the 28 at 50
7 percent, 26 at 30 percent, 2 at 20 percent, and just tell me. I
8 know what you all are going to tell me, but just come back with
9 something.

10 MR. KADLECEK: Will do.

11 CHAIRPERSON HOOD: I appreciate it. All right.

12 I'm sorry, Ms. Schellin. Go right ahead.

13 MS. SCHELLIN: That's it.

14 CHAIRPERSON HOOD: Okay. All right. Any other
15 questions or comments?

16 (No audible response.)

17 CHAIRPERSON HOOD: So the Zoning Commission -- and Ms.
18 Schellin, correct me if I'm wrong -- it looks like we only have
19 three cases for the meeting on -- for our public meeting on
20 December the 8th.

21 MS. SCHELLIN: Who knew? No. There's a hearing on
22 December 8th.

23 CHAIRPERSON HOOD: There's a hearing.

24 MS. SCHELLIN: You have a meeting on December 15th.

25 CHAIRPERSON HOOD: Okay. I see three cases. Is it

1 three cases? Oh, those are three cases for that one night?

2 MS. SCHELLIN: No.

3 CHAIRPERSON HOOD: Okay. Help me out.

4 MS. SCHELLIN: I don't know what's going on there.

5 CHAIRPERSON HOOD: Okay. That's all right. That's what
6 I see here, but anyway --

7 MS. SCHELLIN: It's 13-05E. That's the one.

8 CHAIRPERSON HOOD: Okay. Because I have Truman Park,
9 and I have some other stuff on this.

10 MS. SCHELLIN: That's that one. Yeah, 13-05E is the
11 correct case.

12 CHAIRPERSON HOOD: Okay. So, again, the Zoning
13 Commission will be having a hearing on December the 8th, 2022,
14 on these same platforms.

15 Again, as I've been corrected, Zoning Commission Case
16 No. 13-05E, FC Ballpark, LLC. And we'll see you on these same
17 -- at 4:00 p.m. on these same platforms.

18 With that, I want to thank everyone for their
19 participation tonight, and this hearing is adjourned.

20 Goodnight, everyone.

21 (Whereupon, the above-entitled matter went off the
22 record at 8:50 p.m.)

23

24

25

C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 12-05-22

Place: Teleconference

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

GARY EUELL