

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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DISTRICT OF COLUMBIA ZONING COMMISSION

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REGULAR MEETING

+ + + + +

THURSDAY

MARCH 16, 2023

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

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT E. MILLER, Vice Chair
- PETER G. MAY, Commissioner
- JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

- JACOB RITTING, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on March 16, 2023

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

Case No. 22-29

JTB EB Land Fund, LP 4

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is March the 16th, 2023. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner May, and Commissioner Imamura. We're also joined by our Office of Zoning staff, Ms. Sharon Schellin, and Mr. Paul Young, who will be handling all of our virtual operations. And I will ask all others to introduce themselves at the appropriate time. The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter and is -- and the platforms used are Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing.

All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of signup, all participants will complete the oath or affirmation required by Subtitle Z 408.7. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time.

When called, please state your name before providing your testimony. When you are finished speaking, please mute your audio. If you experience difficulty accessing Webex or with your

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1 telephone call-in or have not signed up, then please call our OZ
2 hotline number at 202-727-0789. If you wish to file written
3 testimony or additional supporting documents during the hearing,
4 then please be prepared to describe and discuss it at the time
5 of your testimony.

6 The hearing will be conducted in accordance with the
7 provisions of 11 Z D.C.M.R. Chapter 4 as follows: preliminary
8 matters; applicant's case, the applicant has up to 60 minutes;
9 report of other government agencies; report of Department of
10 Transportation and Office -- and then Office of Planning; report
11 of the ANC; testimony of organizations, five minutes; and
12 individuals, three minutes, and we will hear in the following
13 order from those who are in support, opposition or undeclared;
14 then we will have rebuttal and closing by the applicant.

15 Again, the OZ hotline number is 202-727-0789 for any
16 concern during these proceedings. The subject of this evening's
17 hearing is Zoning Commission Case No. 22-29, JT EB Land Fund,
18 L.P., consolidated PUD and zoning map amendment at Square 274,
19 Lots 133, 138, 57 through 61, and 804 through 820. Again, this
20 is located at 1250 U Street, N.W. Again, today is -- today's
21 date is March 16th, 2023. And the ANC in this case, let's see,
22 I think it's 1B, but I want to make sure. Unless somebody knows
23 right off and can help me. If not, I will look for it.

24 Anyway, Ms. Schellin, while I'm looking for the ANC --

25 VICE CHAIR MILLER: It's 1B.

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1 CHAIRPERSON HOOD: It's 1B. Okay. I just didn't
2 remember. All right. So thank you. Thank you, Vice Chair.

3 Okay. Ms. Schellin, do we have any preliminary
4 matters?

5 MS. SCHELLIN: We do. We have three party status
6 requests, and I'm looking on -- to see if they are present, and
7 I am not seeing them, unless they are on with someone else. And
8 if they are, they need to somehow let us know. Michael Schwartz,
9 James Potepa, and Jennifer Prime. I'm looking at the attendees.
10 One of the requirements is that they be present and I -- Mr.
11 Young, if you would also use your eyes to see if you see any of
12 those three. I checked a few minutes ago, and none of the three
13 were present. I'm going to look again.

14 MR. YOUNG: Can you repeat the names for me please?

15 MS. SCHELLIN: Michael Schwartz, James Potepa, P-O-T-
16 E-P-A, and Jennifer Prime. And I did check --

17 MR. YOUNG: Okay. I see two of them -- I see two of
18 them.

19 MS. SCHELLIN: Okay. So they're on now? Okay. Could
20 you just -- they don't need to be brought up. Which two do you
21 see?

22 MR. YOUNG: I see James Potepa and Michael Schwartz.

23 MS. SCHELLIN: What name are they listed as?

24 MR. YOUNG: Their own names.

25 CHAIRPERSON HOOD: They have their own names. We're

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1 missing one person. That's Jennifer. I've checked. So two of
2 them are here. So I will deal with those two and by that time --

3 MS. SCHELLIN: Okay.

4 CHAIRPERSON HOOD: -- by that time, let me just say
5 maybe Jennifer and -- I can't think of her last name, but she
6 may --

7 MS. SCHELLIN: Jennifer will be up?

8 CHAIRPERSON HOOD: Yeah, maybe she'll be here by that
9 time.

10 MR. YOUNG: Jennifer Prime.

11 MS. SCHELLIN: Okay. Usually they're in alphabetical
12 order, and that's why I was looking and did not -- let me refresh
13 it. Maybe that's what it is, they've come up since I refreshed
14 it, so. Okay. Good. Yes, they did. All right. So the first
15 one is Michael Schwartz. Unless you guys want to take them out
16 of order. So he is --

17 CHAIRPERSON HOOD: Let's take Michael Schwartz.
18 Michael Schwartz, we'll take him first.

19 MS. SCHELLIN: Okay. So that's Exhibit 35 and 35A.
20 All three of them, I'll just say it up front, they are all three
21 late, but they all three filed waiver requests. And so their
22 requests and their waivers are listed. And Michael Schwartz, his
23 is at 35, and the waiver request is that 35A. So he has stated
24 that he was incorrectly advised by the ANC zoning preservation
25 and development chairperson that party status would not be

1 permitted for individuals such as neighbors. And so therefore,
2 he did not make the request ahead of time. And that was -- he's
3 10 feet from the proposed alley redevelopment, and so his family
4 would be significantly impacted. And the Applicant did not file
5 opposition to this request or any of the three requests.

6 CHAIRPERSON HOOD: So Ms. Schellin, let's just call the
7 other two as well. Let's take them altogether.

8 MS. SCHELLIN: Okay. So James Potepa, who is also
9 present at the time and Jenny Prime is now present too. I just
10 refreshed. So all three of them are present. James Potepa is
11 at Exhibits 36 and 36A. He says -- Mr. Potepa says this is his
12 first experience, and he relied upon the advice of his ANC's
13 zoning chairperson, who again told neighbors that they were not
14 entitled to party status. He's trying best to learn the process,
15 and it's a challenge when receiving inaccurate information from
16 those who should understand the rules. He lives at 1215 T Street,
17 which is about 20 feet from the subject property.

18 Ms. Prime, hers is at Exhibits 37 and 3- -- well, at --
19 I think it's supposed to be 37A. And she's at 1927 13th Street,
20 N.W., and she is -- it doesn't say -- oh, she's less than 16 feet
21 from the subject property. And I don't know the reason for her
22 waiver. I believe it's the same reason. I believe it was the
23 same reasoning that all three of these had the same reasoning
24 that it -- ill advice from the ANC zoning chairperson. So
25 that's -- you have three individuals asking for party status

1 requests in opposition.

2 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. I
3 wanted to take all three.

4 I think, and I'm just going to put my position, I'll
5 hear from others, I think all three -- I would like for them to
6 come together as a party. While I don't necessarily say they're
7 uniquely affected, but they asked for party status, and they are
8 affected. There's probably others that are affected too, but
9 they didn't ask. The other issue I have about relying on the
10 commissioner, I wish -- I would employ the commissioner -- I'm
11 not sure who the commissioner was, but thank them for their
12 service, but also I don't know if you all -- the commissioner has
13 had -- or the commission has had a chance to go to the Office of
14 Zoning's training. I think it's very important that you do that,
15 because, as you can see, your constituents really rely heavily
16 on your expertise. And I know you all volunteer, we appreciate
17 it. But in this case, I don't have a problem with giving either
18 one of them the party status. I would ask them to hear what I'm
19 saying now, and if they would come together. But before I --
20 before they start doing that, let me hear what others have to
21 say.

22 Commissioner May?

23 COMMISSIONER MAY: Mr. Chairman, what I'm really
24 curious about with these three individuals is whether they really
25 understand what party status is and whether they really are

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1 seeking party status per se, as opposed to, you know, the
2 opportunity to testify because a lot of times, that gets confused,
3 particularly when there's not necessarily good information coming
4 from the local ANC. So I'm really curious about that. Otherwise,
5 I mean, I, you know, I'm generally inclined against because there
6 are -- you know, they -- these are three people who live nearby.
7 They're very close. But you know, there are, I don't know, ten
8 or more houses on that row that are all similarly affected.

9 If there were a group, if the three of them got together
10 and, you know, then I think that that bolsters the case a little
11 bit. But generally speaking, I think in the past, you know, when
12 there -- when there's one property owner who is seeking parties
13 now and right next door on either side there are similarly
14 affected people, we tend not to think of them as party status
15 eligible. So I -- but I'm, you know, it does come down to that
16 basic question, are they truly seeking party status, in other
17 words, the opportunity to cross-examine and so on, or are they
18 simply asking for the opportunity to testify.

19 CHAIRPERSON HOOD: Okay.

20 Before I -- before we proceed with bringing them up to
21 ask them those questions, let me hear from you, Commission
22 Imamura.

23 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I seem
24 to think that -- you know, I'm open to Commissioner May's
25 suggestion to find out whether they are seeking true party status

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1 or just simply want to testify. And I'm supportive of your
2 suggestion too, Mr. Chairman, that they join together. It would
3 certainly strengthen their case for party status, but I'm
4 certainly willing to be convinced one way.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 And Vice Chair Miller?

7 VICE CHAIR MILLER: Thank you. Excuse me. Thank you,
8 Mr. Chairman. Yeah, I agree with each of your comments basically.
9 And yes, agree it would be better if the three of them would be
10 one party consolidated. Even better, just to complicate things
11 further, I don't -- did the U Street Neighbors Association ask
12 for party status? I mean, they seem to be the representative
13 neighborhood group other than the ANC that would normally like
14 bring together the neighbors who have a concern. But I don't
15 know if they're here, or if -- we don't have a pending request
16 from them. So I don't want to complicate this thing further,
17 but I support the three individuals who've requested party status
18 to come together as a party, if that's what they intend to do,
19 to cross-examine -- need -- they feel the need to have the ability
20 to do that rather than testify about their concerns about the
21 project.

22 CHAIRPERSON HOOD: Okay. Thank you.

23 And to the three members who've asked for party status,
24 before I bring you up, as mentioned, we -- you do have an
25 opportunity to testify. Party status gives you the ability to

1 be served, gives you the ability to do cross-examination and some
2 other rights that just testimony will not get you. But testimony
3 in front of this Commission is valued too.

4 So let's bring them up, so Commissioner May can ask a
5 few questions if he -- if need be. And let's kind of hear from
6 them. So let's bring them up. And I'd like to deal with them
7 in the order as we called them. Ms. Schellin, if we can -- Mr.
8 Young and Ms. Schellin, if we can bring them up.

9 MS. SCHELLIN: Michael Schwartz -- again, Mr. Young,
10 Michael Schwartz, James Potepa and Jenny Prime. Mr. Schwartz
11 would be first.

12 MR. SCHWARTZ: Yeah. Hi, I'm Michael Schwartz.

13 CHAIRPERSON HOOD: Okay.

14 MR. SCHWARTZ: Thank you for considering --

15 CHAIRPERSON HOOD: Mr. Schwartz, first of all --

16 MR. SCHWARTZ: Yes?

17 CHAIRPERSON HOOD: -- before you get started, I know
18 you introduced yourself, but are you on -- if everyone, if you're
19 able, can you turn your cameras on? If not, just let me know
20 that you're not going to turn them on. It says start video. But
21 if it cuts you off, then we'll cut it off. All right. There we
22 go. So Mr. Schwartz --

23 MS. PRIME: Hello.

24 CHAIRPERSON HOOD: Hi. How are you all? If you can
25 introduce yourselves, we may have some questions for you.

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1 MR. SCHWARTZ: Sure. Yeah, so I'm Michael Schwartz, I
2 live in 1923 13th Street, which is right next to the alley being
3 redeveloped.

4 MS. MACEDO: And then I'm Aisha Macedo. I'm his wife.
5 We did actually file -- this whole process has been very, very
6 confusing for us. So you may see our names as requesting
7 testimony as well in case we were not accepted as party status --
8 as having party status. And we actually were doing this in
9 concert with the other people who are filing for party status,
10 though we couldn't figure out from the legal whether witnesses
11 were us or we were supposed to be listed as a group. It only
12 had room for the one name, so we honestly -- we're fine -- filing
13 all together. We just had no idea how to navigate doing that.

14 CHAIRPERSON HOOD: Okay. So that's good. And we will
15 hear from the other two, but Commissioner May, if you all heard
16 his question, but I'll let him ask it and speak for himself.

17 Commissioner May, you had some questions.

18 COMMISSIONER MAY: Yeah, and I think they've sort of
19 partially answered the question. And first of all, I'm sorry if,
20 you know, it's hard to navigate. This is a process that's new
21 for many people across the city when they are facing, you know,
22 nearby development. So it is complicated, but we appreciate your
23 sticking to it and figuring things out and then showing up
24 tonight. But and the basic question is, you know, you understand
25 what you get as a party as opposed to simply being able to

1 testify, which is at least today in terms of the hearing is the
2 ability to cross-examine the Applicant and any other witnesses?

3 MS. MACEDO: Yes. So from what we understood as giving
4 testimony, we'd have a one-time shot to say what we needed to
5 say and then we wouldn't really have any opportunity to discuss.
6 And we were also told, and this could be incorrect, that parties
7 were given more weight than just testimony, because testimony
8 could be from anybody anywhere in the city, and we have direct --
9 we're directly impacted by that construction.

10 COMMISSIONER MAY: Okay. Yeah, I'm not sure about the
11 weight aspect of it, but certainly being able to cross-examine
12 the Applicant and witnesses gives you more time on stage, if you
13 will. And you can probe the Applicant and all other parties,
14 like the ANC and the Office of Planning. You can ask questions
15 of all of them. The -- but it's not really an opportunity to
16 discuss so much as it is an opportunity to ask questions and gain
17 information. And then you can make your arguments when you
18 actually get to testify and present your case, which is toward
19 the end of the proceeding.

20 So I mean, I don't know that I'm -- if you've already
21 been speaking with Mr. Potepa and Ms. Prime, and they can confirm
22 that you all are happy to do it together, then the only thing
23 that you'd have to decide is who's going to ask the questions
24 because with a party, we do want to have only a single person
25 asking the questions, so. But you don't need to decide that

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1 right now and tell me that. I think we do want to know or get
2 confirmation from Ms. Potepa and Ms. Prime that you are all happy
3 to join together and then while we go through, you know, some of
4 the other work, you can figure out who's going to ask the
5 questions.

6 MR. SCHWARTZ: Okay.

7 COMMISSIONER MAY: All right.

8 MS. MACEDO: Oh, sorry. Before we sign off to -- Ms. --
9 so Jenny Prime is texting me right now. She's actually -- we're
10 all trying to do this in the middle of work too. But she is
11 currently on a very, very important call, but she was also the
12 president of USNA until a few weeks ago when she got overwhelmed
13 by everything that had to be done. So she would be a very good
14 resource in terms of representing USNA as well as us as parties
15 or as property owners. But she won't be available to talk for
16 about 10 minutes.

17 COMMISSIONER MAY: Okay.

18 CHAIRPERSON HOOD: Let me explain --

19 COMMISSIONER MAY: That's good to know.

20 CHAIRPERSON HOOD: -- we don't solicit parties. I
21 don't think they applied for party status. At least I didn't
22 see it.

23 MS. MACEDO: No.

24 CHAIRPERSON HOOD: So we're -- just cancel that. We
25 don't need them to -- unless they apply for it, we don't go out

1 and ask them to be a party. That's totally a violation.

2 MS. MACEDO: Okay.

3 CHAIRPERSON HOOD: Let me -- okay. So hold tight. Let
4 me go to -- who's next, Ms. Schellin?

5 COMMISSIONER MAY: Potepa.

6 MS. SCHELLIN: Sir, Potepa and I have no idea if I've
7 been pronouncing his name correctly. I mean --

8 MR. POTEPA: Hi. Potepa is actually correct and very
9 few people get it, so much appreciated. I am very happy to join
10 with my neighbors, Dr. Macedo, Mr. Schwartz, as well as Ms. Prime,
11 I -- we have been working together, and I think as a group that
12 would be a good idea.

13 CHAIRPERSON HOOD: Okay. And Ms. Prime, I understand,
14 is not available right now. She's on a call. So Mr. Schwartz,
15 I guess if you all could take a minute while I'm going -- doing
16 other things, and let me see if, first of all, we're going to
17 give you a party status. And the name of your group would be
18 the Schwartz, Potepa, and Prime group. I might not say all that.
19 Maybe I'll say SPP, if you all don't mind, for the sake of trying
20 to move things on, so I won't get confused. So the SPP group,
21 if we vote, Ms. Schellin, we'll call it the SPP group, and
22 hopefully, that's -- I'm not being disrespectful. I'm just
23 trying to make sure I can remember that. So also if you can
24 identify who the person is that's going to represent you, we like
25 to hear from folks. I will manage that, then that, and if one

1 other person has a question, and the other person is not able to
2 signal to the person because you're in different places, this is
3 a different situation, I will make sure from the Chair's position
4 that I'm very accommodating to you. So I will work through that.

5 So let me talk to my colleagues. You've heard that
6 I've -- I agree from what we've heard, even though we haven't
7 heard from Ms. Prime who's on a very important call, but we need
8 to keep moving this process along, we've heard that they are
9 coming together as the SPP group in opposition. So let me open
10 it up and see if anybody has any objections to them being a party
11 in opposition.

12 COMMISSIONER MAY: No objection.

13 CHAIRPERSON HOOD: So we will call it the SPP group, a
14 party in opposition. And we would just ask that you all will
15 coordinate and work together and see how you're going to present
16 your case to us. And you all will have the same amount of time
17 that the Applicant has. If the Applicant has 60 minutes, you
18 all will have 60 minutes to present your case, but if the
19 Applicant does 15 minutes, you all will have 15 minutes as a
20 party, SPP party, to present your case. Any other questions?
21 Yeah. I have some questions for you, but it will be later. Any
22 questions? Okay. So we'll proceed.

23 You can take them down, Ms. Schellin, and we'll
24 proceed. All right. Anything else?

25 MS. SCHELLIN: Okay.

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1 CHAIRPERSON HOOD: Any other preliminary matters?

2 MS. SCHELLIN: Yes. So Mr. Young will take them down.
3 And then moving on to -- I believe there's only one expert witness
4 that has not previously been approved. So if we can accept the
5 ones that have previously been approved, that would be
6 Mark Gilliland from Shalom, Baroness in architecture, William Zeid
7 in transportation with Gorove Slade, Brandis Elliott at
8 Holland & Knight in planning, Tim Bragan in architecture with
9 MKSK. And actually I believe that is it because the other person
10 is the project manager.

11 CHAIRPERSON HOOD: Right. I was wonder -- okay.

12 MS. SCHELLIN: So those are all of the experts.

13 CHAIRPERSON HOOD: Okay.

14 MS. SCHELLIN: Unless Ms. --

15 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

16 MS. SCHELLIN: -- Bloomfield tells me otherwise, that's
17 all I've got on my list.

18 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. And
19 all of the colleagues have been previously accepted, as already
20 named by Ms. Schellin. So any objections to continuing that
21 status?

22 COMMISSIONER MAY: I'm sorry. All of those folks who
23 were named were previously accepted, including Mr. Bragan, [Braw-
24 gin], [Bray-gin]?

25 MS. SCHELLIN: Right. He has -- he showed up on our

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1 list as previously being accepted, yes.

2 COMMISSIONER MAY: Okay. I think the only question I
3 had about him is his resume lists landscape architecture and
4 architecture, and is he being proffered as both or one or the
5 other?

6 MS. SCHELLIN: And maybe we need to bring Ms. Bloomfield
7 up to make sure -- it's architecture on mine, but it may be that
8 he's landscape architect, so.

9 CHAIRPERSON HOOD: Let's get that -- yeah, let's get
10 that clarified.

11 MS. SCHELLIN: Ms. Bloomfield could clarify that.

12 CHAIRPERSON HOOD: I thought it was landscape.

13 Good afternoon, Ms. Bloomfield, if you've heard the
14 conversation, if you can introduce yourself and help us.

15 MS. BLOOMFIELD: Good afternoon, Commissioners. Can
16 you hear me okay?

17 CHAIRPERSON HOOD: Yes. Is this the --

18 MS. BLOOMFIELD: All right.

19 CHAIRPERSON HOOD: Let me see. Is this the same --

20 COMMISSIONER MAY: It's the Holland & Knight echo
21 chamber.

22 CHAIRPERSON HOOD: Yeah. It's the Holland & Knight
23 group. Okay. We're going to get a echoe tonight.

24 MS. BLOOMFIELD: We'll never learn. Good --

25 CHAIRPERSON HOOD: That sounds fine. Yeah.

1 MS. BLOOMFIELD: Jessica Bloomfield with the law firm
2 of Holland & Knight. Tim Bragan is our expert in landscape
3 architecture.

4 COMMISSIONER MAY: Okay. And Mr. Szyнал, are you
5 proffering him in civil?

6 MS. BLOOMFIELD: Yes. So he is the one expert that has
7 not previously been qualified as an expert by the Zoning
8 Commission. His resume is at Exhibit 17A. He has been proffered
9 by the BZA previously.

10 COMMISSIONER MAY: And accepted, I assume?

11 MS. BLOOMFIELD: Correct.

12 COMMISSIONER MAY: Okay. I have not --

13 MS. SCHELLIN: So he's the only one that the Commission
14 needs to consider.

15 COMMISSIONER MAY: Right. Yeah. I'm fine with all of
16 them, the previous ones and the -- and Mr. Szyнал as well. Is --

17 CHAIRPERSON HOOD: I thought he was the project
18 manager. I didn't know was --

19 MS. SCHELLIN: That is what it says, but it looks like
20 that might be a mistake. It should be civil engineering.

21 CHAIRPERSON HOOD: Okay. Give me one moment. I didn't
22 even look at it because I know we don't usually do civil --
23 project managers. Hold on one second.

24 MS. SCHELLIN: Right. That's why I thought he might
25 have been the Applicant's representative. But since that's

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1 supposed to be civil engineering. Try to make sure that staff
2 checks that closely.

3 CHAIRPERSON HOOD: Okay. I don't have --

4 COMMISSIONER IMAMURA: I --

5 CHAIRPERSON HOOD: -- any objections.

6 Anybody else?

7 COMMISSIONER IMAMURA: I noticed that Mr. Szynal worked
8 on the Cannon House office renewal project at the architect for
9 the Capitol, though I don't know Mr. Szynal personally. But
10 don't have any objections to --

11 COMMISSIONER MAY: Yeah.

12 COMMISSIONER IMAMURA: -- to him being proffered.

13 CHAIRPERSON HOOD: I think we're not quite getting his
14 name right, because it's S-Z-Y-N-A-L, and I started out with
15 [Siz-null], but I think it's [Zin-ull], [Zin-ull].

16 COMMISSIONER IMAMURA: Mr. [Zin-ull].

17 MS. BLOOMFIELD: I think it's [Zai-nawl].

18 COMMISSIONER IMAMURA: [Zai-nawl].

19 COMMISSIONER MAY: [Zai-nawl]. Oh, okay. There you
20 go.

21 COMMISSIONER IMAMURA: [Zai-nawl]. All right.

22 COMMISSIONER MAY: We were completely wrong. See --

23 CHAIRPERSON HOOD: Okay. So we will give --

24 COMMISSIONER MAY: -- it's not just the Chairman.

25 CHAIRPERSON HOOD: We will give Mr. Szynal expert

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1 status.

2 All right. Anything else, Ms. Schellin?

3 MS. SCHELLIN: Just to say that Mr. Zimmerman is here
4 from DDOT. He'll be representing DDOT. Ms. Steingasser,
5 Karen Thomas are here from OP, and of course Ms. Bloomfield from
6 Holland & Knight. I'm not sure if she'll be joined by Mr. Glasgow
7 or not. And as you said, ANC 1B and also I believe OAG will also
8 be -- yes, Alexandra Cain from OAG. And that's all I have for
9 you --

10 CHAIRPERSON HOOD: Okay. Thank you.

11 MS. SCHELLIN: -- as preliminary matters.

12 CHAIRPERSON HOOD: Thank you. Please don't let me
13 forget about the other government agencies when it's test- --

14 MS. SCHELLIN: Agencies. I'll remind you, yes.

15 CHAIRPERSON HOOD: Okay. All right.

16 MS. SCHELLIN: Thank you.

17 CHAIRPERSON HOOD: Ms. Bloomfield --

18 Thank you.

19 Ms. Bloomfield, we're ready --

20 CHAIRPERSON HOOD: Ms. Bloomfield, did you say 60
21 minutes?

22 I'm sorry, Chairman Hood.

23 Did you guys need the full 60 minutes? I know everybody
24 says 60 minutes initially, but then that gets narrowed down. Did
25 you guys --

1 MS. BLOOMFIELD: We'd like --

2 MS. SCHELLIN: -- need the full --

3 MS. BLOOMFIELD: We'd like to reserve 60 minutes, yes
4 please.

5 MS. SCHELLIN: Okay.

6 Mr. Young, it's got one hour up. Okay.

7 MS. BLOOMFIELD: All right.

8 CHAIRPERSON HOOD: Okay.

9 MS. SCHELLIN: Sorry, Chairman.

10 CHAIRPERSON HOOD: No problem.

11 Ms. Bloomfield, you may begin.

12 MS. BLOOMFIELD: Thank you.

13 If we could pull up -- looks like we have everyone.

14 Fantastic. Thank you, Paul.

15 I'm going to mute. Okay.

16 MS. BLOOMFIELD: All right. Can you hear me?

17 MS. SCHELLIN: Yes.

18 MS. BLOOMFIELD: Okay. Fantastic. Good evening,
19 Commissioners. Jessica Bloomfield with the law firm of
20 Holland & Knight. I am joined tonight by Chip Glasgow and
21 Chris Cohen, also of Holland & Knight. And we have a full team
22 in the room that will introduce themselves and -- as we go through
23 this presentation. Wait. You know what, is the --

24 Can we pull up the PowerPoint please?

25 All right. So this project is for the development of

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1 property -- I'm just going to go while you guys are getting it
2 up.

3 This is -- this presentation is to develop the property
4 located at 1250 U Street, N.W. This property sits at the
5 southeast corner of 13th and U Streets. If you could go to the
6 second slide please? Thank you.

7 (Audio glitching) with levels of lodging use and
8 ground-floor retail, all situated directly above the west
9 entrance to the U Street metro station, and behind of that, 15
10 for sale family-sized townhomes that will front onto a
11 revitalized and recreated historic Temperance Avenue. The site
12 is located within the Greater U Street Historic District and has
13 been reviewed, modified, and ultimately approved in concept by
14 HPRB. As part of this project, we have worked extensively with
15 the surrounding community, including presenting and soliciting
16 feedback at over 40 meetings prior to filing the application and
17 approximately 20 meetings since then over a period of over two
18 years.

19 As a result of this widespread outreach, we are pleased
20 to have received support from the affected ANC, which is 1B, and
21 we have two letters submitted to the case record from them, one
22 from prior to January 2023, which is when the ANC boundaries were
23 redrawn, and one from after January. It is through this community
24 engagement process that we received input on the project's
25 proposed benefits and amenities package, which we believe to be

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1 extensive. The benefits include superior urban design,
2 architecture, and landscaping, as you will see on the coming
3 slides. It includes the preservation of two historic row homes
4 fronting 13th Street, the creation and installation of public
5 art, the construction of transportation infrastructure, mass
6 transit improvements, environmental benefits, and many other uses
7 of special value to the neighborhood that Hope will describe in
8 more detail.

9 Importantly, it involves the development of just under
10 120,000 square feet of residential use, which is a 125 percent
11 increase in housing compared to what could be developed on the
12 site as a matter of right. We will also provide affordable
13 housing at a rate of 15 percent of the residential gross floor
14 area and 12 percent of the penthouse floor area within the
15 U Street building, reserved at 50 and 60 percent of the MFI.
16 This represents an increase at approximately 127 percent of
17 affordable housing compared to what could be -- what would be
18 required as a matter of right. In addition, 2 of the 15 for sale
19 townhomes will be reserved as IZ units, thus creating more
20 affordable housing opportunities for families at this in-fill and
21 transit-oriented location.

22 As set forth in the case record and as will be explained
23 this afternoon, the application meets the standards of the zoning
24 regulations for a consolidated PUD and a related zoning map
25 amendment. Our filings have addressed any potential project

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1 impacts and have explained how those impacts are either favorable
2 or capable of being mitigated. As Brandis is going to describe,
3 the application is not inconsistent with the comprehensive plan
4 or the applicable small area plan, and helps to advance specific
5 and recent policies within the mayor's (audio blank) equity
6 report and the mayor's comeback plan. We have also reviewed the
7 Zoning Commission's recently issued racial equity tool, and we
8 have provided a thorough analysis of how the project is not
9 inconsistent with the comprehensive plan when viewed through a
10 racial equity lens.

11 In doing our comprehensive plan analysis, we also
12 considered potential inconsistencies, and we have explained how
13 those inconsistencies are significantly outweighed by other
14 competing policies. We are pleased to have worked with the Office
15 of Planning on this application, who has agreed with our
16 evaluation and has issued a report in support with no conditions
17 or issues raised. We have also worked extensively with DDOT, and
18 we are pleased to have their support as well. DDOT identified
19 three conditions to their support, and we have agreed to all of
20 them.

21 Finally, I will quickly mention the handful of letters
22 that have been submitted to the case record this week. Several
23 neighbors, as you now know, have raised concern with the loss of
24 sunlight and privacy, increased traffic in the alleys, the
25 removal of the temporary garden space within the alleys, as well

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1 as some other issues. While we have worked with our neighbors
2 for many years and are disappointed to not have their support,
3 we are prepared to address each of their concerns and continue
4 the dialog as necessary. And with that, I'm going to turn it
5 over to Hope Richardson of Eastbanc, who will provide more details
6 on our work with the community and the extensive public benefits
7 being proposed as part of this project.

8 MS. RICHARDSON: Good evening, members of the
9 Commission. My name is Hope Richardson. I'm an EVP of
10 development with Eastbanc. Eastbanc is a D.C.-based development
11 firm focused on complex urban in-fill projects here in D.C. Some
12 recent examples of residential mixed use PUDs we have completed
13 include the Hine School redevelopment, and Eastern Market, and
14 of course the Square 50 project in West End that includes the
15 West End Public Library and Fire Station Engine 1. Next slide
16 please?

17 Eastbanc believes strongly in early and consistent
18 engagement with our community. We are long-term investors in the
19 neighborhoods we work in, and we value the expertise our neighbors
20 bring to our projects by generously dedicating their time to
21 improving our proposals. We began outreach for this project in
22 early 2021, more than two years ago. I personally hand-delivered
23 letters to neighboring businesses and homes to introduce our
24 neighbors to the redevelopment proposal and invite them to
25 preview our earliest submissions to the ANC for our HPRB process.

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1 We set up an online platform, 1250ustreet.com, to solicit
2 feedback and share project updates, inviting civic leaders and
3 cultural historians of the corridor to engage and share with
4 their networks. We posted signs inviting passersby to give
5 feedback on website questions by text. And for the first year
6 and a half we worked through design and massing in the HPRB
7 process, ramping up at the Board's suggestion to offering
8 multiple meeting options per week to ensure maximum participation
9 was possible. At the ANC, we presented repeatedly to the Zoning,
10 Planning and Development Committee at their monthly meetings
11 prior to being heard by the full commission. Over the last few
12 years, we've presented at 11 ZPD committee meetings, three
13 transportation committee meetings, and seven full ANC 1B
14 meetings. Throughout this process, we've provided frequent
15 project updates on the website, identifying the comments received
16 through the public engagement process and the revisions we
17 implemented in response to that feedback. After many iterations
18 incorporating feedback from the community and the Board, we
19 received HPRB concept approval in May of last year. As part of
20 the PUD application process, we were able to craft a community
21 benefits package in partnership with ANC 1B, who was extremely
22 dedicated to conducting a fair and open process. We began
23 soliciting ideas in July 2022, gathering all potential ideas from
24 meetings we hosted, meetings the ANC hosted, and a meeting hosted
25 by the U Street Neighborhood Association. Ideas were tracked

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1 publicly on our website and updated with our feedback as we made
2 progress researching their feasibility or defining actionable
3 versions of them. We were open and transparent through the
4 process, taking every recommendation seriously and providing an
5 explanation when a suggested benefit could not be provided.
6 Monthly progress was presented at meetings we hosted and at ANC
7 committee meetings. In November, once we had a list of benefits
8 crafted that we thought were actionable, the ANC solicited
9 community feedback and ranking their importance, which informed
10 the final list. It is that list that received ANC's support at
11 their December meeting, which was reiterated by the new incoming
12 ANC, as Jessica described, at their January meeting this year.
13 To go through those benefits, they include high quality
14 architectural and landscape design using high quality lasting
15 materials; the preservation and restoration of two historic
16 townhomes on 13 Street; housing, including 15 percent affordable
17 housing, plus two family-sized for-sale affordable townhomes; a
18 robust program for public art, utilizing advisory boards, public
19 art professionals and historians to advise and mentor local
20 artists in the creation of two public artworks; a commitment to
21 hiring locals through a first source employment agreement;
22 sustainable design meeting LEED Gold criteria; rebuilding the
23 13th Street curve line to straighten and widen the pedestrian
24 right-of-way; widening public alleys to improve vehicular
25 circulation and increase safety; enlivening the metro entrance

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1 with retail activation and streetscape improvements; acoustical
2 and aesthetic improvements to the WMATA chiller plant within the
3 alley system to benefit all surrounding neighbors; a public
4 planter bed in the pedestrian alleyway to provide ongoing
5 opportunity for community gardening and ecological education; a
6 pilot program with the D.C. Peace Team to address nightly safety
7 on the U Street corridor; the installation of compacting public
8 trash cans; improvement (audio blank) by the non-profits; and
9 finally, on month of food deliveries by Hope & A Home for low-
10 income families with children. These benefits were identified
11 directly from the community over a multi-year process, and we are
12 proud to be able to offer them as part of this application. We
13 do acknowledge that we have neighbors testifying in opposition
14 to the project tonight. We are sorry not to have achieved their
15 support and grateful for the positive impacts on our project they
16 have had. We will endeavor to address how the project considered
17 and respond to their concerns in our presentation.

18 I will now turn over the presentation to Mark Gilliland
19 with Shalom Baranes to walk us through the design.

20 MR. GILLIAND: Thanks, Hope. So you gave the
21 introduction. Mark Gilliland of Shalom Baranes Associates. Good
22 afternoon, everyone.

23 On the next slide, I just wanted to start with a quick
24 orientation to the site. It sits at the southeast corner of the
25 intersection of U Street and 13th Streets in northwest D.C. And

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1 the photos on the left margin describe some of the improvements
2 currently on the site. There's a four-story office building that
3 you see in the image on the top that embraces a metro rail station
4 entrance that fronts onto U Street. Wrapping the corner around
5 to the 13th Street side, there are two existing rowhouse
6 structures that exist there today and will be incorporated,
7 partially incorporated, into the new development. And then the
8 image on the bottom left is of the parcels in the middle of the
9 block, and they are currently unimproved with buildings. Next
10 please?

11 So this slide shows some additional images of existing
12 site improvements. That four-story office building can be seen
13 in the upper left, and you can see how it has that metro rail
14 station entrance. You can see the canopy over the escalators in
15 an open court that faces towards U Street. That's a view from
16 13th and U. Moving down, there's a view from the opposite corner,
17 12th and U, looking back towards the site. And you can see that
18 existing office building in the midground. Moving to the upper
19 right is the back rear elevation, alley elevation, of that office
20 building. And image in the lower right are those two rowhomes
21 that will be partially incorporated into the project. Next
22 please?

23 So the map in the upper left corner (audio blank) the
24 design we're presenting here today received concept approval from
25 the HPRB last year. Some structures on or adjacent to the site

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1 are shown here, including on the same block the image in the
2 upper left, the True Reformer Building is on the block. The
3 townhomes in the lower right are on the block. And directly
4 across the street, across U Street, are the Lincoln Theater and
5 Ben's Chili Bowl. Next please?

6 So within the U Street Historic District, there are
7 also examples of recent larger apartment buildings. Four are
8 shown here. All are within a few blocks of the site, and I
9 believe at least one of these went through this Commission. Next
10 please?

11 So as mentioned earlier, the proposed development
12 includes two primary building components: there's the U Street
13 building that sits to the north, fronting on the U Street
14 commercial corridor. It's a nine-story structure with
15 approximately 130 apartments, 60 hotel rooms, and includes some
16 ground-floor retail. The Temperance Avenue townhomes sit within
17 the block, and they're surrounded on three sides by
18 similarly-scaled structures. These 15 townhomes are three
19 stories tall. Next please? Went one too many there I think. A
20 few too many. That's good.

21 The block structure with its arrangement of public
22 alleys is somewhat unusual. There are five public alleys within
23 the block. Two are running east-west, and three have a
24 north-south orientation. As you can see in yellow, the site is
25 currently comprised of three parcels separated by alleys. Next

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1 please?

2 To consolidate the two parcels in the middle of a block,
3 the center north-south alley, which was historically known as
4 Temperance Avenue, is being closed. To improve other adjacent
5 alleys, the east-west alley is widened -- the northernmost
6 east-west alley is widened to 20 feet through dedication for that
7 portion between the U Street parcel and the midblock parcel.
8 Similarly, on the west, the north-south alley on that side is
9 widened from 10 feet to 16 feet through dedication. And on the
10 east, a private easement is provided to facilitate access to the
11 existing rowhomes that are fronting on 12th Street. Next?

12 So this plan shows the resulting site configuration
13 with the alley closings and dedications, what was three parcels
14 will become two. Next please?

15 So you know, there are advantages obviously to building
16 high-density residential above a metro rail station. It's
17 meaningful for promoting transit-oriented development. However,
18 there are significant design and construction challenges that
19 come along with it. This plan shows WMATA's above grade easements
20 on the U Street parcel facing U Street in red, also shows the
21 chiller plant within the middle of the block to the east side of
22 that alley that'll be closed. And there are below-grade easements
23 connecting the two that run through the U Street parcel. Next
24 please?

25 So this is just an enlargement of that U Street parcel

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1 showing WMATA's above-grade easements. They're classified in
2 different ways. Lot of things going on up there: escalators,
3 elevators, vents to the shafts that condition the station. The
4 easements on this particular parcel cover roughly 20 percent of
5 its surface area, including about 70 percent of its frontage
6 along U Street. Next?

7 So from an urban design perspective, we wanted to
8 reinforce the U Street wall, the corridor wall, which means
9 building above those easements. This strategy also had the added
10 benefit of shifting more upper floor open space to the south side
11 of the building, facing the lower scaled structures to the south.
12 Because Metro wouldn't allow us to bear our structure on theirs,
13 we devised a structural solution that's described in this
14 section. So basically what's going on here is what's shown in
15 the gray is kind of traditional D.C. concrete construction, start
16 the foundations, and you go up vertically. Once you get to that
17 roof level, what's shown in the pinkish color, is some girders
18 that will be put in place at the roof level, most likely steel,
19 that would cantilever out beyond the concrete structure towards
20 the U Street property line and then basically we would hang those
21 floors over WMATA easement area, starting from the top floor back
22 down to the third floor. And you can see where those girders
23 are located in the plan on the lower right. Next please?

24 So in this partial elevation of the U Street building,
25 you can see a portion of the station entrance at the sidewalk

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1 level. It's two stories high. Also, you can see the home
2 structure which is expressed above, rendered in glass and
3 aluminum with bay windows. The facade is hung from the tension
4 rods supported by the roof level girders that I mentioned in the
5 prior image. Next please?

6 So this view from the corner of 13th and U shows that
7 large two-story station cutout along U Street. The cutout is
8 actually expanded beyond the easement area, all the way to the
9 corner of 13th and U on private property. And this is, you know,
10 in an effort to enhance public access and metro user experience,
11 taking it all the way to the corner. This publicly accessible
12 area below 3rd Street, I'll call it a setback, obviously impacts
13 achievable density. Next please?

14 This landscape plan describes the enhanced design and
15 finishes in and around the station entrance. It's also, I should
16 point out, an aspirational retail pavilion directly to the east
17 of where those escalators are. It's that extension, a little
18 peninsula out to the north, just to the east of those escalators
19 that encroaches into the easement area. I refer to it as
20 aspirational because it's subject to WMATA's approval. We'd like
21 to see it built, but it will require their approval. We believe
22 it would support activation of the plaza. Next please? I'm
23 going to take swig of water.

24 A major (audio glitch) urban design opportunity shaping
25 the U Street building is in the area around the retained rowhomes

1 on 13th Street. Working with the HPRB, we're retaining the front
2 20 feet of these structures and restoring them.

3 And on the next page, you can see that from an urban
4 design perspective, the value of retaining these structures is
5 that they provide a really nice scale transition. It's a scale
6 transition to the rowhomes extending to the south on the right.
7 Respectful setbacks around the retained structures are
8 incorporated. Next please?

9 So this is sort of more of an elevational view of the
10 same side of the building, a view from 13th Street. And it
11 describes from a different perspective many of those setbacks.
12 And it also shows how new sidewalk level projections introduce a
13 scale and rhythm that relates to the existing rowhome bays that
14 are projections in the public space. I think this sort of
15 combination of existing and new help to enliven the pedestrian
16 experience along the street.

17 And on the next page, a plan you looked at earlier, but
18 I want to focus your attention now to the left side of the image,
19 along the 13th Street side, where you can see those three proposed
20 bays to the north of the two existing ones. A cafe seating zone
21 is also proposed to the north of the front yards of the retained
22 rowhomes. And you can also see the dashed line out to what's
23 shown as the new curb line, the extension of the public space to
24 align with the curb line that exists in the square further south.
25 So public spaces is widened and enhanced.

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1 On the next page, it's showing a view from the corner
2 of 12th and U, and it describes a number of other setbacks that
3 are introduced in plan and at the upper floors, the setbacks that
4 modulate the building's scale and relate it to its surrounding
5 context. The view is also illustrative of the massing concept
6 that flanks that lighter glass and aluminum hung structure that
7 I mentioned earlier with more solid masonry bookends that meet
8 the ground and frame the Metro easement area. Next please?

9 So from a strict, I guess a strict zoning perspective,
10 setbacks are only really required in upper floors along the south
11 side of the building, starting at around the seventh floor. The
12 proposed massing incorporates extensive setbacks on all sides,
13 starting at the ground floor. It's interesting to note that the
14 sum of the area associated with the proposed setbacks is more
15 than double the area associated with what zoning regulations
16 would prescriptively require. Next?

17 So I'm going to just quickly run through these plans.
18 Won't spend too much time on them. But I wanted to start with
19 the ground floor plan on the right and really call your attention
20 to the activated uses that embrace the Metro Plaza area. You
21 can see retail in the building lobby to the residential and hotel.
22 Wrapping around onto 13th Street, that retail continues. Just a
23 couple of things to point out at the back side of the building
24 along the alley in the basement of those retained townhomes, a
25 half a level down from the sidewalk is the location of the bike

1 room. So that bike room could be accessed from the sidewalk
2 area, down again a half level, we'll build some -- a bike runnel
3 for the wheels of the bikes to make that vertical transition.
4 And by the way, that bike room can also be accessed from inside
5 the building. You don't have to go -- to walk outside to get to
6 it. If you're a resident, you can come down the elevators at
7 that B-1 level, move down the corridor to the west and come up a
8 stairway into the bike room. Last thing I'll point out here is
9 the loading dock that is along that sort of widened 20-foot
10 portion of the alley. And it's also where another north-south
11 alley intersects in order to kind of facilitate truck turning
12 movements. Next please?

13 Hotel use, shown here in yellow, is located on the
14 second and third floors.

15 And on the next plan -- next page here, you'll see
16 apartments beginning on the fourth floor, and they extend up
17 through the building.

18 And finally, the next sheet shows the top of the
19 building. In addition to rooftop amenity and mechanical space,
20 the penthouse level also includes apartments. Next?

21 So having now talked a bit about the U Street building,
22 I'll transition to the Temperance Avenue townhomes. As seen
23 here, they can be accessed through that lobby, so you can come
24 from U Street through the lobby to get access back to Temperance
25 Avenue and into those townhomes. Temperance Avenue is a 20-foot-

1 wide pedestrian use. And next please?

2 So this is obviously an aerial view here. If you're
3 looking to the south, 13th Street is on the right. And you know,
4 over the course of the extensive community and HBRP engagement
5 that others have already mentioned, the design of this part of
6 the project was really very significantly altered. Over the
7 course of time, the number of floors was reduced. Upper floor
8 setback was also introduced. The upper floor was canted at one
9 point to redirect views away from the neighbors and
10 outward-facing exterior terraces were eliminated over concerns
11 of looking into backyards and into adjacent properties. Next
12 please?

13 So this would be looking in the other direction,
14 looking now back towards the north, get a little bit better view
15 of Temperance South. And the design of these townhouses are very
16 much influenced by the surrounding rowhouse context. The
17 proposed height, width, and building materials are informed by
18 those surrounding structures, and the HPRB determined the design
19 and massing was compatible with the U Street Historic District.
20 Next please?

21 Moving down to a pedestrian level view. This is a view
22 of Temperance Avenue between the two groups of flanking
23 townhomes, looking to the south. Retaining a vestige of the
24 historic alley space, Temperance Avenue, to access the townhomes,
25 was important to the HPRB, and I would say that the kind of the

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1 resulting pedestrian scaled space and amenity is a very
2 successful way to kind of access those -- this part of the
3 project.

4 On the next page, going to reorient you, looking back
5 to the north along Temperance Avenue, you can see how this
6 publicly-accessible space is designed as a pedestrian mews and
7 provides that access to those front doors. Repetitive bays create
8 a pedestrian-scaled cadence and rhythm along its length, and
9 two-story-high bays step back at the upper floors to invite in
10 more natural light. Next please?

11 So MKSK, our landscape architect, has developed a
12 design for all areas of the project, including Temperance Avenue,
13 that balances landscape features with hardscape walkways. The
14 rhythm and design groups two townhomes together and it creates
15 like a sort of a syncopated effect in relationship to the very
16 repetitive increment of an individual townhome. High quality
17 materials render the ground plain. Next please?

18 So you know, while informed by the surrounding historic
19 rowhomes, the design of the townhomes also compliments the
20 contemporary design that's proposed for the U Street building.
21 Similar masonry materials and glass and aluminum windows are
22 used, but warm exterior grade composite wood panels are
23 introduced. Next please?

24 And this next images is the final one in my portion of
25 the presentation. You're actually looking down on those

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1 contemporary townhomes. It provides kind of a literal overview
2 of the pedestrian-friendly design of Temperance Avenue.

3 So here, I believe, I'm turning things over to Will
4 with Gorove Slade.

5 MR. ZEID: Hello, good afternoon. Hopefully, you can
6 hear me. I'm Will Zeid with Gorove Slade, the traffic engineer
7 for the project. If we can go ahead and go to the next slide?
8 One more? Next slide? Okay. This one.

9 The site is located at the U Street metro rail station.
10 There are no existing curb cuts and existing parking and loading
11 are accessed from the existing public alley at the rear of the
12 building. The proposed mixed-use development does not include
13 any proposed curb cuts or on-site parking spaces. Loadings is
14 proposed to continue to be provided from the existing public
15 alley via head-in and head-out maneuvers to and from public
16 streets. A portion of the alley is proposed to be widened to 20
17 feet via a 5-foot easement adjacent to the loading area to improve
18 maneuvering within the alley. Existing utility poles along the
19 north side of the alley, just east of 13th Street, will also be
20 removed, increasing the clearance along that portion of the of
21 alley. The project meets zoning requirements for bike parking
22 and loading and is seeking relief from the zoning minimum vehicle
23 parking requirement to allow for a no parking -- no on-site
24 parking condition. This is consistent with DDOT's
25 recommendations for sites located at a metro rail station. The

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1 project team worked with DDOT to have RPP eligibility removed for
2 the development. This update has been made and is currently
3 reflected on the District's RPP eligibility map. So with the
4 full development addressed from U Street, none of the project's
5 residents should be eligible for RPP permits.

6 A comprehensive transportation review statement was
7 included for the project, including a parking occupancy study at
8 DDOT's request. The statement identified that the project is
9 below DDOT's threshold for requiring traffic capacity analyses,
10 and DDOT issued their report in support of the project, including
11 the proposed parking relief, with three conditions, all of which
12 the Applicant agrees to. And we will detail those on a later
13 slide. Next slide?

14 The project generates about the same number of total
15 trips as the existing uses on-site, and the net impact is below
16 DDOT's threshold of 25 net new peak hour or peak direction trips
17 for requiring additional analyses. The primary difference in
18 traffic and the trip distribution is the existing site provides
19 parking along the public alley, and the project is proposing that
20 traffic generally use a pick-up/drop-off zone along U Street with
21 no parking provided on-site. Any impact from the project is
22 supposed to be mitigated through a robust TDM plan, which is
23 prepared through coordination with DDOT. Next slide?

24 The project is proposing to widen the east-west alley
25 right behind the development, as shown on this image, by adding

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1 a five-foot easement, a widening via a five-foot easement,
2 between the townhomes and where we're sort of showing the loading
3 area there. This will provide additional width for maneuvering
4 and also a space for vehicles to pass a little more comfortably
5 with -- sort of mid-block on the alley if traveling in opposite
6 directions. The project is also widening the north-south alleys
7 or the westernmost north-south alleys seen here to 16 feet --
8 it's about 10 feet today -- via an easement. And this will
9 accommodate two-way traffic along that portion of the alley. Go
10 to next slide?

11 DDOT issued their report in support of the project with
12 three conditions, all shown here, and all of which the Applicant
13 agrees to. The Applicant would also continue to coordinate with
14 the DDOT following this process on the items identified in the
15 DDOT report, including proposed public space improvements during
16 the permitting process along U Street and 13th Street. Next
17 slide?

18 The project's TDM, or transportation demand management,
19 plan was developed in coordination with DDOT and includes both
20 long- and short-term bike parking meeting zoning and D.C.M.R.
21 requirements. The bike room will also include power outlets for
22 charging e-bikes and scooters, as well as larger spaces for cargo
23 and tandem bikes, all meeting DDOT's bike room design guidelines.
24 As previously mentioned, the Applicant worked with DDOT to have
25 RPP eligibility removed for the project, which is reflected in

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1 the District's eligibility database. So that is not a lease side
2 restriction, that is an actual restriction. You would not be
3 able to obtain RPP at the DMV with this address. TDM plan also
4 includes pedestrian safety improvements that were developed
5 through coordination with DDOT during the CTR process. These
6 improvements include extending the pedestrian space from south
7 of the public alley all the way to U Street. It's hard to see
8 from this image, but it sort of tapers within the bottom red box
9 there. It sort of tapers off to the right as you approach the
10 alley. And working with DDOT, we've identified that we are going
11 to straighten that out. So providing a little bit of additional
12 streetscape south of the alley and then sort of almost a full
13 lane of streetscape in addition of widening the streetscape north
14 of there going up to U Street.

15 With that, I will turn it over to Brandis.

16 MS. ELLIOTT: Hi. Good afternoon. Thank you, Mr.
17 Chair and members of the Commission. I'm Brandis Elliott with
18 Holland & Knight, and I have the pleasure of presenting how this
19 PUD is consistent with the standard of review. So if I could
20 have the next slide please? Thank you.

21 So the PUD standard of the review requires that the
22 Commission finds that the PUD is not inconsistent with the
23 comprehensive plan, does not result in unacceptable project
24 impacts, and includes benefits and amenities. We'll have the
25 next slide please?

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1 So the first part of the review requires that we find
2 that the PUD is not inconsistent with the comprehensive plan. So
3 we have actually provided a complete analysis of the PUD as it
4 relates to the comprehensive plan in the record, and you can find
5 that at Exhibits 3I and then also the supplemental at 28C. And
6 that demonstrates that the PUD is not inconsistent with the
7 comprehensive plan. And additionally, the Zoning Commission has
8 developed a racial equity analysis tool that we've used to
9 evaluate the project through a racial equity lens. And that is
10 also part of the comprehensive plan analysis that we will discuss
11 in this presentation. Part of that review is looking at the
12 comprehensive plan policies, but also some of the other policies
13 out there that are related to the small area plan, the housing
14 equity report, and also the mayor's comeback plan. Next slide
15 please?

16 So the first policy that we're looking at out of the
17 comprehensive plan is actually the generalized policy map. The
18 U Street parcel is designated main street mixed-use corridor, and
19 that supports a conservation and enhancement. It recognizes that
20 there are some core (audio blank) and they have capacity for
21 redevelopment. The townhome parcel is designated as a
22 neighborhood conservation plan -- excuse me, neighborhood
23 conservation area, and although conservation is included in that
24 term, the framework actually clarifies that it is not intended
25 to preclude development, particularly when it addresses housing

1 needs. But obviously new development should enhance established
2 neighborhoods. So next slide please?

3 The future land use map is also a policy of the
4 comprehensive plan, which identifies the future land uses in the
5 District, and the U Street parcel is designated mixed-use medium
6 density residential and medium density commercial. It encourages
7 a mixing of uses and generally has an FAR of about 4 -- or between
8 4 and 6. And then the townhome parcel is designated moderate
9 density residential, and that is typically associated with
10 rowhouses or low-rise garden apartments. The current RF-1 zone
11 is consistent with this designation. Next slide please?

12 And so here we're just showing how the U Street building
13 is consistent with the medium density designation. As you can
14 see that the designation supports the FAR between 4 and 6, but
15 it does acknowledge that greater density is possible when there
16 is a PUD or if the project includes IZ. The ARTS-4 designation
17 is actually not eligible for a PUD bonus density, but it is
18 eligible for the 0.5 prefer to use bonus density for providing
19 residential uses. The U Street building has an FAR of 7.59,
20 which is consistent with the medium density commercial
21 designation. Next slide please?

22 So the -- we use the Zoning Commission's racial equity
23 tool to evaluate this PUD through the -- to ensure that it was
24 not inconsistent with the comprehensive plan. It did change a
25 little bit from the first time -- from the time that this project

1 was submitted. So the analysis is located in two different places
2 in our submission, and you'll find that at Exhibits 3I and 20C,
3 because this presentation only includes a very abbreviated
4 version of that. So if we could go to the next slide, we'll go
5 ahead and get into the evaluation of equitable development
6 indicators.

7 So the racial equity tool requires a discussion of how
8 the project advances the policies of the comp plan through a
9 racial equity lens. And so what this table shows is the outcomes
10 or the benefits of the PUD, and then it lists the comp plan
11 policies that they advance. And that is what that right-hand
12 column is. Also in that right hand column, you'll see some
13 highlighted policies. Those were indicated in OP's equity
14 crosswalk as specifically advancing racial equity. So we just
15 wanted to point those out, although there are other policies that
16 advance equity, and we feel that those have also been provided
17 in that column as well. So for example, the racial equity tool
18 is particularly concerned with residential displacement. And in
19 this case, there are no -- there's currently not a residential
20 use on the property, and so there would not be physical
21 displacement of residents. This does advance a housing policy
22 that aims to create inclusive mixed use -- I'm sorry, mixed-
23 income neighborhoods by reducing displacement. Of course, we've
24 talked a lot about the residential portion of the development,
25 but that would also advance several policies that are related to

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1 racial equity, including meeting the housing production targets
2 and encouraging transit-oriented development. Next slide please?

3 The PUD is consistent with the housing equity report,
4 since it will result in 131 new housing units, and that's 3.1
5 percent of the overall housing goals for the planning area. The
6 housing goals are also consistent with the mayor's economic plan,
7 D.C.'s comeback plan, which has a goal of reaching a population
8 of 725,000 residents by 2028 and also creating jobs and affordable
9 housing throughout the District. And if we're going to have that
10 population increase, obviously there needs to be an increase in
11 housing. The PUD also advances the upward mobility plan and OP
12 actually provided a thorough analysis about this in their report.
13 But it provides significant affordable housing and two affordable
14 family-sized for-sale townhome units, which increase the housing
15 options and help alleviate the pressure on housing costs overall.

16 Next slide please?

17 And we do have a few of these slides, so I'm going to
18 try to breeze through them for you. But again, this has been
19 provided in the record at Exhibits 3I -- or at Exhibit 3I, but
20 I'm just going to highlight a couple of items. The PUD includes
21 improvements to the public space, including the Metro Plaza that
22 would advance racial equity policies, including safety,
23 accessibility, and creating spaces for activity. And it also
24 includes many sustainable elements that advance racial equity,
25 including street trees, which alleviates urban heat island

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1 impact, as well as green roof, using all electric appliances in
2 the residential units. And it would be designed to achieve LEED
3 Gold. Next slide please?

4 The PUD includes new landscaping and lighting, sidewalk
5 improvements, the addition of two commemorative artworks. And
6 again, these are things that advance racial equity. Next slide
7 please?

8 And finally, the PUD will advance equity by becoming
9 more accessible through transit improvements that also
10 facilitates access to employment opportunities through the
11 region. Next slide please?

12 All right. This property is located in a small area
13 plan. It's the Duke development framework. Small area plans are
14 really intended to supplement the comprehensive plan, so it
15 provides more pointed recommendations on how to develop the
16 property.

17 And if we go to the next slide, we can see some of the
18 recommendations that were included in the small area plan. It
19 includes making improvements to the Metro Plaza, providing art
20 installations, and including ground-floor retail. These are all
21 things that are advanced by the project. There are also some
22 design recommendations that have been incorporated into the
23 project as well. Next slide please?

24 So the -- excuse me, the racial equity plan now
25 includes a large component related to community outreach and

1 engagement, where this is still part of the comp plan analysis,
2 but let's see, we were asked to define the neighborhood. The
3 neighborhood is in the greater U Street area and the historic
4 district. It has a rich Applicant-American history and culture.
5 It was deeply impacted by the civil rights movement, urban
6 renewal, and alley clearance. We have supplemented the record
7 with some of the history. And also we would like to thank
8 Historic Preservation for having a thorough database online
9 about -- providing information about history, because that
10 became -- that was a very helpful resource for us. But that is
11 included in our submission as well. The area has experienced
12 negative conditions leading to racial discrimination, including
13 displacement that was caused by urban renewal and alley
14 clearance. And over time, it did lack investment and that
15 resulted in economic decline and social isolation. Current
16 efforts do address some of the past discrimination. There has
17 been reinvestment in the community through new developments, and
18 the Reeves Center is a notable catalytic development in the
19 neighborhood. And so since then there's been continued
20 investment, which has resulted in additional complications and
21 issues related to housing affordability and displacement. The
22 Applicant has conducted significant outreach to the community,
23 and Hope already provided a thorough list and explained some of
24 that outreach. But that outreach with the community resulted in
25 the significant community benefits and amenities which are

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1 supported by the ANC. And I would like to go to -- oh, I think
2 that she's already pointed them out. And I'll go ahead and pass
3 over to the next slide for now. Next slide? Thank you.

4 And also, as part of the comprehensive plan review, we
5 have to address some of the inconsistencies that that PUD may
6 have with the comprehensive plan. Some of the inconsistencies
7 that we identified were policies where there was a request for
8 office space, different sizes of office space, and office space
9 to accommodate local or minority businesses. These
10 inconsistencies are outweighed by the future land use map
11 designation, which supports the proposed density and the use
12 and -- as well as the generalized policy map designation, which
13 supports conservation and enhancement of the site. The housing
14 equity report and city-wide housing goals are furthered by this
15 or outweigh those inconsistencies, as well as the enhancement of
16 the Metro entrance and improved environmental conditions. We've
17 already discussed some of the city-wide elements and the mid-
18 city area elements, so I'll go to the next slide please.

19 The second PUD standard of review requires that the
20 project does not have unacceptable project impacts and that the
21 impacts are favorable, capable of being mitigated or acceptable,
22 given the quality of benefits. The impacts of the PUD have been
23 evaluated by OP and other District agencies and generally have
24 been found to be favorable. In one case, at least on this slide,
25 you know, transportation is a common issue where there are

1 mitigations in place through the -- that are established through
2 the comprehensive transportation review, which is the case here,
3 and then that makes the impacts favorable or mitigated. Next
4 slide please?

5 Other potential impacts include new residents being
6 introduced to the area that could impact local parks and
7 recreation facilities. In terms of the urban design, this --
8 okay. I'm sorry. Next slide please?

9 Here's urban design. And in terms of urban design, the
10 PUD will be a significant improvement over the existing building,
11 and it will not benefit just those in the building, but also
12 anyone who uses transit. There's some letters in the record that
13 share concerns about elements of the urban design, which include
14 the loss of privacy and light and impacts to views. We have
15 provided a shadow study demonstrating the project would have
16 minimal impact to light on adjacent properties. We have also
17 provided sections showing distances between buildings, and the
18 design, as articulated earlier, has been modified to address some
19 of those concerns related to privacy, including the removal of
20 terraces. Next slide please?

21 So the PUD standard of review as a supplement to -- oh,
22 I'm sorry. I skipped over one. Let's see. Infrastructure and
23 educational facilities, we found those to be favorable or
24 mitigated. We'll go to the next slide.

25 So now we're at the Zoning Act consistency. It is a --

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1 the PUD standard is a supplement to the Zoning Act, and the
2 elements are generally addressed through compliance with zoning
3 regulations and in demonstrating that the PUD is not inconsistent
4 with the comprehensive plan. So we'll go to the next slide
5 please?

6 And we will talk about the balancing test. This takes
7 us back to the PUD standards. And at this point, there needs to
8 be a balancing between the project impacts and the flexibility
9 and the public benefits and project amenities. Next slide please?

10 The project has requested areas of flexibility. A lot
11 of this flexibility allows the project to maximize its FAR to
12 produce the greatest number of housing units and affordable
13 housing units. And some of this flexibility for the U Street
14 building allows for the building to accommodate the WMATA
15 easements, as discussed previously. Next slide please?

16 But the project's public benefits and amenities have
17 been negotiated with and agreed upon by the ANC. The ANC's letter
18 of support specifically identifies benefits and amenities that
19 align with the neighborhood's priorities. We've already
20 discussed a lot of these, including the District's priorities of
21 housing and affordable housing and also employment opportunities.
22 So we'll go ahead -- I just wanted to call attention to other
23 considerations listed there on the slide, where the ANC in
24 particular notes that the value of the benefits that they consider
25 of special interest to their community as being over \$600,000.

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1 Next slide please.

2 So now we did see that OAG submitted a presentation to
3 address the benefits and amenities of this project, and we just
4 wanted to take a minute to discuss that. This is regarding the
5 first filing that's at Exhibit 33A, and there are basically two
6 arguments being made. First, that IZ Plus should be the baseline
7 for establishing the appropriate set-aside for a PUD. And then
8 the second argument OAG -- claims that OAG is undervaluing the
9 benefits and amenities package as a whole, including housing and
10 affordable housing. So concerning IZ Plus, and this has come up
11 recently in several cases, and there are well-established
12 standards for evaluating a PUD which do not include the use of
13 IZ Plus as the baseline for affordable housing. And in fact,
14 the zoning regulations specifically state that IZ Plus
15 requirements shall not apply to a map amendment that is related
16 to a PUD application. So because this is coming up regularly,
17 OP addressed it in a supplemental report for Zoning Commission
18 Case 96-13A, where they clarified that PUDs were excluded from
19 IZ Plus because PUDs provide many important benefits and project
20 amenities, including but not limited to affordable housing. And
21 the zoning regulations allow for public benefits in several
22 categories. It is not just housing and affordable housing. And
23 so we wanted to make sure that that was clear. Next slide please?

24 We know that the Zoning Commission has asked for us to
25 show them the map more than once, and we're happy to do that. We

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1 have the IZ calculations here. I won't go through them now. I
2 would just note that they're pertinent to my next slide. And so
3 if you do want to go over the calculations at some point, we
4 could do that. Next slide please?

5 And these are the calculations for the townhouse
6 parcels. Next please?

7 So OAG has also suggested that the amount of affordable
8 housing in particular is insufficient for the amount of hous- --
9 for the amount of density that is being gained. The regulations
10 state that the public benefits include housing that exceeds the
11 amount that would have been provided through a matter-of-right
12 development under the existing zone. And in this case with the
13 base zone being ARTS-1, the maximum density would be just over
14 53,000 square feet. What's being proposed is 119,000 -- just
15 over around 119,000 square feet. And so this is actually a
16 significant benefit because it increases housing by 125 percent.
17 And the zoning regulations also state that the affordable housing
18 proffer is calculated similarly. It has to exceed what would
19 have been required through a matter-of-right development under
20 the existing zoning. And again, when we look at the calculations,
21 we see that an ARTS-1 zone with IZ would be able -- would be
22 required to produce just under 8,000 square feet of affordable
23 housing. And this PUD is proposing over 18,000 square feet,
24 almost 19. And so that is actually a 127 percent increase of
25 affordable housing, and that is a substantial benefit. So in

1 both cases, the project far exceeds the amount of housing and
2 affordable housing that would otherwise be provided in the based
3 zone. The ARTS-4 zone permits an additional 97,281 square feet.
4 And we would like to point out that the PUD is providing 119,140
5 square feet, which is far more than would be -- they're actually
6 using all of that density gain to put towards affordable housing
7 -- or I'm sorry, housing in general, not just -- not the -- it's
8 market and affordable housing. Next slide please?

9 So in conclusion, the PUD will not create any
10 unacceptable impacts. And in fact, all the impacts are favorable,
11 mitigated, or acceptable, given the quality of benefits. It
12 offers robust benefits and amenities that have been agreed upon
13 by the ANC twice, and the requested flexibility is offset by
14 benefits and amenities. And that concludes my portion of the
15 presentation, and I'll hand it back to Jessica.

16 MS. BLOOMFIELD: Thank you, Brandis.

17 That concludes our direct presentation, and our entire
18 team here is available to answer any questions of the
19 commissioners.

20 CHAIRPERSON HOOD: I want to thank you all for your
21 presentation. Let's see if we have any questions or any comments.

22 I'll start with Commissioner May.

23 COMMISSIONER MAY: Thank you. I have a few comments.
24 Not a whole lot of questions, but first of all, on the design
25 overall, I mean, there are certainly things that I would -- might

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1 be a little bit different, but I'm not going to press on any of
2 that since you --

3 CHAIRPERSON HOOD: Commissioner May, you're going --
4 either you're going out just on my unit, but you -- okay. You're
5 going out.

6 COMMISSIONER MAY: I've had some sound issues today.
7 Can you hear me now?

8 CHAIRPERSON HOOD: Yes, we can hear you now, yes.

9 COMMISSIONER MAY: All right. I'm going to have to
10 shout at my computer here. So anyway, no real design comments
11 because it's -- you've been through the HPRB wringer, and I'm not
12 going to try to overlay comments on that. I will say a few
13 things. The plaza space, I think, is a substantial improvement
14 over the existing condition, even though you're putting a
15 building over the top of it, because it's really kind of a
16 desolate place, it's not really a great plaza to begin with. And
17 it's also one of those awkward circumstances where the canopy is
18 pressed up against the face of a building, and it just doesn't
19 work so well. So I'm -- I think that what you've done is pretty
20 good with that space.

21 I also -- I mean the fact that it's a double height
22 space and not just a single height of the ground-floor retail, I
23 think contributes as well and makes it a better space than we
24 have in many of the other downtown buildings where there are
25 metro entrances under the building. So I think that's working

1 well. On the upper height setback on the south side, I understand
2 the argument for it. I mean, basically what it comes down to is
3 between the WMATA complications and the HPRB, if you were to
4 comply with that setback, the building would be smaller and you
5 wouldn't be able to maximize the available FAR. What I would
6 like to understand is how much of an impact actually is that?
7 Did you look at that question and like how much -- I mean know
8 it makes the floors harder to configure and all that too, and
9 I'm not looking for an attempt to design a building that has the
10 setbacks, but I'm just curious about how much FAR would be lost
11 if you were to comply with that setback. And you may not know
12 that answer right now, but if you do, great. So I'll give you a
13 chance.

14 MS. BLOOMFIELD: Let me quickly -- Paul, if you don't
15 mind pulling up from our full set of drawings Sheet 28 is a good
16 image to talk through this question.

17 MR. GILLIAND: So the short answer is I don't know how
18 much square footage would be lost. Certainly can do that
19 calculation. It's, you know, the one-to-one setback kind of at
20 a certain height does pose some challenges. Well, really, any
21 kind of building type, but with residential with the quarter
22 wings that kind of wrap around the, you know, the -- with issues
23 related to stair locations and code-required distances for means
24 of egress, you know, your stair has to kind of migrate. It's --
25 there's some real practical difficulties in making that work.

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1 But from a pure calculation of square footage loss, I don't know
2 the answer. But you could -- you know, this diagram is pretty
3 illustrative of just imagine that area in green probably not
4 sloped at a 45, but stepping back at every floor would constitute
5 a pretty large reduction in achievable density at the upper
6 floors.

7 COMMISSIONER MAY: Okay. Yeah, I mean, I could imagine
8 that when I looked at this drawing and the floor plan as well
9 that showed the affected areas. But it would be -- I'm hoping
10 it would not be a terrifically difficult thing to calculate and
11 provide that to us.

12 MR. GILLIAND: We can get that to you.

13 COMMISSIONER MAY: All right. Thank you. So I'm glad
14 that the -- our residual parking permit issue is more or less
15 resolved by being able to keep the building off the rolls. We
16 don't see that solution very often, but maybe that's a sign of
17 better fixes in the future, because I know that simply including
18 it as a condition of leases is problematic from some people's
19 perspective. The one thing about the parking that I -- that is
20 not well explained in the record, at least as far as I could see,
21 is exactly how difficult it would be to include below-grade
22 parking. There is a basement over part of it, and I think the
23 footprint is probably insufficient if it were attempted to be --
24 if you attempted to make it parking. And I know you have some
25 unusual structural requirements because of the way you are

1 hanging the front side of the building. But is there -- did you
2 look at any solution that involved actually trying to put parking
3 in there or, you know, sort of working around the WMATA space?

4 MR. GILLIAND: We did early on before we took things
5 to HPRB, we were exploring the implications of providing that
6 level of parking below grade. You know, finding the right
7 location for a parking ramp was one thing that was proving to be
8 a bit challenging and pushing our loading dock and lobbies around
9 a little bit to try to get it underneath that U Street parcel
10 primarily. We also had plans that did extend it back underneath
11 the townhouses, but that was some additional excavation that was
12 of concern to the neighbors back in the middle of the block. And
13 you're absolutely right, Commissioner May, I mean, with more
14 modest requirements for not loading -- adding additional loads
15 to their station entrances, you know, staying out of their area
16 of influence was quite a challenge.

17 COMMISSIONER MAY: Right. So can you just say offhand
18 that the amount of basement that you have included in the project,
19 which I understand is necessary for mechanical and such, I mean,
20 is that the extent of what you could actually build below grade,
21 because I can see pretty clearly that wouldn't work for parking.

22 MR. GILLIAND: I think that that's really it. Unless,
23 you know -- we did at one time explore some connections across
24 the public alley above grade. They didn't get very far and below
25 grade had some similar implications, as I recall. So we were,

1 you know, really just looking at a fairly limited area where you
2 could provide it underneath the U Street building.

3 COMMISSIONER MAY: Right. And I understand it would
4 be very expensive given other constraints in the building. So
5 part of the building is a hotel, and many people who stay in
6 hotels have cars and come by car. Is there any sort of plan for
7 accommodating those visitors in nearby parking garages or are you
8 just expecting everybody to not drive?

9 MR. GILLIAND: So your question was is there a current
10 plan to accommodate car traffic?

11 COMMISSIONER MAY: Yeah.

12 MR. GILLIAND: I mean, we did look at the, you know,
13 at available parking garages in the area, and there are garages
14 available. It would be up to those tenants to make agreements,
15 you know, to rent parking monthly for those spaces.

16 COMMISSIONER MAY: Yeah. I'm not concerned about --
17 so much about the apartment dwellers, because they are, you know,
18 they know what they're getting into, but the hotel visitors is
19 what I was curious about, because, you know, many hotel operators
20 want to make sure that there's some measure of parking. We have
21 approved some buildings with hotels without parking in the past,
22 but I'm just wondering if there is, you know, I mean, are you --
23 is there a hotel operator that you're already talking to who's
24 figured they can do it without the parking or they want to make
25 deals with neighboring buildings or anything like that, has any

1 of that been figured out?

2 MS. RICHARDSON: We've been speaking to a number of
3 operators that would be comfortable operating with no parking
4 based on the customer that they expect on this corridor being
5 reliant heavily on rideshare and Metro.

6 COMMISSIONER MAY: Okay. All right. And so no need
7 to secure spaces elsewhere or anything like that?

8 MS. RICHARDSON: Correct.

9 COMMISSIONER MAY: Okay. The neighbors to the south,
10 I'm particularly interested in. You did, obviously did, a lot
11 of outreach and a lot of conversations with the community. Was
12 the neighbor immediately across the alley to the south on the
13 west side actually part of those discussions, and have they had
14 concerns about this, because they're the ones who would be most
15 affected by the U Street portion of the project?

16 MS. RICHARDSON: The one immediately to the south on
17 13th Street or on T Street?

18 COMMISSIONER MAY: Yeah, on 13th Street, just across
19 the alley.

20 MS. RICHARDSON: They have been active over time as
21 part of the conversations, yes.

22 COMMISSIONER MAY: Okay.

23 MS. BLOOMFIELD: I would also point out that in that
24 location, that is where the historic buildings are, so the
25 building is actually setback significantly in that location

1 adjacent to the closest property owner.

2 COMMISSIONER MAY: Right. Okay. And then the last
3 question I had is Ms. Elliott mentioned that it's an all-electric
4 building, and that's a benefit. I'm curious about that, because
5 I thought at this point that the District's building codes only
6 allow all-electric buildings, apartment buildings, when you get
7 to this size or maybe that hasn't gone into effect yet, but can
8 you -- does anybody know the answer to that?

9 MS. RICHARDSON: We're proposing all-electric units,
10 occupiable units. We're investigating the possibility of going
11 all-electric for all building systems still with our MEP
12 engineers.

13 COMMISSIONER MAY: Okay. But it's not a building code
14 requirement yet for the apartments to be all electric?

15 MS. RICHARDSON: No.

16 MR. ZEID: I don't believe so.

17 MS. RICHARDSON: No, I believe they retracted that goal

18 --

19 COMMISSIONER MAY: Oh.

20 MS. RICHARDSON: -- pending further investigation by
21 PEPCO.

22 COMMISSIONER MAY: Okay. All right. That's it for my
23 questions. Thank you.

24 CHAIRPERSON HOOD: Okay.

25 Commissioner Imamura?

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1 COMMISSIONER IMAMURA: All right. Thank you, Mr.
2 Chairman. Try to work my way around the room.

3 Mr. Gilliland, thank you for your presentation. I
4 rather enjoyed it. I think the design, I think is quite nice.
5 I appreciate the creative structural solution with the girders.
6 I think that certainly -- I was kind of excited to see that
7 strategy there. And just your description about the
8 architectural vocabulary, the rhythm with the old and the new,
9 especially along Temperance Avenue for the townhouses there and
10 the pedestrian scape there with the repetitions and the rhythm
11 and even the syncopated effect. So I really appreciated the way
12 you described the architectural feel for this project. So thank
13 you for that.

14 Where I kind of didn't follow is in the landscape design
15 and how it enhanced pedestrian space. Certainly an improvement,
16 as Commissioner May had noted, Mr. Bragan and KSK. I wish there
17 was more opportunity to exercise a little more creative freedom
18 there. But I think what you did on Temperance Avenue was quite
19 nice, and want to give you an opportunity amongst your team to
20 at least talk a little bit about that strategy. And also I'm
21 kind of curious if you -- what your role was in stormwater
22 management and if you worked with Mr. Szynal on that or if you
23 were the lead on that. I'm kind of curious, as the landscape
24 architect, what your role was and what your strategy is?

25 MR. BRAGAN: Yeah, thank you for the questions. I

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1 guess to go to the overall landscape design and then work through
2 quickly to the to the Temperance Mews. You know, I think there
3 was a general approach that started with the paving for the site
4 and the relationship. Understanding it's a very urban location
5 and that we respect that materiality and the plaza. Finding a
6 way to kind of work with the existing condition, the sort of
7 concrete sidewalk, but start to find a way to make it a bit more
8 elegant, you know, a little bit more -- a little bit of a nicer
9 material. So these precast pavers and a very sort of subtle
10 pattern, and then bringing that pattern all the way through to
11 tie with the U Street building to the townhouses and the
12 Temperance Mews. I think, you know, the note -- the point about
13 syncopation and the Temperance Mews is really finding a way to
14 respect the kind of individual scale of the units and bring
15 planting and place for people to pause, so it's not just a
16 straight shot, you know, just for circulation. We wanted to give
17 people places to kind of pull off to the side and also humanize
18 the space with planting and trees. So I don't know if that
19 answers your first question.

20 As far as stormwater management goes, that was indeed
21 led by Michael, so we've kind of followed suit with greener roofs
22 and that sort of supported his efforts.

23 COMMISSIONER IMAMURA: Terrific. Thank you, Mr.
24 Bragan. I appreciate your response. I think the pedestrian
25 scale and landscape design is equally as important as the

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1 architecture of it. And so I appreciate your efforts with what
2 you had to work with, as well as I think I also want to compliment
3 Mr. Gilliland too, and you, Mr. Bragan, for I think a comprehensive
4 design solution. So I don't get the feeling that it's sort of
5 two separate disciplines, but that there's rather one working
6 together. So thank you for that.

7 Ms. Elliott, I want to thank you for your analysis.
8 You gave us everything and the kitchen sink. It's very
9 comprehensive. I don't know if your team fully understands or
10 appreciates that you just took on the OAG by yourself. So I
11 thought that was rather nice, especially with showing the IZ math
12 that I'm sure Chairman Hood appreciates also. There is a question
13 that I have for you, and it's something that I've always felt
14 really uncomfortable about with the general policy map and the
15 neighborhood conservation. In it, it says, you know, where
16 changes occur it will typically be modest in scale. We have a
17 9-story building, 97 feet. It's rather imposing at the corner
18 of 13th and U. So help me feel better about that. So what can
19 you tell me?

20 MS. ELLIOTT: Well, you know -- thank you, Dr. Imamura.
21 I think in this case, you know, the mixed-use corridor is
22 intended to -- it is generally made up of older storefronts that
23 would be improved or, you know, that already has a
24 pedestrian-oriented environment. And so it's anticipated that
25 most of the improvements would happen to these existing older

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1 storefronts. This situation is a little different because it
2 doesn't already have that character. It's developed with a much
3 different -- with a much larger building that doesn't maintain
4 that old storefront. And so what's being proposed, the density
5 is still consistent with what's expected in the future land use
6 map, but -- I'm sorry, I'm being handed notes. Please excuse me
7 for a moment. But also the conservation and the enhancement
8 that -- none of those designations are intended to preclude
9 residential development. And one of the things that we've -- we
10 feel like we've been able to show during this presentation is the
11 importance that the comprehensive plan and the housing equity
12 plan and the various mayor initiatives put on housing and how
13 that this is furthering those goals.

14 COMMISSIONER IMAMURA: Thank you, Ms. Elliott. I
15 appreciate your response. And no need to apologize for the notes.
16 We see that happen on Capitol Hill all the time. Well, thank
17 you. I appreciate that. I still feel that it's rather imposing,
18 but I do understand and appreciate your response and position.
19 So thank you.

20 Ms. Richardson, you had delivered your part of the
21 presentation at the very outset here, so forgive me if I don't
22 have all the details quite right. But you had mentioned something
23 about a web page and passersby being able to provide or sending
24 text messages or comments. Just for my own personal curiosity,
25 how many did you receive, was it a QR code, how effective was

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1 that? I think it was -- it sounds to me like a creative solution
2 for outreach. I want to almost call it dynamic outreach, but
3 it's really not dynamic. But I'm just curious. It's sort of
4 real-time information. Can you just describe a little more about
5 that?

6 MS. RICHARDSON: Sure. We worked with a company that
7 focuses just on this, on public outreach platforms in sort of the
8 digital age. We actually use texts instead of QR codes, because
9 not everybody has access to a cell phone camera. And I would
10 say we didn't -- I don't know the exact number. It was a
11 relatively low traffic period for that metro because it was sort
12 of peak pandemic. But we -- I can definitely get you the number
13 of comments. And actually that's all listed publicly on the
14 website with all those comments. So we were able to collect
15 several hundred, I think over 400 comments overall. But I would
16 say most people engaged directly by typing in our URL, the
17 1250ustreet.com.

18 COMMISSIONER IMAMURA: Great. Even 400 is pretty
19 substantial, I think, by that method. So thank you for
20 elaborating a little bit more on that.

21 Mr. Zeid, transportation is always an exciting topic.
22 I don't have any questions for you, although I know that you have
23 some pretty cool dinner party facts I'm sure that make for
24 riveting conversation. So for this particular project and zoning
25 case, you can walk away unscathed today.

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1 So with that, Mr. Chairman, I don't have any additional
2 questions. I yield back.

3 CHAIRPERSON HOOD: Thank you.

4 Vice Chair Miller, any questions or comments?

5 VICE CHAIR MILLER: Thank you, Mr. Chairman. Maybe
6 just a few questions and comments. I might have more later after
7 we hear public testimony. But I want to thank the Applicant's
8 team: Ms. Bloomfield, Ms. Richardson, Ms. Elliott, Mr. Gilliland,
9 Mr. Bragan, and everybody else who's there for all of your work
10 on this project and the community engagement and outreach which
11 you've initiated and participated in and responsiveness to
12 concerns expressed during that process and through the historic
13 preservation design review process as well. I know some changes
14 were made. I think a whole floor was taken off from an original
15 proposal, additional setbacks, you're not providing the upper
16 floor required setback for this zone, but you're providing
17 additional setbacks to try to mitigate the effect -- any
18 potential adverse effect on those existing townhomes and on the
19 new ones that you're going to build.

20 So I -- and you've agreed to all of DDOT's conditions,
21 as you've stated. The ANC has a number of -- ANC 1B, which
22 supports this application, has listed a number of public benefits
23 and amenities which you all have negotiated with them on. And I
24 assume that all of those public benefits that are listed in their
25 report would be -- you are accepting as conditions of any order

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1 that the Zoning Commission would adopt in this case; is that
2 correct? I see nodding heads. If you can just --

3 MS. RICHARDSON: Correct.

4 VICE CHAIR MILLER: Yes? Okay. And the Office of
5 Planning, I think, commented on your requested design
6 flexibility. I think they said they had no objection to the
7 design flexibility if the stated ratio of housing and affordable
8 housing is not reduced. And they also said that they had no
9 objection to the flexible use of the fourth floor for either
10 residential or lodging, provided that the purpose of calculating
11 the 15 percent IZ proffer, the fourth floor would be considered
12 residential regardless of use. So I just wanted to confirm.

13 MS. RICHARDSON: We agree with their interpretation
14 there.

15 VICE CHAIR MILLER: Okay. Thank you. And the -- if
16 the architect could maybe clarify the lot occupancy of the --
17 both the U Street building and the townhomes? I think we had
18 some conflicting information. One place it says 100 percent.
19 Another place not necessarily in the same persons report says 89
20 percent. Can you just clarify what the lot occupancy is or
21 provide for the record at some point the lot -- what the
22 correct -- confirm what the correct lot occupancy is for each of
23 the parts of the project?

24 MR. BRAGAN: Sure. I'm just going to our zoning
25 tabulation sheet here, and what I'm seeing is that for the

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1 U Street parcel, even though, you know, it has that larger kind
2 of cutout around Metro and setbacks at the upper floors, it's
3 effectively 100 percent lot occupancy, if you're looking down
4 from up above and, you know, all portions of the site are covered
5 at one level or another. With regards to the RF-1 portion, the
6 townhomes portion, we're showing 66 to 81.5 percent. And I may
7 ask our attorney to help me with those two numbers. I know that
8 they were very involved in helping us to tabulate those.

9 MS. BLOOMFIELD: Yeah, the 66 to 81.5 percent is a
10 range, because each of the townhomes has a slightly different lot
11 of occupancy, so that's the range that's being provided.

12 CHAIRPERSON HOOD: You're on mute.

13 MS. BLOOMFIELD: I can't hear.

14 CHAIRPERSON HOOD: You're on mute, Vice Chair.

15 VICE CHAIR MILLER: Okay. Thank you. Thank you, Mr.
16 Chairman. Sorry about that.

17 Ms. Elliot, thank you for your comprehensive analysis
18 of the standard of review and the comprehensive plan consistency
19 and the zoning standards and the -- anticipating what I would
20 have asked is that you provide a response to the Office of
21 Attorney General statement in this case that the IZ Plus would
22 be the more appropriate metric to apply to the affordable housing
23 requirement for this particular project. You are providing in
24 this project a lot of market rate and a lot of affordable housing
25 beyond what the existing matter-of-right zoning obviously would

1 require, but you're getting a huge increase in height and density
2 as a result of the map amendment request from ARTS-1 to ARTS-4
3 zone. So it would make sense that you -- there would be a lot
4 of additional housing requirement even under the regular IZ
5 formula. But I wonder, you made a statement that IZ Plus
6 generally doesn't apply to map amendments that are associated
7 with planned unit developments and that the Zoning Commission has
8 agreed with that interpretation when it's come up in a number of
9 cases. Do you -- could you just reiterate that point and clarify
10 for me -- I'll ask the Office of Planning, your former employers,
11 this question as well -- but that the Zoning Commission still
12 does have discretion to apply IZ Plus or not in PUDs that have
13 map amendments associated with them, do you believe the Zoning
14 Commission has discretion to apply IZ Plus in PUDs with map
15 amendments if it finds -- if it makes the appropriate findings?

16 MS. ELLIOTT: Well, in in the case of a PUD, there is
17 a benefits and amenities package that has been proffered, and
18 that's what the Zoning Commission decides is if those benefits
19 and amenities are significant enough to balance out the
20 flexibility and the adverse impacts of the project. So that's
21 what the Zoning Commission --

22 VICE CHAIR MILLER: I didn't hear. I'm sorry. What
23 was the last point you just made?

24 MS. ELLIOTT: No, I just, that's what the Zoning
25 Commission decides. And certainly if the Zoning Commission is

1 of the opinion that it's not sufficient housing, then, you know,
2 there's further discussion.

3 VICE CHAIR MILLER: Right. And that's the gist, I
4 think, of the OAG's comments that the affordable housing is not
5 sufficient given the prioritization of affordable housing. And
6 in a point that they haven't -- I don't know if OAG mentions it
7 in their report, I'll go back and look at it, but the Office of
8 Planning certainly in other cases, and the Zoning Commission in
9 other cases where we've been asked to apply IZ Plus and we
10 haven't, it's often in an area where the -- and I think that
11 under the existing Zoning Commission regulations for IZ Plus,
12 it's where exceptional circumstances exist. And IZ Plus does not
13 necessarily have to apply. And we've found in those -- in the
14 cases where we didn't apply it in other map amendments, and I
15 think it was map amendments with PUDs, but I need to check with
16 OP on that, but it was in -- these were in areas generally that
17 were already saturated with a disproportionate share of
18 affordable housing in terms of the citywide proportions of
19 affordable housing. And those mainly were concentrated on the
20 eastern end of the city in many cases.

21 The mid-city planning area, where this project is
22 located, differs from that. It's a high opportunity, high amenity
23 area, and the racial equity and other data that's been provided
24 by both your -- by both the Applicant, by Office of Planning, and
25 by OAG shows that it -- that there is less -- that this is a high

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1 opportunity, high amenity area which could benefit from having
2 IZ Plus being applied. And I'm having somewhat difficulty, maybe
3 you can help me, understand why in this particular neighborhood
4 where there is so much -- where there isn't as lot of affordable
5 housing, although there's some, I know there's a project right
6 down the block I think that we approved of one house -- I think
7 one building is basically a replacement public housing and the
8 other was all market housing, but can you give me anything here
9 in terms of a brief statement as to why in such a high
10 opportunity, high amenity area there shouldn't even be more
11 affordable housing than just the baseline of the IZ regular
12 formula?

13 MS. ELLIOTT: If you don't mind -- oh, my goodness.
14 Okay. Sorry. If you don't mind, Commissioner Miller, I'll take
15 a stab at that. And then I'll also turn it back to Brandis,
16 who's obviously our expert.

17 VICE CHAIR MILLER: Okay, thank you.

18 MS. ELLIOTT: You can hear me? Okay. So we did not
19 apply IZ Plus. The zoning regulations specifically say that PUD
20 related map amendment that IZ Plus does not apply. I recognize
21 that you're asking something beyond that. That said, we -- I'm
22 getting notes passed to me as well. I believe the Commission
23 recently approved, very recently approved, a PUD on Wisconsin
24 Avenue, which was also a high amenity area, at 15 percent
25 affordable housing. So 15 percent really is sort of what we're

1 seeing right now in terms of affordable housing for PUDs. I will
2 also say that the zoning regulations don't require a specific
3 amount of affordable housing in a PUD, right, that's all part of
4 the balancing test. The regulations define public benefits
5 as generally as superior features that benefit the surrounding
6 area and the public in general to a greater extent than would be
7 as a result of a matter-of-right. And then the regulations list
8 18 different types of public benefits, one of which is housing,
9 one of which is affordable housing. And in both cases, the
10 housing or affordable housing is only considered a benefit if it
11 exceeds what would be permitted or required under existing
12 zoning. So this is how we have identified and defined the
13 affordable housing proffer in this project. And contrary to what
14 the Office of the Attorney General would have you believe, the
15 zoning regulations do not assess a higher value for some benefits
16 over others. And while it's absolutely that the Zoning
17 Commission's discretion to do that balancing test, the balancing
18 test is not about affordable housing only, it is about the full
19 package of public benefits, which is in this case we believe far
20 outweighs the development incentives being requested, which we
21 recognize are large, is a large number, and that absolutely has
22 to do with the fact that we are located on top of a Metro and
23 have to work around those very significant constraints.

24 VICE CHAIR MILLER: Thank you. The -- yeah, I would
25 -- yes, I would agree that affordable housing is one of many

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1 public benefits. And I think it's pretty obvious though that
2 the -- that affordable housing has a higher priority in the
3 comprehensive plan and in our -- well, in the comprehensive plan
4 than other public benefits. Even you cited it in the neighborhood
5 conservation area language that that's where it's -- when
6 affordable housing's being provided, that that's when you -- more
7 development is appropriate in a conservation area. So I think
8 it's pretty clear that it kind of -- it stands above and beyond,
9 has a public benefit. But I realize you put together a
10 substantial public benefits and amenities package with the
11 Advisory Neighborhood Commission, that housing and affordable
12 housing is a big part of this project, I realize that.

13 The PUD cited on Wisconsin Avenue was a very old PUD
14 that got modified recently, but I'm not sure that -- well, so I
15 just meant that it was -- that PUD was approved back in the, you
16 know, originally in the 1980s when obviously there was no
17 inclusionary zoning requirement at all. But the U Street
18 Neighbors Association and some of the neighbors who are here in
19 opposition did list affordable housing as one of the concerns,
20 so -- that they had with the project, in addition to other
21 concerns. So that's why I wanted to, in addition to my own
22 concerns, have that discussion with you. We can have it further
23 as we go on with the dialog with the public. Did you want to
24 say something else, Ms. Elliott?

25 MS. ELLIOTT: I was going to say one other thing, which

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1 we can talk about when OAG delivers their presentation, but as
2 with the other cases, at least that I've been involved in, we
3 very much disagree with the math that OAG is showing for what IZ
4 Plus would require. It is a far smaller difference than what
5 they're showing on their presentation. So sometimes math is easy
6 to show in a presentation, and it may be something that you all
7 want to see after, but we very much disagree with their
8 methodology.

9 VICE CHAIR MILLER: Right. I appreciate that. And
10 thank you for pointing that out. Let me just lastly, in terms
11 of the adverse -- any potential adverse impacts on the existing
12 townhouses, I think you've, you know, you're widening the alley,
13 you're doing certain things. Can you say what certain things
14 you're doing or that that the project is doing that don't -- that
15 mitigates -- mitigate against any potential adverse impact on
16 light and safety in the alley? Those were two issues particularly
17 noted by a couple of the neighbors.

18 MS. ELLIOTT: Paul, if you don't mind pulling up the
19 sun -- the solar studies that was sent to you yesterday? It's
20 also Exhibit 17F in the case record.

21 MS. RICHARDSON: Can you go to the next slide please?

22 MR. GILLIAND: So I'm sure you guys have seen a lot of
23 these solar studies in the past focused in on the interior of
24 the block and developed these to describe conditions in summer,
25 June 21st, or the summer solstice. And you know, at three times

1 a day: one in the morning in the upper left, selected 9 a.m.,
2 in the upper right, noon basically, and in the bottom left, the
3 afternoon condition at 3 p.m. You know, and sort of kind of
4 within this window of time, there's no real solar impact on those
5 adjacent properties. Clearly, kind of early -- earlier than 9
6 a.m., you know, at a certain point, buildings a block away are
7 going to be casting a shadow on the back of those townhomes, and
8 these will -- these new townhomes will cast additional shadow in
9 those very early morning or late afternoon hours. But it's
10 minimal amounts during the major part of the day.

11 MS. RICHARDSON: Next slide?

12 MS. ELLIOTT: Yeah, next slide.

13 MS. RICHARDSON: Because we have --

14 MR. GILLIAND: And just because we don't always look
15 at just one time of year, looking at the spring equinox here,
16 the autumnal equinox would be very similar. And you can see
17 those same times of day, 9:00, noon, and 3:00. And then I believe
18 there's maybe one more in this grouping of images on the next
19 page, which is when the sun's the lowest at the winter solstice,
20 December 21st. And obviously the larger impacts happen at that
21 time of day. In the upper left, you can see the shadows being
22 cast in the backyards areas at 9 a.m., not so much on the vertical
23 structures themselves on 13th Street. No real impact in the
24 middle part of the day. And then in the afternoon, it's a bit
25 of a shadow cast onto the backs of those townhomes on the 12th

1 street side.

2 MS. RICHARDSON: And from a safety perspective, we
3 worked a lot with the neighbors to understand sort of existing
4 uses of the alley system, that informed the widenings that we
5 proposed here to make sure that people can use the proposed system
6 in a two-way nature. We did remove what we had initially
7 designed, which was a gateable pedestrian walkway at the
8 Temperance Avenue pedestrian area to make that open to the public
9 24 hours a day, so that people who do choose to walk in the alley
10 system can use that fully pedestrian zone. Working with DDOT,
11 you know, alleys are generally vehicular use infrastructure in
12 the city. So by opening that to the general public, we were able
13 to provide a sort of fully safe pedestrian area for walking in
14 the system. And I would also say Mark mentioned before some of
15 our logistical challenges to providing parking on this site, but
16 one of the sort of externalities of not providing parking on the
17 site is not introducing the parking traffic that would be entering
18 and exiting this alley system if we were to have parking for the
19 residents here.

20 VICE CHAIR MILLER: Thank you for all of your responses.
21 I think that was helpful. Finally, let me just ask, I just was
22 curious, there was a statement about there's no physical
23 displacement of any residents because there are no residents on
24 the project site, per se. Do you -- does anyone know how recently
25 there were residents on that site? It's okay. I don't need to

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1 know that. But it -- I just was curious if it had been in any
2 recent times where there were residents on -- had been on the
3 site. Do you happen to know, Ms. Elliott, or no?

4 Okay. Well, let me just finally comment that it's a
5 very commendable project. There are a lot of positive aspects
6 to it. I think it's very well designed on a very -- a site that
7 has a lot of constraints. I think it's tried to be redeveloped
8 several times over the years, and this may be the furthest that
9 any redevelopment proposal has gotten so far. And so I commend
10 you for all of your efforts and all of the work that you've done.
11 I think it really it can be an asset to the neighborhood and we
12 can see if we can improve upon what's before us today. So thank
13 you very much.

14 Thank you, Mr. Chairman.

15 CHAIRPERSON HOOD: Okay. Thank you.

16 Let me try to go through my questions pretty quick. I
17 think I have enough information on engagement. It looks as
18 though, Ms. Richardson and others, it looks as though -- the way
19 I calculated one of the -- and forgive me, it's been a while
20 since some of the stuff that we talked about, I tried to take
21 notes, but, it looks like you all had about 64 meetings; is that
22 correct? You may have had more, but at least 64 from what I --
23 the way I counted.

24 MS. RICHARDSON: We counted 58.

25 CHAIRPERSON HOOD: Oh, okay. Well, I'll take those

1 extra ones. It was probably the 64 from talking individually.
2 Okay. So anyway, 58 still is good. I also want to commend the
3 ANC both times, ANC 1B, both times for dealing with this issue.
4 I think it was two different chairs. But I want to commend them.
5 I think both letters were well-written, well documented what
6 their concerns, what the issues were, but overall it was support.
7 So I want to commend both the ANC on that. And it looks like
8 you all have really been working hard with the ANC in those --
9 in that 58 count. So really appreciate it as far as engagement.

10 Mr. Zeid, let's talk about RPP. I heard what
11 Commissioner May said. I will tell you I don't believe it. I
12 don't think that -- I've -- I don't believe that we're going to
13 accomplish what you mentioned about keeping it off the rolls. I
14 don't think we're sufficient enough. So help me understand how
15 we get there. Help me understand that the system is now working
16 after all these years. Mr. Zeid, I think -- am I pronouncing
17 your last name right, [Zadel], yeah, I've seen you.

18 MR. ZEID: [Zide].

19 CHAIRPERSON HOOD: I'm sorry?

20 MR. ZEID: It's [Zide].

21 CHAIRPERSON HOOD: [Zide], okay, Mr. Zeid. Okay. You
22 could have pointed to somebody else, and Mr. Zeid --

23 MR. ZEID: I get (indiscernible).

24 CHAIRPERSON HOOD: Help me understa- -- give me a
25 comfort level because I -- you may have heard me say this before,

1 I'm still not confident after all these years, I don't believe
2 we can keep them off the RPP, which that's one of the issues I'm
3 sure the neighbors would have. So help me get to where you are.

4 MR. ZEID: So all right, sir. I guess this is a multi-
5 part answer here. So one, just to be clear, right, we've -- the
6 RPP eligibility is removed. So if you go to the DMV when these
7 residences are built, and you provide your address, they will
8 tell you you can't get an RPP permit. So you won't be able to
9 obtain one to have in your car so that you could legally park.
10 So the only way to park in an RPP space would be to illegally
11 park in a RPP space. So you, you know, presumably will be
12 ticketed, et cetera. So as far as that goes, it's an -- it'd be
13 an enforcement issue if people were doing it when they weren't
14 supposed to be doing it. Now, the second part of this is with
15 no parking provided for the building -- you know, as -- we're
16 talking about the residents. You know, generally speaking, there
17 are different types of residential buildings. This one is located
18 at the Metro. It's a prime candidate to have a lower parking
19 ratio or going down to even zero, which we see is being allowed
20 in other parts of D.C. DDOT supports it fully. In their mind,
21 if you build the parking, people will come with cars, right? So
22 if I'm shopping for an apartment, if I have building A that has
23 no parking provided on site, so I can't guarantee there's a place
24 to put my car, and then I have building B that does have parking,
25 and I have to have a car, I'm most likely not going to go with

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1 building A where I have to hope I can find somewhere to put my
2 car. I'm going to go with building B where I can rent a space
3 in the garage. So this building will naturally attract people
4 that do not have cars. It's the -- that will be the target
5 demographic of this building as far as auto ownership goes. Will
6 there be somebody that thinks they can do it? I don't know. But
7 it's not in their -- it's not in the person's best interest to
8 pick a building where they can't get a parking space if they have
9 to have a car. So this provides the opportunity to provide those
10 lower park, or zero park in this case, buildings, which is the
11 goal for being above Metro. I mean, this is the place, right,
12 to have zero parking is above a Metro station.

13 CHAIRPERSON HOOD: I'm not going to debate you on the
14 last part, but I'm just curious, do you have a track record of
15 this actually -- because I know we've done this in this city
16 other places, and over the years I've been told it doesn't work
17 -- so do you have a track record where you can point me to where
18 you know for specifically can you guarantee me that this works
19 in the city, or are you going by what DDOT has told you?

20 MR. ZEID: That -- exactly what works, having zero
21 parking?

22 CHAIRPERSON HOOD: No, no. I agree with you on that
23 about the site, the Metro, but I'm talking about the RPP. Can
24 you tell me where -- we -- the Zoning Commission has said no
25 residential parking permits in this area, can you point me to a

1 building where it actually works?

2 MR. ZEID: So this has already happened. So we worked
3 with DDOT already. It's already removed. There is no if you go
4 to -- you can pull up the map right now in this block. It was
5 there a month ago. It is no longer blue. You -- there -- it's
6 not an RPP block anymore. So it is physically impossible as of
7 right now according to DDOT's own map to get it.

8 CHAIRPERSON HOOD: Okay. I'm not going to --

9 MR. ZEID: I know in other cases have lease
10 restrictions and commitments to try, but this -- we've already
11 done this part of it.

12 CHAIRPERSON HOOD: Okay. I'm -- I probably know a
13 little more about that, so I'll leave that alone. I'm not going
14 to beat up on you about that.

15 MS. RICHARDSON: I can say that --

16 CHAIRPERSON HOOD: I'll take your word for it.

17 MS. RICHARDSON: I used to live in a building on Georgia
18 Avenue, on a commercial block where that block face was not
19 allowed to have RPP permits per the same map that Will is talking
20 about. So when I went to register my new car that I had actually
21 rented a parking space for in the building I lived in, I received
22 a sticker, a registration for my car that specifically stated no
23 RPP zone allowed. And so that's the sticker that I had for the
24 duration of my time living in that building. So any building on
25 a block face that, as Will described, is in the no RPP program,

1 you don't get any privileges to park for longer than two hours
2 in any location.

3 CHAIRPERSON HOOD: And if you don't mind, let me ask
4 you, how long ago was that?

5 MS. RICHARDSON: I lived in that building from 2015 to
6 2019.

7 CHAIRPERSON HOOD: Okay. All right. I'm not going to
8 belabor the point. I appreciate you all indulging me and having
9 that conversation with me.

10 Let's talk about the survey. Whose survey is it? I
11 saw it in the record. I saw one of the citizens say they don't
12 know whose -- is it you all's survey, or is it -- whose survey
13 was that? Ms. --

14 MS. RICHARDSON: It is not ours.

15 CHAIRPERSON HOOD: Not you all's? So nobody's owning
16 up to that survey. I thought there were some good questions.
17 Maybe they'll come forward, whoever has the survey. I will say
18 that I noticed that -- and I think one of my colleagues may have
19 alluded to this earlier about the building materials. Normally,
20 I have a problem with light building materials because they get
21 dirty. But I don't think in this case, in the location of where
22 it is on U Street, I believe that it's sufficient. But let me
23 ask this, over a period of time, is there a way to kind of clean
24 the materials or is it going to need to be cleaned because
25 sometimes when you get lighter colors, you start getting a lot

1 of dirt, pollution from the cars, carbon and whatever you have
2 it, but is there a way to keep it clean, keep that building
3 looking sharp and nice, if it's approved, and you all go forward
4 with it?

5 MR. ZEID: Sure. The brick on the U Street building,
6 which is kind of in the -- I'll describe it as sort of a more
7 gritty heavily-trafficked part of the site that comes down to the
8 ground is a darker brick, and we're going to have to work on some
9 more color selections as we do mockups in later phases to -- that
10 might address some of the issues that you're raising. I mean,
11 brick can certainly be power washed and repointed over time, if
12 necessary, but wouldn't anticipate that that would need to be
13 done for years and years. There is a lighter color material
14 that's higher up on the building, you know, that starts really
15 at the third-floor level and extends up, and that's a composite
16 type of material. We're looking at porcelain, which a good rain
17 should keep reasonably clean. It's not like it's getting splashed
18 up on from a sidewalk at that elevation.

19 Back in the townhome --- townhouse area, we are using
20 a slightly lighter color brick than we are using on the street
21 building. It's a -- and it's slightly (audio blank). I just
22 feel like it's the right kind of coloration and, you know, facing
23 into the Mews, facing into these kinds of alleys to keep things
24 light enough and bright enough. But it is a masonry type material
25 that's super durable, you know, brick will hold up. Will there

1 be some maintenance required? Absolutely.

2 CHAIRPERSON HOOD: Okay. Thank you. I appreciate your
3 comments.

4 Ms. Bloomfield, let me ask, I was trying to remember
5 this, especially with the True Reformer Building some years back,
6 there was a BZA case about using that alley lot to build
7 townhomes. Were those townhomes ever built? Are those the ones
8 that I'm seeing? I know you all have a -- were those townhomes
9 ever done?

10 MS. ELLIOTT: Chair Hood, those townhomes were never
11 constructed. They were actually not approved by the BZA.

12 CHAIRPERSON HOOD: Okay. I thought I recalled that.
13 All right. I'm not going to say anymore on that.

14 MS. ELLIOTT: Yeah. Yeah. It required some lot area
15 or dimensional relief that was not granted.

16 CHAIRPERSON HOOD: So let me ask, are we doing now --
17 are we coming back after all this time and -- basically are we
18 doing the same -- if I was to look at this, are we doing the
19 exact same thing or something similar with the townhomes we're
20 doing in that alley lot now?

21 MS. ELLIOTT: Well, this is a different proposal. The
22 proposal that the BZA reviewed was for 10 townhouses, and this
23 one is for 15.

24 CHAIRPERSON HOOD: Okay. I will be frank with --

25 MS. ELLIOTT: The configuration is different.

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1 CHAIRPERSON HOOD: Okay. I actually sat on that case,
2 and I know -- I can't remember which way I voted, I think I voted
3 against it. But I look at this, and I'm -- I like what I see on
4 this case. Actually, Mr. Gilliland and others, I like the design.
5 So I don't have a whole lot of comments on the design.

6 Now, Ms. Elliott, my next question is for you. First
7 of all, I got your name right after all these years. I think I
8 been doing that -- I think I'm on a roll right now. And then I
9 also -- I like your enthusiasm as you were presenting to us. So
10 I just want to say that to you in your new role. But let me ask
11 you this, what did you find -- I noticed you said favorable or
12 favorably mitigated. I want to know, what did you find that was
13 not favorable in this project?

14 MS. ELLIOTT: Well, so there are some comments in the
15 record from the neighbors, and they had some concerns about
16 shadowing. And we understand that they're considering those to
17 not be favorable impacts. We feel that the benefits and amenities
18 balance out those impacts that are not mitigated. So you know,
19 if their light is impacted by the -- if they feel that their
20 light will be impacted by the project, they will benefit from
21 having a -- an improved alley network, improved sidewalks along
22 13th Street. They'll also have a park in the alley or the
23 community garden. So there are other things that we think
24 mitigate the impact of that light that also improve the quality
25 of life.

1 CHAIRPERSON HOOD: So let me ask this question another
2 way. I thank you for your response. Is there anything that you
3 see -- I mean you -- now, I understand the neighbors, and I'm
4 not trying to put you on the spot, and I don't want anybody to
5 pass you a note, because I think I know who's passing the notes,
6 but my question is is there anything that you saw that was not
7 favorable? You don't even have to tell me what it is, you can
8 just say yes or no.

9 MS. ELLIOTT: Well, in our review, we didn't identify
10 anything specifically that was unfavorable. Even with the
11 studies, you know, it shows that there's very little -- the shadow
12 studies show that there's little impact. Any of the
13 transportation impacts are mitigated. So we -- you know, even
14 usage of the recreation facilities and parks may increase, but
15 then that's mitigated by the fact that the Applicant is improving
16 a neighborhood park, a playground. So you know, balancing those
17 things, we feel that there really are no unfavorable impacts.

18 CHAIRPERSON HOOD: Okay. Thank you.

19 I'm going to end with my questions because I do want
20 to get to the public. Let me see if my colleagues have any
21 follow-up. And I thank you all for your responses.

22 Any follow up questions, because I do want to get to
23 the public. Okay. Thank you.

24 Ms. Schellin, let's go to the ANC, if they have any
25 cross, ANC 1B. We have a new chair, I think it's Ms. Harris.

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1 I'm going off my memory, which is dangerous.

2 MS. SCHELLIN: Let me check along with Mr. Young if he
3 will also look.

4 CHAIRPERSON HOOD: Ms. Harris or Ms. -- Chair Harris,
5 that's who it is, Chair Harris maybe.

6 ANC CHAIRPERSON HARRIS: I'm right here.

7 CHAIRPERSON HOOD: Chair Harris, okay.

8 MS. SCHELLIN: Okay. There we go.

9 CHAIRPERSON HOOD: Okay. Thank you, Chairperson
10 Harris. Welcome. I know you are now the current chair of ANC
11 1B, so -- and I appreciate all the work that you all have done
12 and always do. Let's see, do you have any questions of what
13 you've heard thus far, any cross-examination?

14 ANC CHAIRPERSON HARRIS: I do not.

15 CHAIRPERSON HOOD: Okay. So we'll come back to you
16 shortly. So give us a moment.

17 ANC CHAIRPERSON HARRIS: Thank you.

18 CHAIRPERSON HOOD: Okay. Ms. Schellin, let's -- I
19 think we have one party, the SPP party, which I've named.
20 Hopefully, they don't mind that name.

21 MS. SCHELLIN: That is correct. We need to find -- I
22 guess we could bring Mr. Schwartz up to find out who is going to
23 be their representative.

24 CHAIRPERSON HOOD: Yes.

25 MS. MACEDO: Hi. This is Aisha Macedo. I'm going to

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1 be passing this over to Jenny Prime, who was, until a few weeks
2 ago, the president of USNA, so she can take over with the
3 cross-examination and any presentation.

4 CHAIRPERSON HOOD: Okay. Thank you. We're going to
5 do cross now. We'll come back to the presentation later.

6 MS. PRIME: Hi. Thank you. And Aisha and I live two
7 doors down, so we've actually just come to -- I've come to her
8 house. So we're sitting next to each other if you have any
9 questions for Aisha. So I do want to cross-examine a few
10 witnesses, and I do have some clarifying questions. And the
11 first is for Eastbanc. I think there is a misunderstanding about
12 the alley flow, and I would like you to better explain the north-
13 south alleys. As I understand it, there are only two true
14 north-south alleys, and we're going to be reduced to one. I
15 think in your presentation, you implied there were three
16 north-south alleys. Can you please explain?

17 MS. RICHARDSON: Yes.

18 CHAIRPERSON HOOD: Could you -- before you start, could
19 you identify yourself? I know you -- we've mentioned your name,
20 but I need you to just to identify yourself.

21 I'm asking if you could identify yourself.

22 MS. PRIME: Oh, yeah. I'm sorry. I couldn't hear you.
23 We're trying to not --

24 CHAIRPERSON HOOD: Okay.

25 MS. PRIME: -- have ourselves repeat over. Yeah, and

1 let me start first. My name is Jenny Prime. I live at 1927 13th
2 Street, N.W. I've lived here for over 11 years, first as a renter
3 and then as an owner through exercising my TOPA rights. I now
4 reside there with John Green and our two children. Rafael just
5 turned four, and Nicolas is one. So we are navigating life on U
6 Street with those two. And Rafael goes to Garrison Elementary
7 School on S Street. And I want to thank the Commission for
8 granting us party status. While we're experts at this block,
9 we're not experts at the zoning process, so thank you.

10 CHAIRPERSON HOOD: Okay. Thank you. So now we can
11 follow up and answer the question.

12 Ms. Bloomfield, whomever is going to answer it.

13 MS. RICHARDSON: Sure. So I can answer the question.
14 The current configuration is a 10-foot alley north-south furthest
15 to the west, that's the alley behind the homes that the SPP
16 group -- SSP (sic) group live in. The center alley, which is a
17 25-foot alley north-south in the middle, and a third north-south
18 alley that isn't a full through-alley furthest to the east that
19 serves the townhomes on 12th Street. So our proposal does close
20 that center alley and make it pedestrian only, and it widens the
21 westernmost north-south alley and -- to 16 feet, which is DDOT's
22 standard two-way alley width.

23 MS. PRIME: So is it fair to say we're down to one true
24 through north-south alley? Like if the developer on the other
25 side were to develop his property, the only way to access the

1 north and south alley would be from the one alley?

2 MS. RICHARDSON: That's correct.

3 MS. PRIME: Okay. Yeah. I just think it's really
4 important to understand the traffic flow back there and how it
5 will force the traffic over to the smallest alley currently there
6 from the big wide alley that's proposed to be closed. So thank
7 you and appreciate everyone having a better understanding of
8 that.

9 And my next question is to DDOT. And I want to know
10 did you take into account -- into consideration the increased
11 traffic from a hotel for example linen deliveries, food
12 deliveries, just the general hotel impact?

13 COMMISSIONER MAY: So you said the question was for
14 DDOT. We haven't heard from --

15 MS. PRIME: Yes. Are they still there?

16 COMMISSIONER MAY: We haven't heard from DDOT yet.

17 MS. PRIME: Oh, I'm sorry.

18 COMMISSIONER MAY: What we heard from was the
19 Applicant's traffic consultant. So I think Mr. Zeid can answer
20 that.

21 MS. PRIME: Thank you.

22 MR. ZEID: Yes, so the trip generation does include
23 hotel deliveries. I can tell you we separately calculated
24 deliveries for development, it's around three trucks per day.
25 And that's a combination of not really trucks, but anything up

1 to about a 30-foot truck. So that includes move-in, move-outs,
2 it includes linen deliveries, it includes, you know, (audio
3 glitch), if you will, get wrapped into that as well, not just
4 30-foot trucks, but anybody making a delivery to the loading
5 area.

6 MS. PRIME: Okay. And -- thank you. So you -- that
7 is the impact of the hotel?

8 MR. ZEID: It's the entire development.

9 MS. PRIME: Okay. And how did you come to that through
10 traffic study? Like for example, was that based on the idea of
11 one restaurant being there, X number of residents moving out, X
12 number of hotel guests coming in and out, X number of linens
13 being changed, what -- can you give me some of the statistical
14 background?

15 MR. ZEID: Yeah, the Institute of Transportation
16 Engineers publishes rates, truck -- actual truck trip generation
17 rates for different uses, hotel being one of those. And this
18 hotel is around 60 rooms and it doesn't -- it's not a (audio
19 glitch) hotel with like a large banquet area and those types of
20 things. It's really just rooms. So I think, you know, it doesn't
21 have like restaurant type and stuff you see in some hotels, which
22 would drive a higher food service and other types of deliveries.

23 MS. PRIME: Okay. Thank you.

24 And can I ask a procedural question? After DDOT
25 testifies, am I able to ask them questions?

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1 CHAIRPERSON HOOD: Yes. Now that you have party status,
2 Ms. Prime, and you -- and actually you're doing a good job. I
3 just want you to know that. But after --

4 MS. PRIME: Thanks.

5 CHAIRPERSON HOOD: After you've -- everything that we
6 ask -- everybody we ask questions, and we -- you're going to have
7 an opportunity to do the exact same thing when we get to the SPP
8 part.

9 MS. PRIME: Okay. Great. So the Office of Planning
10 will testify later, and so I could ask a question of them?

11 CHAIRPERSON HOOD: Yes. You can ask them questions,
12 and everybody but us.

13 MS. PRIME: Okay.

14 CHAIRPERSON HOOD: You can't ask us questions.

15 MS. PRIME: Thank you.

16 And then I have two more follow-ups for the Eastbanc
17 team. So it's just a clarification. For the townhome parcel,
18 would those residents also be restricted on their RPP parking?

19 MS. RICHARDSON: Yes, they will have 1250 U Street
20 addresses, so they would be similarly restricted.

21 MS. PRIME: Okay. Thank you.

22 Yeah, and then this -- I -- sorry, I should have
23 combined this with the traffic study, but if you live here, you'll
24 notice that there's always like some sort of truck that powers
25 the WMATA chiller, it's just parked outside on the big wide alley.

1 Has part of your parking plan figured out, you know, how that's
2 going to be accommodated back there or if it's going to be needed?

3 MS. RICHARDSON: Yes. We're working with WMATA to
4 fully pave the parking spaces that they actually have on their
5 land for that purpose, so that they use the parking that they
6 should be using instead of the alley system.

7 MS. PRIME: And are you familiar with that big truck,
8 would it fit in their parking? I'm not familiar with an alley
9 that there's a big wide parking area for that that would
10 accommodate them.

11 MS. RICHARDSON: Yeah. You can identify it by the
12 bollards to the immediate west of their building. There's a
13 double wide gate that opens for them to pull in there. So that's
14 where those would be accommodated.

15 MS. PRIME: Okay. Thank you.

16 And then my question goes back to the community
17 benefits. So we're very concerned about the negative impact on
18 light for our homes. So for example, my family is out of the
19 house by 9:00, 8:15's when school starts, so losing light in the
20 morning is the time we're actually at our homes. So I'm curious
21 why you would suggest that your community benefits outweigh that
22 negative impact to these historic homes on 13th Street,
23 particularly when there's past precedent of an existing townhome
24 development that couldn't go -- fit in that alley. I'm not sure
25 of the exact reasonings, but as a good researcher of my property

1 when I was there, I realized there was a previous development
2 that didn't work that exceeded the RF-1 zoning. So my expectation
3 was that, you know, something of this scale wouldn't necessarily
4 be consistent with what was back there. So I'd love to know how
5 you make that assessment that the community benefits outweigh the
6 negative impacts.

7 MS. ELLIOTT: Sure. Well, we'll take this together.
8 The legal requirement is not that we look specifically at your
9 piece of property and say your piece of property might get
10 slightly less light, how does that balance with our benefits?
11 It's all of the impacts compared to all of the benefits. And in
12 fact, we don't get to decide whether that balances, the Zoning
13 Commission does. So of course, we want to look at, and we have
14 looked at, all of the impacts of this project. And as we all
15 know, the large U Street building didn't create any shadows to
16 the south because of where we're located on the globe.

17 The townhomes do create some shadows, and we went
18 through those shadow studies. The shadows are extremely minimal.
19 And on the studies that we did, which are three times of day,
20 three times of the year, there is, I think, no shadows on any of
21 the existing buildings. There are shadows on the -- where your
22 parking spaces are, and I believe in the rear yards. And we can
23 pull it up again if we want to, but from what we could tell,
24 there wouldn't be new shadows on your house. And if you have a
25 different interpretation of that, we would love to hear it, but

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1 the shadows that these structures are creating are minimal. The
2 buildings are also well below the 50 feet that would be permitted
3 in the RF-1 zone as a PUD. They're only 30 feet, and they were
4 reduced in height significantly from what we were originally
5 proposing as we went through the process with the community,
6 received feedback, and from the HPRB as well. Hope, do you --

7 MS. RICHARDSON: I just wanted to expand a little bit
8 on the description of the shadow studies, specifically at the
9 standard times that we presented for the Zoning Commission today.
10 I insisted on putting a note on those because when we were
11 reviewing the plans under HPRB, we asked the architects to do
12 some creative approaches to looking at shadow studies, which was
13 sort of exactly what time the shadow left the very bottom corner
14 of the houses on 13th Street to get a better sense of at each
15 time of year sort of what the additional shadow might be in terms
16 of minutes. And we would compare different design options and
17 setback options based on that in terms of impact. So I think it
18 is fair to say that there are portions of the morning,
19 particularly in the winter, that there would be shadows that did
20 reach above grade, but we did find those to be, I believe, all
21 less than an hour of additional shading, so -- and that's sort
22 of to the lowest floor. So in our interpretation that --
23 especially in the sort of worst time of year when shadows are
24 expected to be minimal impact.

25 MS. PRIME: Thank you. And I would just like to point

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1 out you both were inconsistent on the effects there. So the way
2 I read the winter solstice study is that it will block the light
3 in the morning when we're actually in our homes. And I would
4 like to say winter light is when you want it the most, when it's
5 gloomy out there. And also many of these houses have been divided
6 into multiple units. So for example, I live on the first two
7 levels. So it would have a drastic impact. So thank you for
8 that clarification. And I think it's noted that there would be
9 shadow impacts in the winter. And I also want to address that
10 we, you know, asked a question of Eastbanc, have we been engaged
11 throughout this process?

12 MS. RICHARDSON: Yes, very.

13 MS. PRIME: Okay. And did we ask for additional light
14 studies?

15 MS. RICHARDSON: I believe we produced all the light
16 studies that you requested.

17 MS. PRIME: Okay. I think there might among the
18 neighbors be a disagreement with that. And thank you for the
19 clarification on the community benefit piece, I think as Eastbanc
20 presented it, it was suggested that the community benefit
21 outweighed the negative impacts, so that's what led to my
22 confusion. I don't -- it sounds like Eastbanc is not the one to
23 make that assessment; is that right?

24 CHAIRPERSON HOOD: Are you asking -- well, the Zoning
25 Commission, we're going to make the ultimate decision --

1 MS. PRIME: Okay.

2 CHAIRPERSON HOOD: -- so yes.

3 MS. PRIME: Okay.

4 CHAIRPERSON HOOD: So when we get to -- when we get to
5 your part --

6 MS. PRIME: I --

7 CHAIRPERSON HOOD: -- you can present your case how
8 you --

9 MS. PRIME: Yeah, so I think I'm maxing up my testimony.
10 So I will save the time, and I thank you for your time and thank
11 you for your guidance.

12 CHAIRPERSON HOOD: Okay. Thank you. And when you do
13 your testimony, we can flesh out a little more.

14 MS. PRIME: Okay. And please guide me if I go astray.

15 CHAIRPERSON HOOD: All right. You did just fine.

16 MS. PRIME: Thank you.

17 CHAIRPERSON HOOD: You've done just fine. Thank you.

18 All right. Ms. Schellin, let's go to Department of
19 Transportation. Let's go to --

20 MS. SCHELLIN: Do you not want to have OAG first?

21 CHAIRPERSON HOOD: Oh, okay. I'm sorry. My fault. So
22 they testify -- okay. So let's go to OAG. I forgot all -- just
23 that quick. Okay.

24 MS. SCHELLIN: Okay.

25 CHAIRPERSON HOOD: It's only been two hours.

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1 MS. SCHELLIN: And that's Alex Cain --

2 CHAIRPERSON HOOD: Okay. Ms. Cain.

3 MS. SCHELLIN: -- who will be testifying for OAG.

4 CHAIRPERSON HOOD: Okay.

5 MS. SCHELLIN: And I believe she has a PowerPoint
6 presentation, if I'm not mistaken.

7 CHAIRPERSON HOOD: Okay.

8 MS. CAIN: Yes.

9 CHAIRPERSON HOOD: Good evening, Ms. Cain. You may
10 begin. Introduce yourself, and you may begin.

11 MS. CAIN: Okay. My name is -- good evening,
12 Chairman Hood and members of the Commission. Alexandra Cain with
13 the equitable land use section of the Office of the Attorney
14 General. OAG's presentation and supplemental materials are in
15 the record at Exhibits 44 through 44B. We're here tonight
16 testifying in opposition to Zoning Commission Case No. 2229 on
17 the basis that we believe that the Applicant's affordable housing
18 proffer is insufficient. So Mr. Young, if you could go to the
19 next slide please?

20 So to begin with, let's go back to the beginning. What
21 is a PUD? A PUD fundamentally is a balancing test. The District,
22 through the Zoning Commission, gives density to an applicant. In
23 return for that density, the applicant gives back compensatory
24 public benefits. And those public benefits need to balance the
25 development incentives that are received. Now, in addition to

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1 that, a PUD needs to also be not inconsistent with the
2 comprehensive plan. And while the PUD is granting flexibility
3 from the zoning regulations, it cannot be used to circumvent the
4 intent of those regulations or the comprehensive plan.

5 Now, in August of 2020, the updates to the
6 comprehensive plan framework element added Section 224.9, which
7 identified affordable housing and anti-displacement measures as
8 the only high priority PUD public benefits in response to the
9 District's ongoing affordable housing crisis. Comprehensive
10 plan, as we know, has many different parts, deals with many
11 different issues. But out of all of them, it identifies the
12 affordable housing crisis as the most critical and the most
13 essential. The same sort of general principle there, though less
14 explicit, is also codified in the regulations in both the IZ and
15 the IZ Plus programs, which require additional density to be
16 compensated for through IZ. Effectively, affordable housing is
17 the method of currency for bonus density in the zoning
18 regulations. Next slide please?

19 So in this case, the Applicant is seeking a
20 considerable amount of bonus density through various means as
21 well as additional flexibility from the regulations. That's
22 fine. That is the exact purpose of a PUD. However, the Applicant
23 needs to compensate the District accordingly for that additional
24 density that has been received. Given the comprehensive plan's
25 identification of affordable housing and anti-displacement

1 measures as the only high priority PUD public benefits, the
2 Applicant and subsequently the Commission have a higher burden
3 to justify the substitution of alternative benefits in place of
4 affordable housing. In this case, OAG believes that the
5 Applicant's affordable housing proffer is inconsistent with the
6 comprehensive plan's prioritization of affordable housing and
7 insufficient to balance the requested development incentives.
8 Further, the Applicant's other proffered benefits are not
9 sufficient in either scale or importance to outweigh the
10 provision of additional affordable housing units. Next slide
11 please?

12 So just taking a minute to look at what the Applicant
13 is currently proposing. For the U Street building, they're
14 currently proposing 131 units. Looking at what the basic IZ
15 would require, that would be 8 percent of the total GFA, which
16 would come out to probably approximately 10 units. What the
17 Applicant is currently preferring is 15 percent of the
18 residential GFA, so a 7 percent increase over what they would
19 have to provide as a basic level. We believe that that proffer
20 should be increased to 19 percent of the total residential GFA
21 coming out to 4 percent more than their current proffer or
22 approximately five units. Turning then to the townhomes, the
23 Applicant is currently proposing to construct 15 units. Under
24 basic IZ, the Applicant would have to dedicate two of those units
25 for IZ. The Applicant's proffer, therefore, is not anything

1 superior than what would be required under the basic IZ standards.
2 We believe that in order to balance the significant density that
3 the townhomes are seeking that an additional four units for a
4 total of six is required. Next slide please?

5 That is just to say, as has been gone through by the
6 Applicant, the PUD is broken into two parts. There is the map
7 amendment to the ARTS-1 -- or sorry to the ARTS-4 zone for the
8 U Street building, and then the townhomes, which are maintaining
9 the RF-1 zoning. So we have analyzed the two of those separately.
10 Next slide please? Next slide please?

11 So beginning first with the U Street building, as OAG
12 has argued in other cases, we believe that IZ Plus establishes a
13 metric for determining what the benchmark IZ proffer should be
14 for a PUD. Given the comprehensive plan's prioritization of
15 affordable housing as a PUD benefit, we believe that the
16 Applicant's failure to meet this benchmark, barring the provision
17 of some extraordinary alternative public benefit, would be
18 inconsistent with the clear direction of the comprehensive plan.
19 Failing this benchmark would also undermine the intent of the
20 zoning regulations which also identify IZ as the primary currency
21 of exchange for bonus density and which require a PUD's
22 development incentives to be balanced by its compensatory
23 benefits. Next slide please?

24 So going back to just basic IZ, IZ is also fundamentally
25 a balancing test. As codified in the regulations, it establishes

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1 a reciprocal relationship between the provision of bonus density
2 by the District and the provision of compensatory public benefit
3 in the form of affordable units by the Applicant seeking that
4 bonus density. IZ is also a balancing test. The applicant has
5 to receive -- has to give commensurate IZ benefit to the density
6 that they are receiving. In most zones, without a map amendment,
7 without a PUD, that bonus density is capped at 20 percent.
8 Accordingly, the IZ that is ascribed to that is similarly limited
9 in scale. Next slide please?

10 Now, this is where IZ Plus comes in. IZ Plus
11 (indiscernible) that under a map amendment an applicant can
12 suddenly obtain exponentially more density than they could as a
13 matter-of-right and without a clear cap. It is all determined
14 by the zone that the applicant is seeking to go to and the
15 ultimate building that is constructed within that zone and the
16 maximum allowable density there. As a result, the IZ set-aside
17 amount needs to be able to be scaled up accordingly so that
18 additional density provides a commensurate value in IZ. This is
19 an analogous situation to a PUD, which is also able to obtain
20 exponentially more density than a matter-of-right project through
21 an even greater range of flexibility than a map amendment. And
22 IZ Plus provides a metric, a means of valuation, for that
23 additional density. Now, of course, there is a difference between
24 map amendments and PUDs, as has been mentioned, and that is that
25 PUDs can provide additional benefits. However, unlike -- sorry,

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1 other than affordable housing, unlike a map amendment.
2 Therefore, having established what that sort of benchmark set-
3 aside should be for the analogous increase in density, the
4 Commission then has to evaluate whether the applicant's other
5 proffered benefits are of sufficient value to outweigh the
6 provision of the additional IZ units. And while the regulations
7 do provide many categories for PUD public benefits, the only one
8 that has been identified by the comprehensive plan as high
9 priority is affordable housing. Next slide please?

10 So starting with the density that is being requested
11 by the U Street building, this is a breakdown of what could be
12 constructed on the site as of today under the existing ARTS-1
13 zoning. As you can see, the Applicant could build up to a maximum
14 FAR of 3.0 or 63,639 square feet. Applying the regular IZ program
15 to that, it would require the higher of the two set-asides, either
16 75 percent of bonus density, or 10 percent of the residential
17 GFA. That comes out to 75 percent of bonus density is the higher
18 number at 7,955 square feet, which comes to 12.5 percent of the
19 residential GFA. Next slide please?

20 And so this slide is now showing what the Applicant is
21 actually requesting through the PUD. So at the bottom, we see
22 there the ARTS-1 based density that is allowed. On top of that,
23 in successive layers, we have the 0.5 FAR that they get for
24 providing the IZ bonus density in the ARTS-1 zone. Above that,
25 the map amendment to the ARTS-4, which is an additional 3.0 FAR.

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1 Above that, the ARTS-4 IZ Plus bonus density -- or sorry, IZ
2 bonus density, which is 1.2 FAR. And then finally, above that,
3 the PUD bonus density of 0.39 FAR. So using the IZ Plus as a
4 metric to understand what this density means in terms of
5 additional IZ units, again we have an option between whatever is
6 the higher of either 70 percent of the bonus density, or the
7 sliding scale, which considers the increase over the base zone
8 to what is being proposed by the PUD in this case. In this case,
9 the higher number is the 70 percent of bonus density, which comes
10 out to 23,556 square feet, which is 19 percent of the residential
11 GFA. And even though it's the lower number, I think it's worth
12 looking at what the sliding scale would require, because it does
13 give a sense of that total increase between what is -- could be
14 done today and what is being proposed. It is a 203 percent
15 increase in density or 107,896 square feet the Applicant is
16 gaining through the PUD. Now, the Applicant's current proffer
17 of 18,718 square feet or 15 percent of the residential GFA is,
18 therefore, short of what the IZ Plus metric would come up with
19 by 4,838 square feet. Again, 4 percent or approximately five
20 units. Next slide please?

21 So when we consider that significant amount of
22 additional density that the Applicant is getting through the PUD
23 and weigh that against the benefits package that they are
24 providing, we do not think that the PUD meets the balancing test.
25 Next slide please?

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1 So starting to look at the rest of the benefit package.
2 The regulations are very clear that there are certain things that
3 do not qualify as public benefits. That include features that
4 would be required or provided as a matter-of-right, features that
5 are required by other regulations from other District agencies,
6 and features that are required to mitigate adverse impacts from
7 the PUD. So for example, in this case, the Applicant has noted
8 that it is widening the alleys by the townhomes, but they've also
9 noted that that is a condition of the DDOT report and required
10 to allow two-way traffic in those alleys. Because it is required
11 to allow that, it does not qualify as a public benefit. Next
12 slide please?

13 So then looking at the rest of the package, we have
14 what we've called design benefits. So the Applicant, in addition
15 to seeking additional density, has also requested flexibility
16 from a number of different development standards, being lot
17 occupancy, setbacks, rear yard, closed court, the street wall
18 requirements along U Street. All of these are design incentives.
19 Flexibility from them allows them to design the building in a
20 certain way. Being able to design the building in a certain way
21 provides design benefits in the form of superior urban design and
22 architecture, superior landscaping, site planning, but because
23 the incentives directly facilitate the design benefits, the two
24 effectively pay for each other. They are balanced out, and
25 therefore, we have taken them out of the overall equation. Next

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1 slide please?

2 So what then remains of the Applicant's public
3 benefits package? Looking at the U Street building, we have two
4 sort of broad categories of benefits. There are the U Street
5 building specific benefits, and then there are the U Street
6 building's portion of the PUD-wide benefits, which we have
7 discounted to 85 percent to reflect the U Street building is
8 approximately 85 percent of the overall PUD area. So looking
9 first at the U Street specific benefits, we have \$100,000 for
10 public art in the Metro Plaza, employment opportunities, first
11 source employment agreement, LEED Gold construction, and the
12 redesign and construction of the new Metro Plaza. All of that
13 comes out to, based on the numbers that are in the record the
14 Applicant's provided to the ANC, to \$100,000. Obviously, there
15 may be more to account for those LEED Gold and other things that
16 currently have the question mark by them. Looking then at the U
17 Street portion of the PUD-wide benefits, we have various
18 contributions to local nonprofits, and then 17,000 for trash
19 compacting trash cans around the site. The total value of the
20 package, based on the numbers that we have to work with, is
21 \$185,000. While these benefits certainly have value, the
22 question before the Commission is are they of greater importance
23 to than the provision of additional affordable housing units? We
24 do not believe that they are based on the direction from the
25 comprehensive plan. Next slide please?

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1 So turning then to the townhomes. Next slide please?

2 Again, starting with what can be done as a matter-of-
3 right, I'll just preface this by saying in the RF-1 zone, density
4 is dealt with a little bit differently. Rather than looking at
5 FAR, it is handled in minimum lot size. That is how we have
6 evaluated it. So lots and units are the measure that we are
7 using to understand density on the townhome portion of the site.
8 So based on the total townhomes lot area of 15,808 square feet,
9 and the minimum lot size of 1,800 square feet for Subtitle E
10 201.1, the Applicant could provide, without any additional
11 density, eight units on the site. Next slide please?

12 Now, looking at the IZ bonus, which again does exist
13 in the RF-1, rather than being just a set increase in density,
14 the way that the bonus density is handled is through a reduction
15 in the minimum lot size. So by special exception, the Applicant
16 can get a reduction in the minimum lot size of 300 square feet,
17 taking it down to 1,500 square feet per lot. Based on that number
18 against the total size of the property again, that would result
19 in the provision of an additional two units for a total of ten.
20 Next slide please?

21 And as we mentioned, that bonus density then comes with
22 the commensurate IZ set-aside. In this case, applying again the
23 basic IZ formula to it, it would either be 10 percent of the
24 residential GFA or 75 percent of the bonus density, 75 percent
25 of those two units, 1.5 units, since you can't provide half of

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1 the unit, rounding that up to two units. So again, this is what
2 the Applicant is currently proffering for the PUD. But this is
3 what would be required to build that ten units more or less
4 matter-of-right in the existing zone. Next slide please?

5 But as we can see, the Applicant is getting
6 significantly more density by doing this as a PUD and further
7 reducing the lot sizes. They are getting an additional five
8 units or 9,160 square feet above what they could do as a matter-
9 of-right in the zone. So the question is what is the commensurate
10 IZ set-aside for those bonus units? Again, they now have a total
11 of seven bonus units that they are getting by doing this as a
12 PUD. Next slide please?

13 So applying the 75 percent of bonus density to those
14 seven units comes out to 5.25 IZ units, again rounded up, we get
15 to the 6 number that OAG is recommending. Next slide please?

16 Now, again, to consider what the Applicant is providing
17 in the rest of their benefits package. Again, as with the U
18 Street building, we believe that the design incentives that they
19 are seeking, in this case the lot occupancy, rear yard, side yard
20 and parking, are balanced out by the design benefits that are
21 being proffered. Next slide please?

22 So then looking at what remains of the benefit package.
23 In terms of the townhome specific benefits, we have \$100,000 for
24 public art in Temperance Alley, \$50,000 for the WMATA chiller
25 plant, exterior improvements for aesthetics and sound control.

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1 And I will note we have discounted that from the total number
2 the Applicant provided to reflect the fact that the chiller plant
3 is going to be surrounded on two out of four sides by the PUD,
4 and therefore the benefits will accrue like at least in half to
5 the PUD and not the broader public. And then \$50,000 for the
6 alley planter. In addition, there is an unknown amount for LEED
7 Gold construction and the special alley paving. As I noted, the
8 widening of the alleys is required by DDOT, so we have removed
9 that. The total there is \$200,000. Looking then at the townhome
10 portion of the PUD-wide benefits, again reduced to reflect the
11 townhome portion of the PUD, contributions to local nonprofits,
12 and an additional \$3,000 for the trash compacting trash cans
13 around the site, the total package, therefore, comes out to
14 \$215,000. Again, these are all noble things. These are all
15 great things. But they are not prioritized by the comprehensive
16 plan and do not go to address the current crisis in the District
17 the way affordable housing does. So therefore, we believe that
18 they are not equivalent to the provision of an additional four
19 units. And I will note that because these are townhomes, they
20 are going to be ownership units, which means that they will be
21 available at a 80 percent MFI, which means that the Applicant is
22 not taking a full loss on these units. They are only taking a
23 partial reduction in the total value. And it's also worth noting
24 what the current -- what three-bedroom units, three-bedroom
25 townhomes, in this area of the city are currently going for in

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1 the market rate. They're going for usually north of a million
2 dollars. So this is still a sizable profit and benefit to the
3 Applicant, even having to provide additional IZ units. Next
4 slide please?

5 So to sum up, given the fact that the comprehensive
6 plan has identified affordable housing and anti-displacement
7 measures as the only high priority PUD public benefits, a PUD's
8 public benefit package needs to prioritize those benefits over
9 all others. If it does not, the Applicant and subsequently the
10 Zoning Commission have a heavy burden to justify the adequacy of
11 other non-affordable housing proffers and why they should be
12 counted more than the provision of additional affordable housing.
13 Again, affordable housing has been prioritized in response to a
14 clear crisis of affordability in the District. The other
15 benefits, while very nice, do not respond to an identified crisis.
16 There's not a crisis of public art. There's not a crisis of
17 trash and litter. There is, however, a crisis of affordable
18 housing. Next slide please?

19 So to conclude, we believe that unless the Applicant
20 increases their affordable housing proffer by either 4 percent
21 of the residential GFA of the U Street building or four additional
22 units to the townhomes, that the Commission should exercise its
23 authority under Subtitle X 305.11 and deny the PUD for having
24 insufficient benefits relative to the development incentives it
25 has requested. With that, I conclude my testimony, and I'm happy

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1 to take any questions.

2 CHAIRPERSON HOOD: Thank you, Ms. Cain.

3 And let's see if we have any questions or comments.

4 Commissioner May?

5 COMMISSIONER MAY: Yeah, I'll try to keep this brief.

6 And -- excuse me a second while I fix things. All right. So
7 can you hear me now?

8 MS. CAIN: Uh-huh.

9 COMMISSIONER MAY: Okay. So a few questions. So I
10 mean, first of all, I have some quibbles with the presentation.
11 You're using words like exponential in a way that is technically
12 incorrect, because there's nothing exponential about the IZ
13 scale. It is a direct relationship. It is not an exponential
14 scale, so. But I'll leave that kind of stuff alone, except for
15 one. The -- my first question is what is the ability of DDOT
16 to actually impose a condition in this circumstance? Is that --
17 isn't their condition a recommendation to the Zoning, their
18 condition a recommendation to the Zoning Commission that we have
19 to agree to or not?

20 MS. CAIN: (Indiscernible) technically, yes.

21 COMMISSIONER MAY: Technically yes. Which is yes. The
22 answer is yes. All right.

23 MS. CAIN: Yes, but if it is a requirement of DDOT's
24 own regulation --

25 COMMISSIONER MAY: No, no, no, no. That's not what I'm

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1 asking. I'm asking whether they have the authority to assert a
2 condition that is a requirement, much like a building code kind
3 of requirement. And it is not. It is something that is
4 discretionary for us, right? You already said yes. I think your
5 presentation is a little bit deceptive because you try to do a
6 calculation and add up all these numbers, but you have a whole
7 lot of question marks. And so I assume the Applicant will provide
8 a response where they can actually put some numbers against some
9 of those things. But when you try to show us something that says
10 oh, it's \$185,000 here, but there's a whole bunch of question
11 marks that are not added into that, I think that's deceptive.
12 Let me ask you this, when it comes to calculating inclusionary
13 zoning requirements in an RF-1 development, is that done by a
14 number of units or lots -- I'm sorry, lot size, or is it done by
15 square footage provided by the buildings on those lots?

16 MS. CAIN: It would be done by square footage.

17 COMMISSIONER MAY: Right. Okay. The last question I
18 have which just sort of sums it up, would you -- if you had --
19 if we went along with your judgment on this, would you simply
20 have us throw away all of the additional benefits in order to
21 achieve the inclusionary zoning numbers that you are suggesting?

22 MS. CAIN: I don't necessarily think it's a zero sum
23 game, but we believe that affordable housing should be
24 prioritized. That is the clear direction of --

25 COMMISSIONER MAY: No, no, no, no. You're getting

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1 beyond my question here. So you're not saying that we should
2 throw it away completely, you're saying that we should do IZ Plus
3 and get all of these additional benefits. That's what you're --
4 that's what you think the balancing test?

5 MS. CAIN: What we have said is that the Zoning
6 Commission has to balance the test -- has to balance the PUD.

7 COMMISSIONER MAY: Yeah.

8 MS. CAIN: And doing that, you have to take into
9 consideration what the comprehensive plan has identified as the
10 most high priority --

11 COMMISSIONER MAY: You're not answering my question.
12 I understand it's a priority. My question for you is would you
13 have us throw away all the other benefits in order to do this,
14 because it is a balancing test, right? Balancing is kind of a
15 zero sum, right, to make it balance one side for the other.
16 You're going to take away all this stuff from -- that's part of
17 the package of benefits. You would -- you're saying that all
18 of these other benefits are not important.

19 MS. CAIN: They're not as important as affordable
20 housing, no. And that comes from the comprehensive plan.

21 COMMISSIONER MAY: Okay. So I mean if you're going to
22 suggest that it needs to be (audio blank), I would suggest that
23 you not come to us and say that we have to get everything that
24 we get out of IZ Plus in order to make this balance because
25 you're -- you would -- if we did what you are proposing, which

1 is IZ Plus and all of these other community benefits, you're
2 actually sort of throwing things out of balance. So it's not
3 a -- I, you know, I appreciate what you're trying to do, but I
4 think that you're losing some effectiveness because you're not
5 fully understanding what a balancing test is. And I would also
6 suggest that the fact that something is a priority benefit does
7 not mean that it is the only benefit. And certainly, the way we
8 have been treating IZ as a part of PUD cases definitely
9 prioritizes inclusionary zoning, affordable housing, housing in
10 general over some of these other community benefits, so. All
11 right. Thank you.

12 CHAIRPERSON HOOD: Thank you.

13 Commissioner Imamura?

14 COMMISSIONER IMAMURA: No comments, Mr. Chairman. I
15 thoroughly enjoyed Commissioner May's points.

16 CHAIRPERSON HOOD: Okay. Great.

17 And Vice Chair Miller.

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

19 And thank you, Ms. Cain, for your presentation, which
20 I actually found, despite what Commissioner May said, more
21 helpful than previous presentations from Office of Attorney
22 General. I could understand it a little better, and I think it
23 had a less -- I don't know how I should say this -- adversarial
24 tone and more informational and educational tone, which I
25 appreciate. And I think the diagrams were helpful. Not

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1 necessarily I agree with all of them. I know there's a big
2 disagreement on the math. We don't have to get into that right
3 here. But just in terms of the bottom line, in terms of how that
4 square footage under your mathematical calculations, just to
5 summarize, you think there needs to be five additional apartment
6 units to comply with IZ Plus and four additional townhomes at the
7 IZ level, beyond what's already being provided in order to comply
8 with IZ Plus, is -- was that the bottom line? I know it's not
9 units, but it was helpful. We, like a lot of people, visualize
10 units versus square footage. So I appreciate that there was that
11 translation. So was it five and four, is that what it was?

12 MS. CAIN: Yes, that's correct.

13 VICE CHAIR MILLER: Okay. Thank you.

14 I have no further questions at this time, Mr. Chairman.

15 CHAIRPERSON HOOD: Okay.

16 Thank you, Ms. Cain. I don't have any questions. Well,
17 let me see.

18 Ms. Schellin, I need your help on this one. Yeah. OAG
19 gets cross, right? I think. This is all still new to me.

20 MS. SCHELLIN: Yes. Everyone does.

21 CHAIRPERSON HOOD: Okay. All right. Okay, everybody.
22 Okay.

23 Let's go to the Applicant. You have any cross of OAG?

24 MS. BLOOMFIELD: No, we do not.

25 CHAIRPERSON HOOD: Okay. And let's go to ANC 1B.

1 Chair Harris, you have any cross of OAG?

2 ANC CHAIRPERSON HARRIS: I do not.

3 CHAIRPERSON HOOD: Okay. And S -- what are their name?
4 SSP (sic) party, you have any cross of OAG?

5 MS. PRIME: Hi. Thanks. I just have a clarification
6 question. I think, you know, our concern is about the density
7 in the townhomes. So if they were reduced to 10 townhomes, and
8 two were affordable, would that meet your analysis?

9 MS. CAIN: That would comply with the basic IZ
10 requirements. So yes, that would be commensurate with the
11 additional density that they are getting.

12 MS. PRIME: Okay, thank you.

13 MS. CAIN: Uh-huh.

14 CHAIRPERSON HOOD: Okay, thank you. Let's move to
15 the -- thank you, Ms. Cain.

16 Let's move to the Department of Transportation.
17 Mr. Zimmerman?

18 MR. ZIMMERMAN: Good evening, Chairman Hood and members
19 of the Commission. For the record, I'm Aaron Zimmerman,
20 development review program manager with the District Department
21 of Transportation. DDOT is supportive of the Applicant's
22 proposal to redevelop 1250 U Street, N.W. In our March 3rd, 2023
23 report, which is Exhibit 31 in the record, we recommended approval
24 with a few conditions. Those include a TDM plan, dedicating land
25 to widen the alleys in the rear, and design flexibility for the

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1 alley and all areas around the project site. As you heard the
2 Applicant's presentation, they've agreed to our requested
3 conditions. And with those conditions included in the zoning
4 order, DDOT has no objection to the approval of this consolidated
5 PUD and map amendment application. We look forward to continuing
6 to work with the Applicant on the design of the vaults, the
7 streetscape, and the alleys, as they go through public space
8 permitting. Thank you. And I'd be happy to answer any questions.

9 CHAIRPERSON HOOD: Thank you, Mr. Zimmerman, for that
10 report. I read your report. I think it was very well done.

11 Let's see, Commissioner May, you have any questions of
12 Mr. Zimmerman?

13 Commissioner Imamura?

14 COMMISSIONER IMAMURA: No, sir.

15 CHAIRPERSON HOOD: And Vice Chair Miller?

16 VICE CHAIR MILLER: No, thank you. No questions. Thank
17 you.

18 CHAIRPERSON HOOD: Okay.

19 Does the Applicant have any questions of DDOT?

20 MS. BLOOMFIELD: No. Thank you.

21 CHAIRPERSON HOOD: Okay.

22 And Chairperson Harris, do you have any questions and
23 do that?

24 ANC CHAIRPERSON HARRIS: No, I do not.

25 CHAIRPERSON HOOD: Okay. And SPP party, you have any

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1 questions of DDOT?

2 MS. PRIME: I do. And thank you. I think I incorrectly
3 asked this of Eastbanc.

4 So Mr. Zimmerman, did DDOT take into consideration the
5 increased traffic from the hotel concept of this development,
6 like linen, food delivery, other hotel traffic?

7 MR. ZIMMERMAN: Yeah. And we reviewed the Applicant's
8 transportation study that they submitted, and their trip
9 generation estimates, you know, as well as the site design from
10 the project. So for us, it was really important to make sure
11 that the loading area was designed to meet zoning, so that, you
12 know, all the different land uses in the main building of the
13 site, you know, have access to that -- easy access to the loading
14 dock. And that's my understanding, that's where all the type of
15 activity would occur.

16 MS. PRIME: Okay. And then I have a follow-up question.
17 Traffic here is going to be somewhat unique because there's no
18 parking. Did the DDOT traffic plan take into account sort of
19 the novel idea that there's no parking on-site and sort of
20 rideshares, other means of getting people to and from the
21 property?

22 MR. ZIMMERMAN: Yeah, and we've had a number of
23 conversations with the Applicant about, you know, how they would
24 accommodate like pick-up/drop-off and in their transportation
25 study, you know, they did propose some different ideas for

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1 possibly changing signage on certain segments of U Street in
2 front of the building to accomplish that, either -- you know, we
3 haven't exactly pin down the exact signage that's going to go in,
4 but whether it's a PU/DO sign zone or a hotel valet zone or just
5 a no parking zone, we're still, you know, trying to pin that
6 down, you know, as we go through public space permitting. But
7 as we note in our report, we generally agree with their approach
8 of, you know, having some space along there dedicated to that
9 activity.

10 MS. PRIME: Okay. And did DDOT take into account the
11 reduction in north-south alleys going from -- so I think Eastbanc
12 sometimes presents it as three, there's really two true
13 north-south alleys, but going down to one, and what that will do?

14 MR. ZIMMERMAN: You know, that was important for us to
15 make sure that that western of the three alleys gets widened to
16 be two-way if we were going to, you know, sign off on closing
17 the middle of the three alleys, which is fully functional from
18 both east-west alleys on the north of the Temperance garden to
19 the south of it. So we did want to make sure that there is like
20 full functionality on the western alley, the one to remain. And
21 we, you know, had conversations with them about, you know, you
22 may have seen in our report, we discussed easements versus
23 dedication, and we -- it was important to us to make sure that
24 that six-foot expansion of the western alley is public dedication
25 of land to the District as opposed to easements on private

1 property.

2 MS. PRIME: Okay. And Mr. Zimmerman, do you know --
3 it sounds like from the OAG testimony that that actual expansion
4 was required. Is that required?

5 MR. ZIMMERMAN: So the Applicant, in their latest
6 drawings, I would say about -- the drawings that are on the record
7 from a week or two ago, right before we released our report,
8 showed that as a -- show that as an easement area, and in our
9 discussions with them, you know, we noted that we would prefer
10 that that be a dedication. So in our report, we noted as our
11 condition that that be a dedication, and that was really to kind
12 of clarify which was the right mechanism that we wanted them to
13 pursue. So that's kind of the, you know, how that -- why we
14 addressed that directly in our report.

15 MS. PRIME: Okay. Thanks. And I'll just note, I remain
16 confused about the sort of 16-foot and the requirement to do it
17 versus the option to do it, so. And that's it. And thank you.

18 CHAIRPERSON HOOD: Thank you, Mr. Zimmerman, for your
19 report. You are doing traffic all over the city. I heard your
20 name last night in a meeting pertaining to Costco, and I'm sure
21 you're going to relieve that problem as well. So thank you for
22 your report. I put the pressure on you.

23 All right. Let's go to the Office of Planning. Ms.
24 Thomas, I believe.

25 MS. THOMAS: Good evening, Mr. Chair. Could we have

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1 the -- thank you, Mr. Young.

2 Good evening, Mr. Chair, members of the Commission.
3 Karen Thomas with the Office of Planning. And this afternoon,
4 OP is recommending approval of Zoning Commission 22-29, the PUD
5 and related map amendment from the ARTS-1 to the ARTS-4 district,
6 including the requested flexibility, as appropriate, in support
7 of development over a complicated project site. Next slide?

8 The project is not inconsistent with the general policy
9 and land use map designation, and it provides new retail and
10 hotel uses along with employment opportunities. Height, massing,
11 and density are consistent with the zone map and is in keeping
12 with surrounding development. OP is satisfied where there may
13 be adverse impacts, those impacts could be adequately mitigated.
14 And on balance, the project is not -- is generally not
15 inconsistent with the comp plan elements and maps, the mid-city
16 area elements and the Duke plan, as analyzed through the racial
17 equity tool, which is the bulk of OP's hearing report. And we
18 believe this PUD responds to the visible redevelopment of the
19 surroundings, as well as the principles of equity that the comp
20 plan demands be considered as part of PUD development. Next
21 slide?

22 The demographic data of the planning area presented in
23 OP's report highlight the disparities in median income,
24 unemployment, poverty, and housing tenure among different
25 communities in the mid-city planning area. And based on the data

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1 provided, we believe that the PUD benefits could present positive
2 outcomes in terms of housing, transportation, accessibility, and
3 access to jobs for the underserved population in the District and
4 immediate neighborhood. This project would result in an increase
5 in housing units for this planning area, which according to the
6 updated 2023 housing equity report is on target to exceed its
7 2025 goal for affordable housing. This project would provide 19
8 permanently affordable housing units to IZ and would be
9 accessible to residents whose eligible income ranges for
10 60 percent AMI, which is between 50,000 and 113,000, makes it
11 affordable for black and Hispanic or Latino residents whose
12 median income are well within the lower end of the eligible income
13 range. This mitigates risk of displacement in a high opportunity
14 land value neighborhood with access to many services and
15 transportation options. As there are no current -- residential
16 units currently on site, there would not be immediate
17 displacement. A remapping of Temperance Avenue where alley
18 dwellings were demolished under the 1934 alley removal policy is
19 an important historic and cultural feature. And while
20 reminiscent of past displacement, it is a recreation -- its
21 recreation, rather, is a welcome amenity, along with the
22 provision of two ownership townhomes at 80 percent AMI, which
23 would also benefit black homeowners in the higher end of the
24 lower income range. And 80 percent AMI is lower income, it's
25 just at the higher end of the range. The Applicant collaborated

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1 with HP to recognize the significance to the African-American
2 community. And I would just like to point out as well that IZ
3 Plus was also -- is -- was always intended to be a tool that
4 would sit between a matter-of-right regular IZ development and
5 PUDs in the absence of public benefits package and is a
6 discretionary project review. And I'm quoting that from the
7 supplemental report submitted to the Commission under Zoning
8 Commission Case 96-13A in January of 2023. Again, the IZ Plus
9 was designed to only apply to standalone map amendments and was
10 not intended to be used either as a flow or a general tool to
11 evaluate an affordable housing proffer in isolation of other PUD
12 benefits. Next slide?

13 The physical aspects of this project well-presented by
14 the Applicant here this evening would have a positive impact
15 in the -- on the public spaces through its infrastructure
16 improvements to Metro's entrances, contributions to the area's
17 historic fabric, and other public space improvements in
18 collaboration with DDOT. And I would add that this project should
19 not create adverse parking impacts on the neighborhood, as on-
20 site parking would not be provided and on-street parking for
21 future residents would not be permitted. And this would encourage
22 reliance on alternative modes, including Metro use, while
23 discouraging auto use and auto ownership. And there's a related
24 TDM plan for this project. At 100 percent walk (phonetic) score,
25 development at this location is a positive transportation and

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1 access element, important for lower income residents,
2 particularly to schools, employment, and connected open spaces
3 through the Metro system. Access to opportunities through job
4 creation, not just temporarily through construction, but through
5 the lodging use, where there is none on this corridor, would
6 provide employment for lower to middle income workers around the
7 clock. This is consistent with two economic development policies
8 of growing the hospitality industry through a diverse range of
9 hotel types in support of developing an increasingly robust
10 tourism industry, which is underpinned by a base in the arts,
11 entertainment, lodging, and cultural services. The creation of
12 a hotel at this lively cultural hub of D.C. supports these
13 policies and it is consistent with the mayor's comeback plan,
14 which sees the hospitality sector as an important employment
15 focus to help more residents find a pathway to the middle class.
16 Community engagement is a part of equity and a guiding principle
17 of the framework elements, states that public input in decisions
18 about land use and development is essential in creating
19 successful neighborhoods from development of the comp plan every
20 facet of its implementation. In this respect, OP commends the
21 Applicant's extensive communication efforts beginning in 2021 and
22 to date, and it is well-documented through their interactive
23 website, and with the collaboration of the ANC and the community
24 at large. Many of which -- many of the recommendations are
25 reflected in the plans. Benefits from this project would not

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1 only be to the neighborhood, but to the District as a whole. OP
2 also supports the one-time financial contributions to important
3 long-standing community service providers referenced in our
4 report and highlighted here tonight. And we recognize the
5 benefits of the PUD included in our report as well. Next slide?

6 Finally, the policies of the plan related to racial
7 equity that would not be advanced through this project would far
8 outweigh the project support of policies of the land use, urban
9 design, economic development, environmental, historic
10 preservation, and arts and culture elements, policies of the
11 mayor's D.C. comeback plan, the small area plan and for the mid-
12 city area element. When developed, this project would represent
13 a significant improvement in equity over existing development in
14 this location within the U Street neighborhood's physical and
15 social environment. Thank you. And I'd be happy to take any
16 questions.

17 CHAIRPERSON HOOD: Thank you, Ms. Thomas.

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

19 Commissioner May?

20 COMMISSIONER MAY: Yeah, I have one quick question,
21 which has to do with the relief necessary to consider the RF-1
22 portion of the property (audio blank) and we have the ability to
23 waive it (audio blank) --

24 MS. THOMAS: I missed that --

25 CHAIRPERSON HOOD: You're going in and out, yeah.

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1 MS. THOMAS: Yeah, the volume went out.

2 COMMISSIONER MAY: All right. Sorry. How about now,
3 yes?

4 MS. THOMAS: Yeah, I can -- yeah.

5 COMMISSIONER MAY: I don't know what's going on with
6 my sound. Anyway, so the minimum acreage requirement for a RF-1
7 PUD is two acres. We can waive it or waive 50 percent of that.
8 This is less than 50 percent, but there isn't really much in your
9 report about why that is recommended, or you know, I mean, I
10 think we've waived more than 50 percent in the past, but I don't
11 remember the specific examples or why. And I'm wondering why
12 that's appropriate in this circumstance or whether it's even
13 relief that we have to grant, given the fact that it's a
14 multi-zone PUD. I don't know.

15 MS. THOMAS: Well, yeah, given the fact that it is a
16 multi-zone PUD, and this portion of the parcel is part of the
17 overall PUD, we have seen where in the past that this -- these
18 parcels are difficult to develop simply through a matter-of-right
19 or BZA, and we believe that the PUD process was the best way to
20 incorporate development of this parcel. So we would support the
21 waiver in this case.

22 COMMISSIONER MAY: Okay. So waiving beyond what we
23 normally have given ourselves the ability to weigh? Did you hear
24 that?

25 MS. THOMAS: In this case?

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1 COMMISSIONER MAY: Yeah.

2 MS. THOMAS: It sort of went in and out. But Jennifer
3 could help with that.

4 MS. STEINGASSER: Commissioner May, I'm
5 Jennifer Steingasser with the Office of Planning. In the past,
6 there have been standalone cases where this Zoning Commission has
7 actually granted a variance to that standard. In this case, we
8 didn't feel that was necessary because it is a zoned -- but it
9 is part of a larger PUD, and the area of the larger PUD does
10 comply with the minimum lot size.

11 COMMISSIONER MAY: Okay. Well, I appreciate that
12 explanation. I wasn't quite getting that out of the written
13 report, and so that's why I was seeking clarification. So thank
14 you.

15 MS. THOMAS: Okay.

16 COMMISSIONER MAY: That's it.

17 CHAIRPERSON HOOD: Commissioner Imamura?

18 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. My
19 only question for -- Ms. Thomas, first of all, thank you for your
20 report. And also thank you for putting together the desegregated
21 data. I'm just curious, from compiling the race and ethnicity
22 data, did you happen to observe any sort of trends for that
23 particular area where the project's located?

24 MS. THOMAS: I was surprised to find out in more recent
25 data that the planning area is anticipated to exceed its housing

1 goals, the affordable housing goals. And that made me mindful
2 of the fact that it's not just IZ as one tool, it's -- IZ is just
3 one tool for providing affordability in these areas, that the
4 District has several other tools. And you know, I believe this
5 would be very helpful for the amount of development that is going
6 on right now in this planning area. And in the -- as part of
7 the Duke Plan, we have a lot of affordable housing and would be
8 beneficial to the lower income area residents D.C.-wide as well
9 as within the planning area. So I thought that was interesting.

10 COMMISSIONER IMAMURA: Thank you, Ms. Thomas. That is
11 very interesting. I appreciate you highlighting that fact.
12 That's all that I have, Mr. Chairman.

13 CHAIRPERSON HOOD: Thank you.

14 Vice Chair Miller?

15 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank
16 you, Ms. Thomas, for the Office of Planning, very thorough reports
17 and all your work on this case with the Applicant and the
18 community to make it a better project from the outset. So that
19 was -- that last statement was interesting and informative to me,
20 which I don't think was reflected in your report about the mid-
21 city planning area that it's on track to exceed its affordable
22 housing goals. So I think, in fact, there might have been a
23 statement to the --

24 MS. THOMAS: It's --

25 VICE CHAIR MILLER: -- opposite effect. So I --

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1 MS. THOMAS: I mean, I think -- it's in the report, I
2 believe.

3 VICE CHAIR MILLER: Okay. Well, I need to go back and
4 look at that then.

5 MS. THOMAS: I can find it.

6 VICE CHAIR MILLER: Okay. I'll let you do that while
7 I'm rambling on --

8 MS. THOMAS: Let me find it.

9 VICE CHAIR MILLER: -- if that's okay. You -- or if
10 you want me to pause, I will. I'll pause.

11 MS. THOMAS: No, no, no, no. Go ahead. Go ahead.

12 VICE CHAIR MILLER: Okay.

13 MS. BLOOMFIELD: It looks to be page 21 of the report.

14 MS. THOMAS: Yes, at page 21. It's reflected in the
15 table, DMPED's projections.

16 VICE CHAIR MILLER: Okay. I see that in the table. So
17 there wasn't any narrative that really discussed whether the
18 application of IZ Plus was appropriate or would be appropriate
19 in this case or not. You responded in your testimony today in
20 response to questions and testimony that we've heard, but I think
21 I need something more from the Office of Planning on -- so that
22 information is important that it's exceeding its affordable
23 housing goals in this planning area proportionally to the city,
24 but I think I need more narrative as to why such a high
25 opportunity, high transit, high value area shouldn't have more

1 affordable housing in the mix. I realize it's more than the
2 basic IZ, not as much as the IZ Plus. I realize there are
3 different mathematical calculations being made in those various
4 formulas. Does the Office of Planning -- I think I want from
5 the Applicant and the Office of Planning what they say -- what
6 ZI Plus would require in terms of additional affordable units for
7 both the apartment building and the townhome units so I can
8 contrast that with what OAG is saying. They're -- they said five
9 additional in the apartment building. They said four additional
10 beyond the two of the townhomes. I think there's disagreement
11 with the calculations. I think I may agree with -- disagree with
12 OAG's interpretation, but I just want to know what the delta is
13 that we're dealing with here and what the effect is on the
14 project. And I want to hear from the Applicant at some point in
15 rebuttal or a supplemental post-hearing submission as to what the
16 effect on the project would be to meet the IZ Plus requirement,
17 and there may be different calculations about that.

18 But do you have any comment, because I don't think
19 there was a lot of narrative about whether -- I agree with most --
20 almost everything that's -- I mean, there are very useful
21 findings and information in all of your very comprehensive set-
22 down and final reports today, but there wasn't a lot of narrative
23 about whether IZ versus IZ Plus should apply. You obviously
24 think this affordable housing is sufficient as part of the public
25 benefits package, and that's understandable, but I just -- I

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1 didn't see a lot in any narrative on that. So I think I want
2 to -- I think I'd like to see more narrative from Office of
3 Planning on that issue.

4 MS. THOMAS: We're happy to provide that.

5 MS. STEINGASSER: I do want to say on the record for
6 clarity, IZ Plus does not apply to PUDs. It was never intended.
7 It was stated in the OP set-down report, it was reflected in the
8 discussions with the Commission, and in the final drafting of the
9 IZ Plus regulations, that this connection that keeps being made
10 is not a legitimate connection. The IZ Plus is for projects that
11 chose not to go through PUDs. It was very specifically designed
12 for that. And you --

13 VICE CHAIR MILLER: And I understand that intent and
14 design, and I agree with it. I'm not sure --

15 MS. STEINGASSER: I'm just very concerned about this
16 constant tying of IZ Plus to the PUD process, because it's not
17 the appropriate standard.

18 VICE CHAIR MILLER: Has OP --

19 MS. STEINGASSER: And OAG may believe it, but the Office
20 of Planning and the applicants know better. And I -- we're happy
21 to get you a higher look at the affordability issues again and
22 work with the Applicant on that issue. But the issue of whether
23 there is sufficient affordability in the eyes of the Zoning
24 Commission, as you do your balancing, is separate. That's within
25 the realm of the PUD. It's not an IZ Plus, and that's why you've

1 not seen a narrative in our report because IZ Plus does not apply
2 to the PUD.

3 VICE CHAIR MILLER: When you say it doesn't apply to
4 PUD, does that mean we don't have any discretion to ask for it?

5 MS. STEINGASSER: I don't think you do. I -- but
6 that -- I'll leave -- I think where you have discretion is in
7 your evaluation of the standard of affordability that's being
8 proffered, but that's relative to the PUD, that's not based on
9 whether there is IZ Plus or not. You need to then look at the
10 overall package and decide whether there is sufficient
11 affordability through the IZ units that are being proffered. And
12 in this case, they're proffering 15 percent, whereas an 8 percent
13 would be required. So it is significant. And this is one of
14 the rare projects where we're seeing homeownership. We don't see
15 a lot of that.

16 VICE CHAIR MILLER: Right. That's very important in
17 this neighborhood and throughout the city, so I appreciate you
18 bringing that up. Has OP ever recommended --- or has the Zoning
19 Commission ever applied IZ Plus to a map amendment associated
20 with a PUD thus far?

21 MS. STEINGASSER: No, sir. No, sir. We've only dealt
22 with IZ Plus in terms of map amendments, not in terms of any PUD.

23 VICE CHAIR MILLER: But you do agree we in terms of the
24 balancing test, we had -- we have the discretion to decide whether
25 the public benefits are enough to outweigh any adverse impacts

1 in potential comp plan inconsistencies?

2 MS. STEINGASSER: Yes. Yes, sir. That is absolutely
3 100 percent your area. But we don't -- but it's not using IZ as
4 a floor, as being -- as is being repeatedly presented by the
5 Office of Attorney General.

6 VICE CHAIR MILLER: Well, because --

7 MS. STEINGASSER: Especially not to the level of
8 actually recommending denial of a project.

9 VICE CHAIR MILLER: Well, I agree with that. But if --
10 I would appreciate getting from OP what you think the calculation
11 would be if it were applied so I understand the delta difference
12 between what's being --

13 MS. STEINGASSER: Well --

14 VICE CHAIR MILLER: -- recommended by OAG. And because
15 OAG and then the public is responding to OAG in certain cases, I
16 think it's important that your reports address the issue, even
17 though you disagree with the intertwining of it with a planned
18 unit development. I think it would be useful to have a -- just
19 a paragraph --

20 MS. STEINGASSER: I'm happy -- what I think would be
21 helpful is if you would -- if what you're asking is for OP to
22 provide an analysis of a 20 percent IZ proffer. But I'm concerned
23 about having OP mixing those issues and constantly readdressing
24 the inclusion of IZ Plus as if it is a legitimate part of the
25 PUD process. It just kind of confuses those issues. And we've

1 been trying very strictly to keep them very much separate.

2 VICE CHAIR MILLER: I understand their separation. I
3 just -- I -- it's confusing to me not to have that information.

4 Okay. But thank you, Mr. Chairman. I understand the
5 intent of the IZ Plus. I voted for it. I understand that it
6 was mostly to apply to map amendments. I don't think we're
7 prohibited from asking for it as part of a public -- as part of
8 the overall public benefits if we think the affordable housing
9 and the other public benefits aren't enough. So I think it's a
10 legitimate issue to address that neighbors want to address, that
11 I want and to understand what the differential is. So you can
12 provide it or not, but that's what I'm asking for.

13 MS. STEINGASSER: Yes, sir, we'll get you that.

14 CHAIRPERSON HOOD: Okay, thank you.

15 I wasn't going to comment on this because this issue
16 is going to keep coming up and keep coming up. And there are
17 bigger fish, I think, in this city for us to deal with. We talk
18 about affordable -- I'm not saying I don't disagree with add more
19 units. I'm always about affordable housing. But if applicants
20 come in and they work within the existing regulations -- and we
21 wrote them, OAG didn't write them, we wrote them. And you know,
22 we had our legal counsel to help us to codify it. But the point
23 is this is confusing people, and then we're adding to the
24 confusion, because I will tell you, when I saw OAG's report,
25 that's why I didn't even ask them. I said -- you know, I said,

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1 they're telling me deny it on these facts. That's not even
2 regulatory factual. If I deny it, I would go ahead -- I was
3 thinking, okay, Hood deny it, I'm probably by myself, let's deny
4 it, let's go -- let it go to court, and let's see what happens
5 and then maybe they will stop misrepresenting what they're
6 sending to the residents of this city, because that actually is
7 muddying and confusing the process. That's all it's doing. And
8 we need to stay within our regulation. If we have a problem with
9 IZ Plus not being a part of PUD, let's look at it and redo it.
10 But I don't need to redo it under the assumption of how it's
11 being presented to me or how it shows up in every case every so
12 often from OAG. I think it's distasteful, and I'm speaking as a
13 resident now, not as a commissioner. I think it's sending the
14 wrong message. The people that don't do this all the time, I
15 think they get confused, and it just muddies the water. You know
16 what the regulations are, OAG, so stop doing it. We got people
17 looking for houses, and we got people in this city dying. That's
18 all I'm going to say.

19 All right. Does the Applicant have any cross of OAP -
20 - OAP, what I'm talking about OAP -- I done got all messed up.

21 MS. BLOOMFIELD: We don't.

22 CHAIRPERSON HOOD: You don't? Okay.

23 What about the ANC, Chairperson Harris?

24 ANC CHAIRPERSON HARRIS: I do not have any questions.

25 Thank you.

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1 CHAIRPERSON HOOD: Thank you. And let me go to SP
2 (sic).

3 Did I miss you, Commissioner Imamura?

4 COMMISSIONER IMAMURA: No, Mr. Chairman. I do have one
5 more point to add, but happy to defer and yield to SSP or SPP.

6 CHAIRPERSON HOOD: Yeah. Let me go to -- is it SP --
7 it's SPP. Let me go to SPP. I'm sorry, Ms. Prime.

8 MS. PRIME: Oh, we'll take that. Thank you. And I
9 have a question for OP. And if this is misguided, someone please
10 steer me in the right direction. So I'm trying to understand
11 how this -- these two separate parcels are just terminant
12 (phonetic) in one PUD versus the, you know, since they're a
13 different zoning, why the RF-1 area is combined with the U Street
14 property because there's no physical connection in the
15 Applicant's proposal. So OP, if that isn't within your purview,
16 please guide me in the right direction. But my question is why
17 are those two physically separated proposals being considered
18 together? They seem drastically different.

19 MS. STEINGASSER: The zoning regulations allow for a
20 PUD to have an external boundary that includes properties that
21 are immediately adjacent or that cross -- are separated only by
22 an alley or public way. So these are separated only by an alley.
23 And there's no requirement that PUDs have to have all property
24 within the same zone. So it's very common for PUDs to include
25 properties like this where there are -- they have separate zone

1 categories for different parcels, and they're all within the same
2 boundary.

3 MS. PRIME: And the final question is are there any
4 recent examples you can point us to where a PUD has had similar
5 boundaries?

6 MS. STEINGASSER: There are several over in the Union
7 Market over off of Florida Avenue. There are several PUDs inside
8 that market that have properties that cross alleys and that have
9 different base zones, I'll call them.

10 MS. PRIME: Yeah, and I'm just curious. I've been to
11 Union Market, but I don't recall much residential there. Did
12 they have RF-1 components?

13 MS. STEINGASSER: RF-1, no. I don't think there was
14 RF-1 in there.

15 MS. PRIME: Okay. Do you think it's fair to say this
16 is somewhat unique?

17 MS. STEINGASSER: It -- well, yes. I'll say it's
18 unique, but it's not uncommon.

19 MS. PRIME: Okay, thank you. And then I have a follow-
20 up question. If -- and it's no surprise I'm really focused on
21 the townhouse parcel here. So if the townhouse parcel adhered
22 to -- didn't require any RF-1 flexibility, wouldn't it be more
23 consistent with the comprehensive plan?

24 MS. STEINGASSER: It -- you know, it's hard to tell,
25 because all of the lots on the western side of the alley of the

1 Temperance Avenue portion are tax lots. So they would have to
2 be made into lots of record, and I don't -- I'm not sure what
3 that would produce.

4 MS. PRIME: Okay. And I have some follow-ups thanks
5 to -- it's just me, but standing behind me are many neighbors,
6 so they've asked me to ask about Policy LU 1.5. And I think it
7 says in residential areas, in-fill sites present some of the best
8 opportunities for family housing and low to moderate density
9 development, as well as community garden and pocket parks. The
10 next cite is LU 2.2.7, alley use, which discourages the conversion
11 of alleys into private yards or developable land when the alleys
12 are part of the historic fabric of the neighborhood, and would
13 otherwise continue to perform their intended functions, such as
14 access to rear garages and service areas for trash collection,
15 and support the greening of the residential alleys where
16 feasible, to enhance sustainability and stormwater management.
17 And Policy LU 2.4.11, which I think is hotel impacts, which is a
18 little off topic on this one. But those two cites seem to me,
19 with the Applicant's proposal, inconsistent with those pieces.
20 So I think that goes to my point without the flexibility requested
21 here really seems counter to those points, and I'm curious about
22 OPP's take on -- or OP's take on that.

23 MS. STEINGASSER: I'm not -- I don't remember the first
24 one you read, but the second one you read the alley system is
25 very redundant in this alley, but its purposes are being

1 maintained. So there is still access to the driveways and the
2 parking in the back of the residential as well as the commercial
3 that's facing onto U Street so that the function of the alley is
4 being maintained, through the development of this project,
5 there'll be improvements to the overall drainage and stormwater
6 management that's coming through the project. And I forget what
7 else. There is -- and there's also greening that will be
8 happening through the use of the -- through the yards. And I
9 think you heard their landscape architect talk about how it was
10 creating spaces that would give pause and pedestrian safety.

11 There's also safety issues that are being enhanced by
12 the alley development, which is eyes on, you know, the equivalent
13 of eyes on the street. It's eyes in the alley, it's people that
14 are supposed to be back there will be back there, residents,
15 pets, things like that. So we see it -- on balance, we think
16 that the use of the ally -- there's also policies, and I'm not
17 sure where exactly they are, but they -- I mean, which number
18 they are -- that talk about developing alleys, and especially
19 when they're historic alleys like this that had residential at
20 one time. And that's why Historic Preservation weighed in.

21 MS. PRIME: Thanks. On the alley I also have a follow-
22 up question, because the north alley, which you guys may be
23 familiar with Ben's Chili Bowl, and then Lincoln Theater, there's
24 actually two north-south alleys there. There's actually three.
25 There's one that goes up to the left of Lincoln Theater, there's

1 one that goes to the right of Lincoln Theater, and then there's
2 a third, I believe, that -- it -- there might just be two, but
3 there's at least two, and this plan reduces the alley flow to
4 one. And the sort of traffic patterns of people U Street is
5 busy, they drop down to the alleys to try to cut through traffic,
6 there's sort of similar traffic flows, and when people are looking
7 for parking on a busy Saturday night. So I guess I'm just
8 confused by your statement that this is sort of consistent with --
9 I'm not -- I don't want to put words in your mouth, but your
10 alley flow statement.

11 MS. STEINGASSER: Well, the -- through the expansion
12 of the westernmost north-south alley, it's going to be two ways,
13 right? So the traffic will continue to flow through the lot
14 through the alley. It will actually be improved adjacent to that
15 residential, and then the alley on the east-west up against U
16 Street, the hotel -- back of the hotel will also continue to
17 function.

18 MS. PRIME: Right. But the north-south alley, there'll
19 be -- there's going to be one less. And so therefore --

20 MS. STEINGASSER: Yes.

21 MS. PRIME: -- traffic will be moved closer to the
22 historic homes of 13th Street.

23 MS. STEINGASSER: Well, there -- that alley's already
24 open, as you were saying.

25 MS. PRIME: Right. But by closing the large alley,

1 won't it shift traffic to the one remaining north-south alley?

2 MS. STEINGASSER: Well, what -- I -- that I don't know.
3 You -- that was probably a -- more apparent of a DDOT question,
4 but one could say once that alley is developed, there'll be less
5 incentive for the random cars to come back there.

6 MS. PRIME: Okay. Well, I have a question. So I think
7 living here on a busy Saturday night, people looking for parking
8 move through the alleys to, you know, get back to 12th Street or
9 over to 13th to see if a parking opened up.

10 MS. STEINGASSER: Right.

11 MS. PRIME: I'm guilty of that myself when we're trying
12 to accommodate guests. So the alley seem to be a function. And
13 also I notice, like businesses, people hover in the alley if
14 they're going to pick up someone from a business. So the alleys
15 are, you know, really trafficked. And I don't think this is a
16 question, so I'm sorry. I'm really kind of off topic. But I
17 don't think I did get a question (sic) if the Applicant adhered
18 to RF-1 without flexibility, would it be more consistent with the
19 comprehensive plan? That's my overall question.

20 MS. STEINGASSER: And I don't know that. We would --
21 we didn't do that kind of analysis, because of -- the fact that
22 they're tax lots, they can't get building permits, so they'd have
23 to be subdivided into record lots. We'd have to then do an
24 analysis of what those were. I don't think they would be more
25 or less consistent with the comprehensive plan. The

1 comprehensive plan calls for the moderate density residential and
2 the rowhouses are consistent with that. So in that regard, there
3 is consistency with the future land use map in that area.

4 MS. PRIME: How are they moderate when they request
5 three separate flexibilities from RF-1? I just am curious how
6 to get to moderate.

7 MS. STEINGASSER: Moderate density is what --

8 MS. PRIME: Is there --

9 MS. STEINGASSER: -- is designated on the future land
10 use map. It has -- the future land use map is part of the
11 comprehensive plan and it establishes anticipated development
12 density ranges. So there's low density residential, there's
13 moderate density residential, and then it gives examples of what
14 typology would be appropriate in those areas. Rowhouses are
15 typically moderate density, single-family detached can also be.
16 Duplexes, single-family attached are also typically moderate
17 density, as well as certain levels of small apartment buildings
18 up to 1.8 FAR. And I know that's a lot of inside baseball lingo,
19 but rowhouses are considered very much moderate density. And
20 it's not relevant to whether it has flexibility to be built, it
21 has to do with the size of the property and the density of the
22 building on that property.

23 MS. PRIME: Okay. I just remain concerned or confused
24 by sort of the maximum lot occupancy, the sufficient rear yards
25 and all of these other things that go with RF-1 and how that fits

1 with that definition. But I want to move on. I know everybody's
2 here late. So the other thing I want to ask OP is this, again,
3 thanks to a neighbor is a calculation we did. So adherent in
4 the developer's plan is receiving a gift from D.C. at the expense
5 of the neighborhood, of 4,425 square feet of a public alley that
6 I don't think the developer paid for. So using the per square
7 foot land value from our own tax assessment, we estimate this is
8 worth about 2 million, but who knows, that's a guess. Did --
9 how did OP take that into account? That also seems to be a very
10 unique part of this project. And I know --

11 MS. STEINGASSER: Well --

12 MS. PRIME: -- I benefit personally from that alley.
13 I taught my son how to, you know, walk back there. It's like
14 kids ride their bikes. So it's something the community uses.

15 MS. STEINGASSER: I'm going to set aside the use of the
16 word gift, because the --

17 Ms. PRIME: Yeah, and If I use any words that are
18 objectionary, please just, you know.

19 MS. STEINGASSER: And the -- an alley closure, it goes
20 through a -- its own public process through the city council. So
21 that -- after the PUD is approved, or modified, or denied, they
22 will then be -- need to go and get the alley closed through the
23 city council, who will look at the overall use of the property
24 and do their own evaluation.

25 MS. PRIME: Yeah. And my question to you is, did OP

1 factor that into your consideration and how?

2 MS. STEINGASSER: The value of -- did we -- I'm sorry,
3 I'm a little confused by the -- what is it that you're talking
4 about.

5 MS. PRIME: Sure. Sure. Did OP factor in -- I don't
6 know if the value is relevant to your review -- but the closing
7 of that very large public alley?

8 MS. STEINGASSER: Yes. Yes, we did.

9 MS. PRIME: Okay. And does value come into play in
10 your consideration or?

11 MS. STEINGASSER: No.

12 MS. PRIME: Okay.

13 MS. STEINGASSER: We looked at it in terms of a land
14 use and site plan and circulation, the historic nature of the
15 alley, how the alley worked together with the other aspects of
16 the site plan.

17 MS. PRIME: Okay. Thank you. And I'm done, so thank
18 you.

19 CHAIRPERSON HOOD: Okay. Thank you.

20 Let me go back to Commissioner Imamura, you had
21 something you were going to say?

22 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I did.
23 Our conversation has moved well beyond that. So I just was
24 enjoying my apple pie, and I don't want to put Commissioner May
25 on the spot, but I know he was enjoying perhaps a meal too. And

1 all that to say just a compliment to Ms. Steingasser, and I was
2 enjoying having apple pie and listening to a master class by
3 Ms. Steingasser, so. That's all, Mr. Chairman. Thank you.

4 MS. STEINGASSER: Thank you.

5 CHAIRPERSON HOOD: Thank you. So since
6 Commissioner Imamura put that out there, when the light -- when
7 your camera's off, we -- I will tell you that I have been chewing,
8 and now that he's put it out there, I'm going to finish what I've
9 been trying to chew the whole -- for at least 20 minutes now. So
10 we are listening. So anyway. Let's go to the report of
11 Chairperson Harrison, ANC 1B.

12 ANC CHAIRPERSON HARRISON: Mr. Chairman, I have a
13 clarifying question. And apologies if you hear my dog in the
14 background.

15 CHAIRPERSON HOOD: That's okay.

16 ANC CHAIRPERSON HARRISON: I prepared testimony as the
17 ANC the jurisdiction, but I also am the chairperson for ANC 1B,
18 and so I wanted to know if this would be a good time for me to,
19 I guess, present on the testimony I prepared, or if I should kind
20 of yield my time for the later testimony.

21 CHAIRPERSON HOOD: So you're going to be -- you're
22 representing the ANC, right?

23 ANC CHAIRPERSON HARRISON: Yes, I am.

24 CHAIRPERSON HOOD: So you have something separate and
25 apart?

1 ANC CHAIRPERSON HARRISON: I have the same.

2 CHAIRPERSON HOOD: No, this is your time to do your
3 testimony now.

4 ANC CHAIRPERSON HARRISON: So I guess it's confusing
5 because -- oh, okay. So I can -- because I also signed up as a
6 resident and of the -- and because I'm the ANC that represents
7 this district, that's where my confusion lies.

8 CHAIRPERSON HOOD: So why don't we do this? I'm going
9 to go ahead and take the chair's prerogative and ask you to do
10 your ANC first. And so you can go and either relax and whatever
11 you're going to do, and do your testimony right after that,
12 because you -- and I appreciate you, Commissioner, being here
13 with -- all this time. So if you can do that, that way we can
14 move through everything else expeditiously.

15 ANC CHAIRPERSON HARRISON: Sure. Good evening, my name
16 is Sable Harris, and I'm the chairperson for Advisory
17 Neighborhood Commission 1B and Commissioner for Single Member
18 District 1B08. I'm testifying in support of the planned unit
19 development at 1250 U Street. My support draws from three areas:
20 the current state of the parcel and its underutilization, the
21 overall community engagement and subsequent evolution of the
22 proposed development, and the proposed benefits and future
23 opportunity here. I've had the opportunity to call U Street my
24 home for almost ten years. In that time, I've seen businesses
25 come and go, new housing developments, like The Louis, LCM, 13

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1 and U, and Collection 14 go up and the liveliness of nightlife
2 ever present.

3 However, there's always been a building that has struck
4 me as empty and stagnant, and that is located at 1250 U Street.
5 1250 U Street is an office building with retail shops underneath,
6 and from my research, was built in the late '90s and early 2000s.
7 The office is leased by the District of Columbia for space for
8 the Department of Parks and Recreation, and the retail spaces
9 once housed Starbucks, H&R Block, and &Pizza. Surrounding 1250
10 U Street are new housing developments, restaurants, renovated
11 historic buildings, and more. The COVID-19 pandemic has brought
12 about many changes, but this building has remained just as it's
13 described above, vacant in an otherwise bustling zone.

14 Behind this building is an empty lot/alley that has
15 been vacant up until a couple of years ago. The space was a
16 patch of grass that was fenced in with barbed wire lining the
17 perimeter at the top. Sometimes it was filled with illegally
18 dumped items and cars are often parked in the alley illegally
19 too. Although now it is a beautiful garden that is leased to
20 the U Street Neighborhood Association, it is not a public space.
21 I mean this with all due respect, because I've seen the work that
22 has gone into this garden space. In fact, I was there when the
23 space first opened taking down the barbed wire, and I don't want
24 to minimize these efforts. It is still an exclusive and locked
25 away space. I don't mean exclusive in price or that is it is an

1 elite club. I wouldn't call this a community park because not
2 everyone has access, making it exclusionary and further
3 solidifies the space's underutilization.

4 D.C. is ever growing, especially this mid-city area,
5 and open properties and land is scarce. To have an almost vacant
6 property, an underutilized property, only detracts from the
7 growth. In fact, countless studies from HUD and more have noted
8 that vacant and abandoned properties are linked to increased
9 rates of crime and declining property values. This PUD comes at
10 a critical point in D.C. and in Ward 1 for increased housing and
11 to provide elements that contribute positively to safety. There
12 is a chance to turn this parcel into an asset versus a decaying
13 space.

14 For community engagement in 2021, 10 informal and
15 formal meetings on the project were held totaling over 30 hours
16 of my own individual involvement as ANC. And at nearly every
17 Commission meeting and our 1B zoning preservation and development
18 meetings, we've discussed this project. In 2022, as the ANC,
19 we've hosted 12 informal and formal meetings on this project,
20 developed two surveys and collected feedback from the broader
21 community on the benefits package for the PUD. The ANC has spent
22 no less than a hundred hours on this project and have gone through
23 multiple iterations of it with the developer. All of the formal
24 meetings have been posted online on our website, social media,
25 newsletters, and more, and were advertised through one of the

1 neighborhood associations, U Street Neighborhood Association.

2 At the ANC 1B December 2022 meeting, we passed a letter
3 supporting the development at 1250 U Street. And at the ANC 1B
4 meeting in January 2023, we passed another letter of support with
5 the new commission. I understand that some community members may
6 find some elements of this PUD personally unfavorable, but this
7 is not a reflection of the outreach and engagement on this
8 development. It hasn't been a closed-door process, and it has
9 been very transparent. Although this is my -- only my second
10 term, I worked hand in hand with Mr. Patrick Nelson who has
11 successfully worked on five PUDs, including one right across the
12 street from this development. Because of the ANC alone, not even
13 factoring in dozens of meetings the developers held, several
14 meetings that the neighborhood association has also hosted, I
15 support this project from the work, iterations, and evolution of
16 the project that has stemmed from the intensive community
17 involvement.

18 Lastly, the proposed benefits and future opportunity.
19 One seemingly controversial point, but something I see as a clear
20 benefit, is with the no parking that is encompassed here. At
21 many of the early meetings on this development, community members
22 talked about the real traffic safety concerns in the alley and
23 how the parking garage could contribute to it. After these
24 concerns were expressed, the idea to eliminate the parking
25 completely was presented and was favored. The removal of parking

1 from this PUD will only contribute positively to D.C.'s overall
2 goals, especially with Vision Zero, moveDC, and our
3 sustainability initiatives to prioritize walking, biking, and
4 transit over single-occupancy driving.

5 I will also note that in 2022, the top 311 requests was
6 for parking enforcement, with 9,456 requests from Ward 1.
7 Developing the alley space will make it nearly impossible for
8 cars to illegally park there. There have been some comments that
9 no one without a car would live in the townhomes, and I don't
10 think that is up to any of us to judge, as I would imagine that
11 Eastbanc has had to calculate and evaluate the business decision
12 to market these homes without parking. There have been concerns
13 about the effect on property values. Studies have shown that
14 developments actually increase property values. And I've taken
15 a small sample size of nearby homes, looking at the time when
16 the PUD at 13 U was built in 2018 to 2023. All of these properties
17 have increased in value from 5 to 20 percent.

18 Lastly, the proposed benefits proffer is in line with
19 many, if not all, of the requests from the community. I will
20 not go into each, and I appreciate the compromises that were made
21 to benefit the neighborhood. I am in full support of this planned
22 unit development from Eastbanc at 1250 U Street. I will -- I
23 believe it will bring positive transformations into the U Street
24 corridor in housing, environmentally-friendly improvements,
25 improved transit, and immense progress increasing the overall

1 quality of life in the area. Thank you.

2 CHAIRPERSON HOOD: Okay. So let me ask this,
3 Chairperson Harris. That was your own, correct? So you --

4 ANC CHAIRPERSON HARRIS: That was my own, and it is
5 reflective of ANC 1B.

6 CHAIRPERSON HOOD: ANC, oh, okay, so you combined it.
7 Okay, great. Great. All right.

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

9 Commissioner May?

10 COMMISSIONER MAY: I have no comments, but I certainly
11 appreciate your attention to this issue and (audio blank) the
12 overall development in the area, and not shy of, you know,
13 embracing development when it -- where it needs to occur. Thank
14 you.

15 CHAIRPERSON HOOD: Okay. Thank you.

16 Commissioner Imamura?

17 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

18 Chair Harris, I really appreciate your thoughtful and
19 well-written delivered testimony tonight and your patience. It's
20 been an awfully long night, and you are doing your neighborhood
21 a positive service. And so thank you very much.

22 And I also want to give the SPP folks also positive
23 affirmation for their public participation in this process too.
24 It's an awfully late night for everybody.

25 And so Chair Harris, thank you very much.

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1 CHAIRPERSON HOOD: Okay.

2 And Vice Chair Miller.

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

4 Thank you, Chair Harris, for your work, all your work,
5 the 100 plus hours of your work on this project and all your
6 service to your community. It's very much appreciated and I
7 appreciate you bringing up community garden. That's been in
8 interim use that the Applicant has facilitated with the U Street
9 neighbors and just shows, like another project, similar situation
10 in southwest project. No good deed goes unpunished. So you
11 allow your private space to be used for an interim public positive
12 use, and people always want it to be that way. But, anyway,
13 thank you for all your work.

14 CHAIRPERSON HOOD: I too, Chair Harris, have been
15 dealing with Chairman Turner for years. So it's good to see you.
16 And tell him I -- tell him that Anthony Hood said that IB is in
17 good hands. So thank you for your testimony.

18 ANC CHAIRPERSON HARRIS: Thank you.

19 CHAIRPERSON HOOD: Let me see if I can -- who's next?
20 Must be getting late. It's actually not as late. We used to go
21 to 11:00. And so let me -- let's try to move --

22 VICE CHAIR MILLER: That's when we started at 6:30.

23 COMMISSIONER MAY: Yeah, when we started at 6:30,
24 Anthony.

25 CHAIRPERSON HOOD: Well, I had to catch a cab home at

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1 1:20 one time. So anyway, let's -- let me hurry up before this
2 is 1:20.

3 Let's go to the Applicant. You have any questions of
4 Chair Harris?

5 MS. BLOOMFIELD: No.

6 CHAIRPERSON HOOD: Okay. I guess you told me three or
7 four times.

8 All right. Let's go to SS -- no, no, I'm sorry. SPP --
9 is it SSP or SPP?

10 MS. PRIME: I think it's SPP, but we'll go with
11 whatever.

12 CHAIRPERSON HOOD: Oh, SPP. Okay. SPP, you have any
13 courses of Chair Harris?

14 MS. PRIME: I think one question and one statement. I
15 want to thank Chair Harris, because I've -- we've been in many
16 meetings together about this project, and I know she's devoted a
17 lot of time. But the one thing that surprised me, and I'm the
18 long-time former President of U Street Neighborhood Association,
19 and actually helped negotiate the very generous Eastbanc
20 agreement for the temporary lot usage. But one thing that
21 surprised me yesterday was there were people who lived and own
22 properties within 200 feet of the proposed development that heard
23 that I had signed up to testify, and they reached out to me and
24 said I hadn't heard about this project.

25 And so Commissioner Harris, I suggested they reach out

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1 to you. And I'm -- just to underscore the challenges of engaging
2 during the pandemic, I'm curious, did anybody sort of in the last
3 week reach out to you with concerns that may not have known about
4 the proposal?

5 ANC CHAIRPERSON HARRIS: So I've had people reach out,
6 but they are actually outside of the 200 feet. It has been
7 particular of a building that is at 2020 12th Street. And I
8 looked on the map, and they are actually 300 feet outside.
9 However, many of the residents there are a part of the ANC 1B
10 newsletter along with my own email newsletter, and we have almost
11 at every newsletter at every single meeting have advertised about
12 this development and the development overall.

13 MS. PRIME: Yeah, sure. As someone who's done community
14 outreach, it's so hard. And I noticed there was someone who came
15 up yesterday who I'd never met who lives in Wallach, someone
16 named Pat who created a survey that got some traction. But I
17 just wanted to bring up the point it's been challenging to reach
18 people during the pandemic. And I will stop talking.

19 CHAIRPERSON HOOD: Thank you. And your group is SSP
20 as opposed to SPP. I don't know.

21 MS. PRIME: Are we SSP?

22 MS. POTEPA: SPP, Schwartz --

23 CHAIRPERSON HOOD: I'm -- it's SPP. It's SPP. I'm
24 sorry.

25 MS. PRIME: Okay. Thank you.

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1 CHAIRPERSON HOOD: It's actually everyone's last name.

2 MS. POTEPA: Yeah.

3 MS. PRIME: Okay. I got the P for Prime. Okay. We
4 got it.

5 CHAIRPERSON HOOD: Okay, so we're good. All right.

6 Let's go -- thank you. Thank you, Chair Harris. We
7 appreciate you. All right. Let's go to -- hold on one second.

8 Ms. Schellin, do we have anyone who's here in support,
9 opposition, or undeclared? I'm going to try to call everybody,
10 if we can do that. If we can't, let me know.

11 MS. SCHELLIN: We have a list, so if --

12 CHAIRPERSON HOOD: Oh, okay. So let's do support first.
13 Let's do support.

14 MS. SCHELLIN: Yes.

15 If Mr. Young, in the meantime, would take everyone else
16 down, I will start calling and he can look for them. So let me
17 go the list. So we'll go support first. We have -- get to
18 support. So we have Adam Twardowski, that's T-W-A-R-D-O-W-S-K-
19 I.

20 MR. YOUNG: I do not see that name on here.

21 MS. SCHELLIN: Okay. And I think that might be the
22 only one in support. So no more support. So we can move on.

23 CHAIRPERSON HOOD: Okay. So let's go -- let's go to
24 the party in opposition and SPP.

25 MS. SCHELLIN: Yes. SPP.

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1 CHAIRPERSON HOOD: Isn't that what we said, yeah, SPP,
2 the last names.

3 MS. SCHELLIN: Yes.

4 CHAIRPERSON HOOD: This will be an all-night thing.

5 MS. PRIME: Thanks. And I had prepared sort of lengthy
6 remarks, but I've addressed many things through the
7 cross-examination. So in the interest of time, I'm just going
8 to really focus on our headings here. And if anyone on the
9 Commission has additional questions, please let me know. I just
10 want to be mindful of your time.

11 CHAIRPERSON HOOD: Ms. Prime, let me just say for the
12 record, you have 57 minutes.

13 MS. PRIME: Okay. Well, I certainly won't use that,
14 so I'll expand a bit more. But thank you for granting us party
15 status. We're neighbors that love our community and our homes,
16 and we thank you for the opportunity to present to you today.
17 And as I said before, my name is Jenny Prime. I'm the owner of
18 1927 13th Street A, which is adjacent to the proposed development.
19 I think it's like -- once they expand the alley, it's less than
20 16 feet from my property line. And I live at 1927 13th with my
21 fiance, John Green and our two children. And I've lived here
22 for over 11 years, and I've owned the property for over eight,
23 exercising my TOPA rights. And ensuring the Applicant's -- and
24 one thing I wanted to say is, John and I are very committed to
25 the community. We're active members. John served two terms on

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1 the ANC, and I have -- was the long-time president of the U Street
2 Neighborhood Association. Our son attends DCPS's Garrison
3 Elementary that's located at 13th and S. We traverse the alley
4 every day, often running to make it to the door. But we're very
5 familiar with the alley. We're sort of -- I'd say the neighbors
6 around here are experts on it. And while the demands of full-
7 time jobs and two small children have limited my recent
8 engagement, I remain committed to the community and hope to
9 continue to reside at my residence. So the one thing I hope that
10 everyone understands is the neighbors and I are supportive of
11 building in general and have been extremely flexible about many
12 aspects of this proposal, but the significant accommodations,
13 particularly around the alley houses, is the point where we're
14 just -- we haven't found a compromise.

15 The proposal, as stated, crowds our homes, it reduces
16 our light, it increases noise, and it fails to adhere to the
17 rules we've all followed. So my first main topic -- I really
18 want to follow an order that sort of makes sense. So we wanted
19 to focus on an issue we thought that I think the Commission has
20 before it, and it's we think the Commission should deny the
21 Applicant's request for a consolidated PUD, and if that's not
22 before the Commission, feel free to correct me. Our position is
23 the U Street parcel and the townhouse parcel are not physically
24 connected. They're different zones. One is much more of a
25 business, one is much more residential, and it's really hard to

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1 consider them together. Yeah, and there's no street-facing
2 component to the townhome lots. And so to grant the Applicant's
3 request, the Commission would have to be very flexible in the RF-
4 1 zone. And I think it's just hard to -- it's hard for us to
5 have engaged on these two separate parcels. We've sort of, you
6 know, just decided to just engage on the townhouse parcels versus
7 the 1250 U Street parcel. Just -- it's just really complicated
8 to think of them together.

9 And then we also think the Commission should deny the
10 zoning flexibility request for the townhouse parcel. At one
11 point, we talked about two stories, which we thought was
12 reasonable, but this townhouse parcel is an RF-1 not
13 street-facing parcel. And it seems like the Applicant is treating
14 it as a street-facing parcel. And so we just wanted to highlight
15 that.

16 And there are some figures, thanks to a neighbor, that
17 have been pulled from the record. So the alley -- the proposed
18 alley dwellings are significantly above the maximum lot occupancy
19 of 60 percent, with the units at 66 percent to 81.5 percent with
20 all but four of the units over 70 percent. The alley dwellings
21 do not provide sufficient rear yards, meeting a paltry 40 percent
22 of their requirement at only 8 feet, instead of the required 20
23 feet. And similarly, the alley dwellings include only half the
24 required side yard at 2.75, rather than the required 5 feet. And
25 that's all of this, while asking for 50 percent greater height

1 than allowed for alley dwellings in an RF zone at 30 feet rather
2 than the required 20 feet. So our position is taken as a whole,
3 this is a significant amount of deviations from zoning rules with
4 the proposal barely following half of what is required.

5 Yeah, and I think I addressed this before about sort
6 of the alley closing and the city transferring that property over
7 to the Applicant. I won't go into details there, but we think
8 that's a really important issue there as it factors into the
9 community benefits.

10 And we looked at sort of the specific harms that we
11 should show for our homes, and we really focused on the light
12 study. So the light study demonstrates that the Applicant
13 submitted the adverse impact to the 13th Street historic homes.
14 In the Applicant's solar study, I believe it's Exhibit 39, it
15 actually does demonstrate the adverse impact; it's pretty clear
16 to see. So if you look at the winter, which is December 21st
17 solar study, you will see new shadows cast from the proposed
18 project that eliminate mine and my neighbor's morning light.
19 This is critical for our families and neighbors. Yeah, we also --
20 Aisha is helping me remember that we requested a 7 a.m. study,
21 because I think many of us are up at that hour getting kids ready
22 for places to go. But not surprisingly, our bedrooms and kitchens
23 are located at the rear of the property, and that's where we
24 spend time in the morning to get ready for school and work. And
25 natural light is critical to overall well-being. It also reduces

1 my family's energy consumption and lowers our electricity bill,
2 which are important social and financial goals for us. Without
3 the light from the rear property, we have limited access to
4 natural light, since we are in an adjoined rowhome with only
5 windows on the front of the property, and that's consistent with
6 the homes on 13th Street. So in conclusion, the loss of light
7 negatively affects the homes on 13th Street.

8 And then I went into this in my question to the
9 Office of Planning. We believe that townhouse parcel is
10 inconsistent with the comprehensive plan. And the sections that
11 we cited, I won't reread them, are Policy LU 1.5, Policy LU 2.2.7,
12 and Policy LU 2.4.11. And this is more sort of a personal appeal.
13 So I've been sort of speaking as the expectations as owners and
14 residents. So when I purchased my property, I could foresee a
15 large building being be being built at 1250 U Street. And we
16 haven't taken issue with that building. And as neighbors, we've
17 been really flexible and supportive. And I think there are some
18 things that will burden our homes, but we're looking past those.

19 The one thing I could not foresee was the development
20 of townhomes that would required these, you know, really extreme
21 zoning flexibility, and so many of them to be constructed on
22 almost all of the available property, including a public alley
23 that at the time, I didn't realize could be closed. So in
24 researching my property before I purchased it, I also noted that
25 an entity proposed affordable housing in the alley, but was unable

1 to obtain the required approvals for that process. And I think
2 that proposal was smaller in scale than this proposal. So it's
3 just not matching the expectations, I thought. So it's really
4 surprising. But I think the conclusion as neighbors is we think,
5 particularly the townhouse parcel, negatively impacts the
6 adjacent properties, it overly burdens the alleyway resulting in
7 closing the primary north-south alley. And the zoning variance
8 request, we think, will create an unsafe alley structure as far
9 pedestrians as proposed townhomes, where it's going to result in
10 an alley system dominated by townhomes that exceed the majority
11 of maximums use for RF-1 and will increase pedestrian traffic,
12 because people have to access these new homes and potentially
13 traffic for rideshares and other means. And with the buildings,
14 it'll be harder to see around the corners, and it's just going
15 to be tight. And but anyway, the burdens on the alley are really
16 overwhelming. And we also think, to the point of affordability,
17 if the, you know, you might be able to do something back there
18 if they're two stories. They might not be as expensive as they
19 would be otherwise. So yeah, so that is my testimony, if anyone
20 has questions.

21 CHAIRPERSON HOOD: Okay. Thank you, Ms. Prime and also
22 the SPP party. Let's see if we have any questions or comments.

23 Commissioner May?

24 COMMISSIONER MAY: So you pointed out the solar study,
25 and I took another look at it as you were talking, and I'm not

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1 really seeing where the shadow at 9 a.m. in the winter is actually
2 hitting the buildings, I only see it hitting the yard.

3 MS. PRIME: Yeah, and I think Eastbanc may be able to
4 help clarify this because it's the December 21st solar study.

5 COMMISSIONER MAY: Uh-huh.

6 MS. PRIME: In that one, if you look at it, the light
7 actually casts to the houses, not just the yards. So for example,
8 my bedroom is in the rear in the sort of garden level, so there
9 would be no light according to this study. And I think it would
10 actually prohibit the light into my kitchen as well, which is on
11 the second story in the rear.

12 COMMISSIONER MAY: So I'm looking at that drawing right
13 now, and I'm not seeing that at all. I'm seeing the shadows
14 stop, you know, before it really hits the rowhouse.

15 MS. PRIME: Sure. And Commissioner May, I think I
16 asked a question to Eastbanc to clarify that question, and I
17 think that Hope clarified that there would be shadows cast upon
18 the windows in the property. And I would defer to them since it
19 is their solar study.

20 COMMISSIONER MAY: Right. Well, I heard that
21 testimony, and that puzzled me too. So I mean I think the idea
22 of getting -- you say you asked for a -- something that showed
23 it at 7 a.m.?

24 MS. PRIME: Yeah.

25 COMMISSIONER MAY: Yeah. I mean, I think that's

1 reasonable. I mean, hopefully, we can ask the Applicant to
2 provide that so we can take a look at it. But again, I mean,
3 even in spite of the testimony that we've heard, we've seen many,
4 many solar studies, this does not -- I'm not seeing a place where
5 this actually hits the building. There are shadows in some of
6 the yards that are hitting the buildings, but they're coming from
7 existing structures, fences or --

8 MS. PRIME: Yeah. Can I ask a question? Because there
9 aren't really existing structures back there that cast shadows,
10 at least in my experience of living there.

11 COMMISSIONER MAY: Are there not fences? Are there
12 fences?

13 MS. PRIME: Sorry. What?

14 COMMISSIONER MAY: Are there solid fences?

15 MS. PRIME: There's wood fences with holes through
16 them, but those --

17 COMMISSIONER MAY: Well --

18 MS. PRIME: -- typically don't.

19 COMMISSIONER MAY: Well, okay. Well, that's --

20 MS. PRIME: They're low. But I think we have Eastbanc
21 here. Would it be appropriate to ask them about the solar study
22 to clarify this?

23 COMMISSIONER MAY: I'll come back to them later.

24 MS. PRIME: Okay.

25 COMMISSIONER MAY: But --

1 MS. PRIME: Yeah, my understanding and my understanding
2 from talking to Eastbanc is they've affirmatively said to me that
3 my home will not have light during that time. And that's
4 consistent with my neighbors' understanding.

5 COMMISSIONER MAY: Well, that's -- they'll have a
6 chance to speak when we're done --

7 MS. PRIME: Okay.

8 COMMISSIONER MAY: -- so hopefully they'll answer that.

9 MS. PRIME: Thanks.

10 COMMISSIONER MAY: All right, that's it. Thank you.

11 CHAIRPERSON HOOD: Okay.

12 Commissioner Imamura?

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

14 Ms. Prime, thank you for your well-written, well-
15 delivered, thoughtful testimony. And again, it's an awfully late
16 night, so appreciate your participation in the public process
17 here. It's very important for others to make note of that too,
18 so -- and my dog seems to think so too. So thank you.

19 MS. PRIME: Thank you. And I appreciate that. I must
20 say there are many people standing behind me and encouraging me,
21 so thank you.

22 CHAIRPERSON HOOD: Okay.

23 And Vice Chair Miller?

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

25 And thank you, Jenny Prime, for all your advocacy and

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1 community service as well as your fiance's community service in
2 the neighborhood. That's to be commended. In terms of a specific
3 question, I understand how you want to focus on the immediate
4 townhouse development, because there's just a lot to focus on
5 with this project, but is the shadow, whatever it is, in the yard
6 or maybe into some of your windows at 7 a.m., which is important,
7 I have had a grandchild three years old, living here many days,
8 and I need that light to be there for me to be able to tend to
9 his needs, because he's up before then. But anyway, is most of
10 the shadow coming from the townhomes, or is it -- it's actually
11 coming from the building on --

12 MS. PRIME: Yeah.

13 VICE CHAIR MILLER: -- U Street?

14 MS. PRIME: No, our understanding is that the shadow
15 is solely cast from the townhomes. That the solar study they
16 did was related to the townhomes, and that time period was 9 a.m.
17 We actually requested the 7 a.m. --

18 VICE CHAIR MILLER: Okay.

19 MS. PRIME: -- because, like your grandson, my kids are
20 up before that.

21 VICE CHAIR MILLER: Yeah. Okay. Well, that's useful
22 to know. Thank you. So are you not opposing the 1250 U Street
23 apartment building project, or are you not getting into that?

24 MS. PRIME: Yeah, I don't think we've taken a position,
25 but we've -- you know, I don't think as a neighborhood we would

1 have -- the neighbors right here have not voiced any major
2 oppositions. We focus solely on the townhouse. And I think
3 we've made compromises along the way, like, you know, sort of
4 some of the things that have shifted here to really focus on the
5 townhomes, hoping to shift that. So I realize that's not clear,
6 but we are -- my testimony today has no objections to the 1250
7 portion of the parcel, just the townhome portion of the parcel
8 in support of some sort of compromise there, yeah, that would be
9 like two stories or smaller use of the land.

10 VICE CHAIR MILLER: Okay. Well, thank you for that
11 response. And thank you for, again, for all of your work in the
12 community.

13 MS. PRIME: I appreciate it. Thank you.

14 CHAIRPERSON HOOD: Okay. Ms. Prime, thank you also for
15 your -- and the group that's all around you, and especially the
16 person who's really whispering to you. So thank you very much
17 for the -- oh, that's who it is. It was -- okay. So we're
18 focused on the townhouse. I didn't get that, but I'm glad I got
19 that. And -- yeah. I don't know if you remember or heard me
20 ask about the previous case about the townhomes, which I voted
21 against some years ago. I'm just curious, is there still room
22 to have a conversation? It seems like that's set. You all are
23 against the townhomes period, or it's you need to have some
24 additional discussion or let's see what we can do to kind of
25 offset some things? It there -- help me to finish this. Help

1 me finish my sentence.

2 MS. PRIME: I mean, we think there's room for a
3 compromise, and we've been supportive of development back there
4 and understand, you know, the city's needs and it may happen, but
5 we just think the size and scope is too big, all of the
6 flexibility requested. We've sort of long thought two stories
7 would be fine. This project has gone through many iterations.
8 At one point the building suggested putting like their amenities
9 back there, which would result in smaller like a lower height,
10 which would cast fewer shadows. I think the neighbors were really
11 supportive of that, but HPRB had some pushback. So I think all
12 along, we've thought that there's a compromise to be made here.
13 We just -- there hasn't been a meaningful discussion about it.

14 CHAIRPERSON HOOD: So if I was to direct or ask my
15 colleagues to go along with me, and we, the Zoning Commission,
16 were to direct the Applicant to continue to have discussions with
17 SPP party, would we be wasting our time?

18 MS. PRIME: I think, as neighbors, we could compromise.
19 There's been general support of a two-story development. So
20 without speaking for my other neighbors, I know, one, for me,
21 there's room for compromise. And I think it's a question for
22 the Applicant if there's room for compromise, and --

23 CHAIRPERSON HOOD: And --

24 MS. PRIME: Yes. So we're open to development back
25 there certainly.

1 CHAIRPERSON HOOD: Okay. And even if you -- if the
2 group of SPP doesn't get everything, and the Applicant doesn't
3 get everything, if ever there's a little give and take on both
4 sides, I -- do you think that's worth going that -- worth trying
5 to discover that?

6 MS. PRIME: Definitely. Definitely.

7 CHAIRPERSON HOOD: Okay.

8 MS. PRIME: I think we've all long tried to find a
9 compromise, and we haven't been able to find it.

10 CHAIRPERSON HOOD: Okay. And you think more time would
11 probably help?

12 MS. PRIME: I think more time would and also
13 willingness. I think it's, I guess, a question for the Applicant
14 if there's room to compromise with their financial or however
15 they're approaching this, so.

16 CHAIRPERSON HOOD: Okay.

17 MS. PRIME: Yeah. So we would be welcome to it, and
18 we would be appreciative of that additional time.

19 CHAIRPERSON HOOD: Okay. All right. Well, I don't
20 have any further questions of you all, SPP.

21 Let's see if anyone else. Does the Applicant have any
22 cross of the SPP party, Ms. Bloomfield?

23 MS. BLOOMFIELD: Sorry. Technical difficulties.

24 CHAIRPERSON HOOD: Oh, I'm sorry. But you're all
25 right now? Y'all got it?

1 MS. BLOOMFIELD: No questions.

2 CHAIRPERSON HOOD: Okay. No questions.

3 All right. Chairperson Harris, you have any questions
4 of the SPP party?

5 ANC CHAIRPERSON HARRIS: No questions.

6 CHAIRPERSON HOOD: Okay. Thank you.

7 Thank you all very much. We appreciate it.

8 VICE CHAIR MILLER: Mr. Chairman, I just had one other
9 question.

10 CHAIRPERSON HOOD: Sure.

11 VICE CHAIR MILLER: Sorry, Ms. Prime, you're -- you
12 said you'd support two stories. I guess there are three stories
13 proposed now, with various relief requested, which you've
14 outlined, which we appreciate you outlining, all that relief
15 that's being requested. But your townhouses, just remind me, are
16 they three stories or four stories?

17 MS. PRIME: They are three, they have sort of the below
18 grade level and then three stories.

19 VICE CHAIR MILLER: Okay, thank you.

20 CHAIRPERSON HOOD: Okay. Thank you, Ms. Prime and to
21 the SPP group. Thank you very much.

22 Ms. Schellin, I think we're -- now we're ready for
23 rebuttal. Let's do rebuttal first. Oh, no. I'm sorry. We got
24 people in opposition. Persons in opposition.

25 MS. SCHELLIN: Opposition individuals. Yes.

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1 CHAIRPERSON HOOD: I just seen that. Individuals.

2 MS. SCHELLIN: Okay. Let me get back to the list. And
3 we have Calvin -- I'm sorry, Calvin Moore. We have Sheila Strain.
4 Michael's already been called. Patricia Ferrari. I'm sorry.
5 She was a proponent. I did not call her. If she is on --

6 CHAIRPERSON HOOD: Just bring her on up now.

7 MS. SCHELLIN: Did I call her? I thought -- I don't
8 recall calling her. Maybe I did.

9 CHAIRPERSON HOOD: No, I don't remember.

10 MS. SCHELLIN: I saw her, yeah. I saw her -- she's
11 listed as part of the Applicant's team, so that's why I didn't
12 call her.

13 CHAIRPERSON HOOD: Okay.

14 MS. SCHELLIN: Let's see. Aisha -- she was part of the
15 party. Let's see. Okay. I think there's two more over here.
16 Nope, a few more. Aaron Lewis, David Goldstein, Shira Davidson,
17 and the last one is David Shui.

18 Mr. Young, do you need me to repeat any of those?

19 MR. YOUNG: No, I got everyone except I don't see Sheila
20 Strain. That's the only one missing.

21 MS. SCHELLIN: Okay. So Ms. Ferrari is up. I see you
22 brought her up. And like I said, she's listed as part of the
23 Applicant's team, but I'm not sure whether she was or not. So
24 she'll have to verify that.

25 CHAIRPERSON HOOD: Okay. Let me do this. I know

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1 Ms. Schellin called you all's name in a certain order, but I'm
2 going to call you as I see you. But I'm going to start off with
3 Ms. Ferrari first so we can figure out whether she's in support
4 or opposition.

5 Ms. Ferrari, if you can unmute?

6 MS. FERRARI: I'm part of the Applicant.

7 MS. SCHELLIN: Yes. That's what I thought.

8 CHAIRPERSON HOOD: So are you in support or just -- are
9 you in support or opposition? Are you in support or opposition.
10 She's part of the Applicant, so we can take her down. I know
11 she's in support.

12 MS. SCHELLIN: Yeah, she can be taken down now. Thank
13 you.

14 CHAIRPERSON HOOD: All right. Let's go to Mr.
15 Calvin Moore.

16 MR. MOORE: Hey, can you guys hear me?

17 CHAIRPERSON HOOD: Oh, yes, we can.

18 MR. MOORE: Wonderful. Okay. Well, I want to thank
19 the Zoning Commission for holding this hearing and allowing me
20 to testify today. I am a neighbor to the project on the 13th
21 Street side. My house would be roughly 10 feet from the project.
22 I come today to voice significant oppositions to the plan, all
23 of which are on the townhomes in the alley lots. The main
24 building on U Street is awesome. First, I find the application
25 to mislead on the amount of relief that they're requesting in

1 both Exhibit 28A2 and Exhibit 32 on page four, where they kind
2 of give the charts that compare the requests or the -- the rules
3 to what they're asking for. They're doing it in compar- --
4 they're doing -- they're comparing RF-1 for a street-facing lot
5 and omitting the fact that it's a alley lot, which would actually
6 set much more restrictive rules in place for height and other
7 density. D.C.M.R. says the buildings and alley lots and RF zones
8 have a maximum height of 20 feet and two stories, yet the
9 Applicant is requesting a 30-foot, three-story building, which
10 would be 50 percent that's built bigger than allowed by right and
11 an RF-1 and alley lot.

12 I assume this is because the developer is asking for
13 consideration as a PUD, but this isn't really supposed to be an
14 end run around the rules. It's supposed to provide a superior
15 product than what could be delivered under the other rules. And
16 a three-story townhome may be superior to the developer in
17 allowing them to provide a more expensive product in a higher
18 price point, but a two-story building would be superior to the
19 neighborhood by reducing its impact to us and allowing the
20 construction of housing at a more affordable price point.

21 You'll notice that the developer presents the alley
22 lots and the main building sort of separately in their
23 presentation. And I think it's because they are two projects.
24 What you have is a large mixed-use building and an entirely
25 separate townhome project that are mashed together for

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1 consideration, but don't really have any real connection to each
2 other, either physically or programmatically. The lobby isn't
3 connected. So under this plan, egress and regress from these
4 units is going to be through the alleyways. If you're walking
5 to this townhome, you're not going to go around to go through
6 the lobby, you're going to come through whichever alleyway is
7 closest to you. And the rules for alley lot development were
8 put in place precisely because of the unique constraints that are
9 put on homes that are built in alleys.

10 If everyone's coming -- if it's one project and
11 everyone's coming through -- funneling through the lobby, then
12 you don't have as much concern about what the alley traffic flows
13 and stuff look like or the density that that brings in. But when
14 the behavioral of just humans and how they're going to interact
15 with this, put it that way, you know, there -- it's hard to see
16 why the developers should be allowed to develop under the rules
17 for a street-facing project when this project and the townhomes
18 is going -- or when the alley lots is going to function in every
19 way as an ordinary alley facing one. The developer's already
20 been given significant leeway a lot coverage, you know, setbacks,
21 requirements, not to mention the community support for everything
22 they're doing in the U Street building. We're really only asking
23 that the townhomes be kept to 20 feet to minimize the impact to
24 us.

25 We -- I'll also note that the alley lot zoning rules

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1 have been amended multiple times, including most recently, as in
2 2020, and every single time they've been amended, they've kept
3 the 20-foot cap back there. So I think the scale of what's being
4 proposed is just simply too far. It was for -- I knew that this
5 was a vacant lot that could be developed when I bought my home
6 here three years ago. I did all the research. I looked into
7 it. I was like okay, if I bought here, they could put a two-story
8 building behind me, and I thought that was pretty reasonable.
9 But they're coming at us with 50 percent more than anything that
10 we could have foreseen, and I think that's where they're getting
11 into this objection. It's going to block light, it's going to
12 obscure views, it's going to reduce privacy, to force us to live
13 in a fishbowl.

14 And I think that a couple things on that that we've
15 just skipped over is that the developer keeps pointing out that,
16 like the shadows are only going to touch our yards, not the
17 building. But yards are designed for you to enjoy the sun.
18 That's their singular purpose. And so that comes at a significant
19 detriment to how we use our spaces, how we're able to enjoy them.
20 And this idea that like oh, the building is being constructed at
21 the exact scientific height that it will never touch our building
22 just seems like a little bit of a stretch.

23 I would also add that they continue to talk about the
24 widening of a 16 foot -- of the alley to 16 foot, but under the
25 alley lot zoning rules, you can't build on an alley unless you

1 have a 16-foot alley within 300 feet of a publicly-developed
2 street. So that is a bare minimum requirement for them to even
3 build on this lot, and they're acting like it's a huge gift to
4 us. It's not a gift. It's a requirement.

5 CHAIRPERSON HOOD: Mr. Moore? Mr. Moore, let me just
6 say this. I want you to give me your closing thought, and I let
7 him go on further, I'm going to let others go a little longer,
8 because they've been waiting for four and a half hours, so I'm
9 not going to keep them strictly to the time.

10 MR. MOORE: I -- I am --

11 CHAIRPERSON HOOD: So give us your closing thought.

12 MR. MOORE: I appreciate it. I too -- so to cap, I
13 think that a 20-foot building height would be a reasonable
14 compromise that'll allow all of us to have -- have it all and
15 have it all work. I appreciate your time.

16 CHAIRPERSON HOOD: Okay. Thank you. And hold tight,
17 we may have some questions for you. I'm going to go by who I
18 see here. Aaron Z. Lewis.

19 MR. LEWIS: Can you hear me okay?

20 CHAIRPERSON HOOD: Yes, we can. You can go right ahead.

21 MR. LEWIS: How's it going, y'all? Thank you for
22 allowing me to testify today. My name is Aaron Lewis. I'm a
23 resident of 1909 13th Street, N.W., and I'm the current president
24 of the U Street Neighborhood Association. Today I'm testifying
25 on behalf of the USNA board of directors and the neighbors who

1 participated in our PUD education and feedback process during
2 Autumn 2022. I've also got a little hourglass here to keep me
3 on track. So I will not go over the five. I want to just start
4 by extending my deep, deep thanks to Eastbanc for their very
5 productive partnership and generous support of the Temperance
6 alley community garden over the last two and a half years.

7 In October of 2020, the USNA signed a lease agreement
8 with Eastbanc that allowed us to use Square 274, Lots 804 to 820
9 as a neighborhood event space, and in addition to the lease,
10 Eastbanc is reimbursing the association for infrastructure and
11 programming expenses up to \$50,000 over a three-year period.
12 Since opening the gates, we've been using these funds to design
13 and landscape a very vibrant green space, where an
14 intergenerational group of volunteers has grown over a thousand
15 pounds of produce for the community and hosted over 300 free
16 public gatherings, including educational workshops, mutual aid
17 fundraisers, and arts programming. The garden will close when
18 Eastbanc breaks ground, but USNA and Eastbanc have shown what's
19 possible when developers and local organizations team up to make
20 the most of lots that would otherwise sit vacant and unutilized
21 during this permitting process. So thank you.

22 Regarding the proposed PUD before the Commission today,
23 the Applicant is asking for a considerable number of exemptions
24 to the zoning regulations. We believe this project has the
25 potential to improve the neighborhood and the city if it

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1 incorporates the benefits ideas that have been put forward by the
2 U Street community. Today I want to focus on the proposed
3 townhomes in Temperance alley. So the RF-1 townhome parcel is
4 not in compliance with the PUD minimum land area requirements of
5 the zoning regulations. Even if the Commission were to exercise
6 its ability to waive the 50 percent -- 50 percent of the
7 requirement, the Applicant would still fall short of the minimum
8 land area requirement. So we're unsure why this would be
9 permissible. But if the townhome parcel portion of the
10 application is allowed to move forward, despite not meeting the
11 zoning regulations' legal requirements for a PUD, the benefits
12 to the neighborhood should be exceptional.

13 Last Fall, the USNA set up a community benefits
14 committee to facilitate a participatory brainstorming process and
15 decide as a neighborhood which public benefits we'd like to see
16 as part of the PUD. We distributed a digital survey to our
17 members and residents. We hosted an in-person reflection and
18 ideation event, and we submitted our recommendations report to
19 the Applicant and the ANC. We believe that Applicant's proffer
20 does not yet reflect our request for more affordable housing or
21 an adequate amount of community green space.

22 For over 20 years, our neighborhood has supported plans
23 to build affordable housing in Temperance Court Northwest. In
24 2001, the Public Welfare Foundation donated Square 274 and
25 \$300,000 to Manna Community Development Corporation. They sought

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1 permission from the city to build ten permanently affordable row
2 dwellings at Temperance Court in October 2002. Though this plan
3 was supported by the ANC and all the relevant D.C. agencies, it
4 was not successful. In 2008, the Public Welfare Foundation and
5 Metamorphosis Development Group once again proposed ten
6 affordable townhomes at Temperance Court. They were not
7 successful. In 2010, the nonprofit City First Enterprises
8 proposed permanently affordable housing at Temperance Court, and
9 they were not successful. So after these three rejections, the
10 land was sold to the current owner in 2012.

11 We do not believe that the proposal to build and sell
12 15 luxury townhomes with only 2 set aside at 80 percent MFI is
13 of exceptional merit. It is in the interest of the District to
14 require the Applicant seeking numerous zoning exemptions, provide
15 affordable housing far above the minimum requirements. The
16 Zoning Commission should not waive the PUD minimum land area
17 requirement unless the developer agrees to include more of the
18 benefits that neighbors recommended to the Applicant and the ANC
19 in our October 2022 report. In particular, we ask for more of
20 the townhomes to be set aside as affordable and for significantly
21 more green space than the 300 square foot planter box that is
22 currently being offered by the Applicant.

23 Ten of the 15 proposed townhomes exceed the 60 percent
24 maximum lot occupancy allowed by the zoning regulations. Given
25 this high proposed lot occupancy, we continue to believe that a

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1 superior design would incorporate at least 3,000 square feet of
2 green space for our new and existing neighbors on the south end
3 of Square 274. Outdoor community spaces are few and far between
4 in the U Street corridor, and we've seen firsthand the mental
5 health and the neighborhood building benefits that these venues
6 provide.

7 Lastly, during our time as leaseholders of Temperance
8 garden, we've come to learn a lot about the history of the site.
9 Eighty years ago, there were over a hundred black low-income
10 residents living here in 26 dwellings. The lots in today's PUD
11 application are undeveloped only because in 1953 the Washington
12 Housing Authority tore down the housing in Temperance Court,
13 removed all the residents, and failed to build replacement
14 housing. This story is well documented in James Borchert's 1980
15 book, *Alley Life in Washington*, which is very good. I encourage
16 you to check it all out.

17 So we urge the Commission to consider the broader
18 historical context of forced displacement and the many prior
19 attempts to build affordable housing as it evaluates the
20 Applicant's benefits proffered. Replacing Temperance alley's
21 low-income housing with high-end townhomes would be a slow motion
22 injustice that is not in the moral interest of the U Street
23 community or the District of Columbia. No one here today is
24 responsible for this slow-motion injustice, but that doesn't
25 change the fact that it is occurring. From an equity perspective,

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1 it shouldn't matter whether the city demolished this housing 7
2 days ago or 70 years ago. In fact, I even heard from the owner
3 of Ben's Chili Bowl, Virginia Ali, that there's still a living
4 resident, a man who grew up in Temperance alley, so someone who's
5 still alive today that that was displaced by this act of the
6 city.

7 So I think the Zoning Commission has the opportunity
8 to help create a better ending to the story. The historic Square
9 274 holds a lot of potential, and we look forward to continuing
10 to collaborate with Eastbanc on making it as enlivening as it can
11 be. Thank you for your time.

12 CHAIRPERSON HOOD: Thank you, Mr. Lewis. Hold tight.
13 We may have some questions.

14 Let's go to David Shui. David Shui? While you're
15 working on getting unmuted, we'll come back to you, let's go to
16 David Goldstein.

17 MR. GOLDSTEIN: Good evening. So I'm David Goldstein.
18 I live at 2136 12th Place in the Harrison Square community, which
19 has 98 townhomes in square 272. We are part of the Greater U
20 Street Historic District. I'm an original owner. I've been
21 living here since July 2001. I served on the board of directors
22 for the first ten years of the community and recently rejoined.
23 However, I am here as an individual making comments, not on behalf
24 of the HOA. Thank you for the opportunity to provide comments
25 on the zoning application. Before I get into my prepared remarks,

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1 I just want to make two points. One is I've been sitting here
2 for almost five hours. So I have literally one and a half pages
3 of testimony. So I appreciate your indulgence if I go over. And
4 number two, my comments may come across as inconsistent with
5 other testimony that you've heard and, frankly, somewhat
6 disagreeable. But I would state up front that I participated in
7 the majority of the community engagement meetings, and what I
8 have to say is part of the public record with regard to the
9 historic preservation review board.

10 With that said, I fully support maximizing development
11 at or near Metro stations. However, it is imperative that new
12 buildings, especially within historic districts, be compatible
13 with and sensitive to adjacent and nearby properties.
14 Notwithstanding the Applicant's receipt of Historic Preservation
15 Review Board concept approval in May 2022, the Zoning Commission
16 should be made aware of the significantly flawed historic review
17 and community engagement process. During the Board's
18 December 16, 2021 hearing, the Board concluded that the Applicant
19 had failed to follow the Board's previous recommendations
20 regarding number one, building massing, and number two, community
21 engagement. Specific historic Board remarks about the U Street
22 building directed to the Applicant are detailed in my written
23 testimony.

24 To summarize the Board's conclusions, there were two
25 main points. Number one, the Board reiterated that the building

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1 is too large in scale. There were suggestions to lose a floor
2 and step the building. But overall, the Board largely felt that
3 the scale of the building is too large. The idea of stepping
4 was to try to sort of diminish the appearance of the height. And
5 I'll just even comment that one of the Zoning commissioners
6 earlier tonight said that the corner was imposing, quote unquote.
7 Number two, the Board recommended meaningful engagement with the
8 community so that it would be a truly collaborative process, and
9 not just an opportunity to show the community that -- what the
10 Applicant is doing.

11 Notwithstanding the Board's direction to the Applicant,
12 the result, as shown in the current zoning -- the current plans
13 on the zoning application, with regard to number one, the massing,
14 there were virtually no changes to the stepping of the U Street
15 building, although the current proposal has reduced the floor,
16 there is no stepping to reflect the mixture of height elevations,
17 which is the predominant situation on U Street. And I would call
18 your attention to the Ellington building at the northwest corner
19 of 13th and U as a great example.

20 Number two, the community engagement recommended by the
21 Board did not occur. Similar previous iterations of this project,
22 again which I participated in, the Applicant simply drafted plans
23 and then presented them to the community. There was no
24 collaboration in the creation of the plan. For example, during
25 the next community meeting after the December historic board

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1 meeting in February 2022, to provide the appearance of seeking
2 input, the Applicant presented two alternatives for the alley
3 drawings, the Temperance Avenue townhouses, and two options for
4 the corner elevation of the U Street building. And this was just
5 the first and second floor.

6 They may have had 60 plus or minus meetings, but their
7 approach is to present their preferences and have the community
8 select what I would consider a least worst choice. Accordingly,
9 the application submitted before the Zoning Commission is a
10 result of significantly flawed historic board process and does
11 not represent the wishes of the community. The end result is
12 that the proposed buildings primarily represent the Applicant's
13 preferences, not meaningful engagement with the community. My
14 specific comments on massing and design are more detailed in my
15 written testimony.

16 To summarize, the proposed building at 1250 U Street,
17 it would overwhelm the immediate built environment and eliminate
18 historic viewsheds from nearby properties. Specifically, number
19 one, the historic Lincoln Theater is directly across the street
20 from the 1250 U Street building. The theater is the most
21 prominent building on the 1200 block of U Street. The proposed
22 building should be complimentary with the theater. Number two,
23 within the greater U Street historic district there is historic
24 12th Place and the Children's Hospital site which is the location
25 of the Harrison Square townhouse properties, Squares 271 and 272.

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1 The 1250 U Street building would eliminate the city and monumental
2 view shed from these historic district properties. This could
3 be mitigated with a lower height and setback on the 13th Street
4 elevation, so that the viewshed is maintained, which relates back
5 to the comment with regard to the imposing corner. Lastly, I
6 was really struck by a comment earlier tonight on the contemporary
7 nature of the design. So I present the question to everybody in
8 attendance, how is contemporary compatible with historic
9 properties in the historic district.

10 In summary, the application does not represent the
11 preferences of the community and would benefit from further
12 massing and design refinements. Thank you very much.

13 CHAIRPERSON HOOD: Thank you very much. Let's see.
14 Hold tight, we may have some questions.

15 Let me see who I have not got. Shira Davidson? Okay.
16 You may begin.

17 MS. DAVIDSON: Hello, fellow community members,
18 Commission members, and Eastbanc representatives. My name is
19 Shira Davidson. I'm a 23-year-old student. I'm living five
20 blocks up 14th Street in my first apartment. I plan to live in
21 the city for a long time. I'm your future neighbor. I want to
22 thank you for the support you've given to Temperance garden, and
23 your commitment to and sustained engagement and dialogue with the
24 community. I genuinely appreciate the efforts that have been
25 made towards the provision of benefits for the community. I

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1 believe Eastbanc is worthy of being held to high standards. And
2 to that end, I want to remind Eastbanc of Section 11-2403 of
3 D.C.'s PUD evaluation standards, which calls for benefits that
4 are superior in quality and quantity to typical development of
5 the type proposed.

6 It is also understood that the relief of our zoning
7 codes disrupting our neighborhood are conditional on the
8 expectation of repayment of roughly equal value in these
9 benefits. It is specifically stated that the District agencies
10 involved expect this repayment to be in physical benefits and not
11 monetary contributions, like to nonprofits. I expect the Zoning
12 Commission and officials to uphold this expectation.

13 Zoning Commission, this is an opportunity to establish
14 standards for affordable housing, for community development and
15 for economic justice in our city, specifically for what that
16 means in a historical district. This is not something that can
17 be undone, a precedent that can be undone. It will only be an
18 example that will be set. I should mention that community
19 gathering spaces, like green spaces, have decades of evidence in
20 reducing violence, improving economic investments, and creating
21 social cohesion. I would hope these values are -- these are
22 values that both the Commission holds and that Eastbanc holds for
23 the community they're entering. There are possible solutions
24 here. Perhaps Eastbanc could raise the price of what it costs
25 to stay in the hotel to offset what you would need to add some

1 additional affordable housing units, to raise the revenue from
2 tourists instead of low-income renters.

3 I must tell you that I was not aware of the rule that
4 written statements for this hearing could not be submitted within
5 24 hours of today. So per a phone call several hours ago to the
6 Zoning Commission, there are at least 14 submitted letters in
7 opposition from community members which you will not get to read
8 on this matter, as well as conversations with elder community
9 leaders at the Walker Baptist Community Church on 13th and U and
10 founding members of Ben's Chili Bowl that are missing from this
11 discussion. Their voices deserve to be heard, and I encourage
12 you to seek them out. Zoning Commission, your city is watching.
13 Eastbanc, your city is watching.

14 Eastbanc you assert to value and lay groundwork in
15 urban revitalization. You are a D.C.-based organization. You
16 have the potential to be leaders in the field of development and
17 assign real value, real change, real life-changing generational
18 significance to what that means, urban revitalization. You can
19 be the front lines -- you can be on the front lines of the private
20 market in changing the course of economic development from a
21 model of gentrification, of displacement, of disregard, of
22 erasure to a still profit -centered model that is grounded in the
23 community engagement you do model so well, that is grounded in
24 reflecting the communities you become a part of, uplifting the
25 issues of neighbors soon filling your homes, patronizing your

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1 businesses, giving life to the areas, bringing people to your
2 hotels.

3 You don't have to just be a real estate company. You
4 can be an agent of change that stands for economic justice, and
5 garners the vocal support of the cities you enter. You hold
6 significant power. What will the legacy of Eastbanc in our
7 historical U Street neighborhood be: the development that kicked
8 off the gentrification that forever changed the spirit of our
9 little corner of our city or the creators of the gathering space,
10 the community garden, the train plaza, that brought a new meaning
11 to the urban revitalization and made D.C. proud to be home to
12 your organization? Thank you for your time.

13 CHAIRPERSON HOOD: Thank you. Hold tight. We may have
14 some questions for you.

15 There was a person that I called, and now I'm not seeing
16 on my screen, Ms. Schellin. I think it was a David --

17 MS. SCHELLIN: David Shui. And he has gotten off, it
18 appears. So maybe he no longer wanted to testify because he's
19 no longer on.

20 CHAIRPERSON HOOD: Okay. All right. Thank you. Let
21 the record reflect that when we called Mr. Shui, he was unable
22 to unmute, and we called him again, and now he's gone.

23 So let me open it up to any questions or comments of
24 any of the panel.

25 Commissioner May?

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1 COMMISSIONER MAY: I didn't have any questions, but I
2 appreciate the interesting different perspectives here.

3 CHAIRPERSON HOOD: Okay.

4 And Commissioner Imamura?

5 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No
6 questions. Just want to thank everybody for their testimony and
7 the time that they put into it, and the lens through which they
8 looked through about this particular project and the case. So
9 thank you.

10 CHAIRPERSON HOOD: And Vice Chair Miller?

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

12 And thank each of the public witnesses for their
13 testimony and patience to testify tonight.

14 And if it works out, Mr. Chairman, if we could hold the
15 record open for any comments from anyone -- there was an allusion
16 that there are other people who wanted to comment, including
17 neighbors, Ben's Chili Bowl owner, others, and then allow
18 rebuttal from the Applicant and other parties. But if we can do
19 that, if that's within our rules, we should consider that. Thank
20 you.

21 CHAIRPERSON HOOD: Okay. Thank you.

22 MS. SCHELLIN: And if I may, Chairman --

23 CHAIRPERSON HOOD: Yes?

24 MS. SCHELLIN: -- Chairman Hood? I think that what
25 -- at least I think and hope what Commissioner -- Vice Chair

1 Miller was referring to, the letters that Ms. Davidson is
2 referring to, per our regulations, testimony is supposed to be
3 submitted at least 24 hours prior to the hearing. Those letters
4 were returned. However, we still have access to them to restore
5 them to the record if the Commission chooses to do so. And if
6 so, we can do that rather than leaving the record open, unlike
7 what the regs say. The regs say that at the close of the hearing
8 the record is closed except for what you specifically ask for.
9 So rather than leaving the record open for everyone, we can
10 restore those letters that we returned, if that's what you're
11 asking for. And then the Applicant can --

12 VICE CHAIR MILLER: That is what I was asking for,
13 thank you.

14 MS. SCHELLIN: -- respond to those. Is that what you
15 meant?

16 VICE CHAIR MILLER: Yes. Thank you.

17 MS. SCHELLIN: Okay.

18 CHAIRPERSON HOOD: Does anybody have any -- I was going
19 to -- let me just say this. I was going to find a way to get
20 those 14 letters.

21 MS. SCHELLIN: Okay.

22 CHAIRPERSON HOOD: I want them in the record. So unless
23 I hear an objection, we can do it now because I -- I think this
24 is a two-vote case. I can also do it before five --

25 MS. SCHELLIN: Yes.

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1 CHAIRPERSON HOOD: -- if we get that far.

2 MS. SCHELLIN: Yes. PUD with map amendment is two.
3 You're correct.

4 CHAIRPERSON HOOD: Right. So those -- I just wanted
5 to let the public know those letters will get to us. So we're
6 going to go ahead and open the record now for those 14 letters
7 that Ms. Davidson had mentioned.

8 MS. DAVIDSON: Thank you so much. I really
9 appreciate --

10 MS. SCHELLIN: I'm not sure of the exact number, but
11 we will do that.

12 CHAIRPERSON HOOD: She said 14. Okay. So let me --

13 MS. SCHELLIN: Okay.

14 CHAIRPERSON HOOD: Let me bring my comments first, and
15 then I'll open up for anything else.

16 I want to go to Mr. Lewis. Mr. Lewis, I really
17 appreciate your history of U Street. So I appreciate your
18 perspective. And I'm trying to see, we do have your testimony,
19 but we -- do we have it as you presented it? Did you read it as
20 you wrote it to us? I'm just curious because I can open it up
21 right now and go back and look at it. Did you read from your
22 testimony.

23 MR. LEWIS: Yeah, I read it. I read it as written with
24 some slight --

25 CHAIRPERSON HOOD: Okay.

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1 MR. LEWIS: -- modifications, yeah.

2 CHAIRPERSON HOOD: Okay. Great. So I'm glad you're
3 doing the history on U Street. I would encourage you also to
4 look at Anne, who was before Ben's Chili Bowl, who didn't have a
5 lot of education. She had the pool hall, so you heard of that
6 name before?

7 MR. LEWIS: No, I have not. Thank you.

8 CHAIRPERSON HOOD: Ah, so it shows you that we don't
9 just sit on the Zoning Commission.

10 MR. LEWIS: Y'all in the deep cut, yeah.

11 CHAIRPERSON HOOD: We don't just sit on the Zoning
12 Commission. So I appreciate your history. I think that's --
13 that is very important. So I appreciate your testimony. I
14 appreciate everyone's testimony --

15 MR. LEWIS: Yeah.

16 CHAIRPERSON HOOD: -- and more, I appreciate everyone
17 stand here for five hours or so to be able to provide that
18 testimony, even though we're at home, some -- most of us are at
19 home, we really appreciate it.

20 I also want to go to Ms. Davidson, you mentioned
21 Walker -- were you referring to Walker Memorial Baptist Church?
22 Because you said Walker -- maybe I missed the Memorial.

23 MS. DAVIDSON: Yes, sir.

24 CHAIRPERSON HOOD: Okay. Now, what did you say about
25 Walker Memorial Baptist Church?

1 MS. DAVIDSON: Well, I've only been in the community
2 for about nine months, and so I felt that the people who've been
3 in this community for a long time deserve to be represented. And
4 so I went to that church yesterday, and I asked if there was any
5 community leaders there who could speak to this issue. And the
6 man who I spoke to there hadn't heard that any of this was going
7 on, even though it's just across the street. And so I told him
8 it was going on. And I asked him if there was anybody there I
9 could speak to. He gave me an email address, and he called this
10 woman on the phone, and I spoke to her. I told her, you know,
11 what was going on, and I forwarded her the U Street Neighborhood
12 Association email, and that's my understanding of where the 14
13 letters came from. I just felt like, I don't know, I just felt
14 like they were people whose voices deserved to be heard on this
15 matter. Maybe the --

16 CHAIRPERSON HOOD: Well, I will also tell you that we
17 don't just sit on the Zoning Commission. My church is a little
18 further up the street on 13th Street. So I'm in the neighborhood,
19 too. I was born and raised in the city, but I was born and raised
20 in that church. So I -- that's why when you mentioned Walker
21 Memorial -- so we're going to look at everything. I appreciate
22 you bringing it to our attention.

23 MS. DAVIDSON: Of course.

24 CHAIRPERSON HOOD: And I would just encourage you to
25 stay engaged and stay involved.

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1 MS. DAVIDSON: Thank you. I appreciate that, sir.

2 CHAIRPERSON HOOD: Okay. All right. I don't think we
3 have any other -- I don't have any other questions. I'm looking
4 on the -- okay.

5 All right. Let's go to Ms. Bloomfield. Any -- oh, I'm
6 sorry. Let me back up. Does the Applicant have any
7 cross-examination of anybody who's testified?

8 MS. BLOOMFIELD: No. Thank you.

9 CHAIRPERSON HOOD: Okay.

10 And Chairperson Harris, are you still around? Do you
11 have any cross-examination of anybody who's testified hopefully
12 they're still here?

13 ANC CHAIRPERSON HARRIS: I do not.

14 CHAIRPERSON HOOD: Okay. And SPP party, do you have
15 any cross-examination of anyone who has testified?

16 MR. SCHWARTZ: No, we're good.

17 CHAIRPERSON HOOD: I'm sorry. I didn't hear you.

18 MR. SCHWARTZ: No, we're good, I think.

19 MS. MACEDO: Thank you so much.

20 CHAIRPERSON HOOD: Okay. Got you. That was -- that
21 sounded like a different voice that time.

22 MS. HARRIS: I'm sorry.

23 MR. SCHWARTZ: Oh.

24 ANC CHAIRPERSON HARRIS: Chairman Hood, I actually do
25 have one question.

1 CHAIRPERSON HOOD: Yes? Okay. Chair Harris, go right
2 ahead.

3 ANC CHAIRPERSON HARRIS: I want to ask -- I would like
4 to ask Mr. Lewis, you mentioned that the -- that Eastbanc per the
5 benefits, were not providing enough garden space. What is the
6 amount that you would like to see in square footage?

7 MR. LEWIS: Yes. Thank you, Commissioner Harris. So
8 throughout the PUD community benefits brainstorming process that
9 we ran, the recommendation of the USNA was to provide 3,000 square
10 feet of community green space.

11 ANC CHAIRPERSON HARRIS: And how much, do you know off
12 chance how much, space that would take up in the alley?

13 MR. LEWIS: In what unit?

14 ANC CHAIRPERSON HARRIS: In that alley lot?

15 MR. LEWIS: Are you asking how many --

16 ANC CHAIRPERSON HARRIS: I'm asking you.

17 MR. LEWIS: Well, you asked for square footage, and I
18 said 3,000 square feet, so I don't fully understand the follow-
19 up question. That's all.

20 ANC CHAIRPERSON HARRIS: Yeah. I guess maybe it's
21 better to look at a map, but I would imagine that reflecting --

22 MR. LEWIS: It's about two times' worth.

23 ANC CHAIRPERSON HARRIS: So it would take up two
24 townhomes, which would also kind of deprioritize the affordable
25 housing that you're all seeking, right?

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1 MR. LEWIS: No, because we believe there should be more
2 affordable housing offered as well as additional community green
3 space.

4 ANC CHAIRPERSON HARRIS: Okay. I think there's
5 probably limitations in that, but I don't have any more questions.
6 Thank you.

7 MR. LEWIS: Thank you.

8 CHAIRPERSON HOOD: Thank you both. Again, we want to
9 thank everyone who's testified for the individuals.

10 Okay. Ms. Bloomfield, we have rebuttal

11 MS. SCHELLIN: No. No. No. Nope, we have undeclared.

12 CHAIRPERSON HOOD: Oh, we have somebody -- okay. Let's
13 go to undeclared.

14 MS. SCHELLIN: Yes. Yes.

15 CHAIRPERSON HOOD: How many do we have undeclared?

16 MS. SCHELLIN: Okay. So we have -- Patrick [Foray] or
17 [Foree] and Kelsey Adams. That might be the only two. Yes,
18 that's the only two.

19 CHAIRPERSON HOOD: Okay. I don't see last name Adams.
20 But let's go with Forey, Patrick. I just see Patrick on there.

21 Patrick Forey, if you could, you now can unmute and
22 begin.

23 MR. FOREY: Oh, there we go. Good afternoon, Commission
24 and everyone on board. Thanks for allowing us to speak. I'm
25 Patrick Forey. I live at 1912 13th Street, southwest corner of

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1 Wallach and 13th Street. It's actually right across the street
2 from this development proposal. I've been here for over 17
3 years, moved into the community. I'm the -- currently, it's
4 changed quite a bit and to the better, I think. It's gotten more
5 vibrant and more active, and I really appreciate the
6 neighborhood. I love it. I love my neighbors. I am not opposed
7 to the development per se. I am opposed to some of the variants
8 that are being requested by the developer.

9 Initially -- right now on any Thursday night through
10 Sunday night from 6:00 in the afternoon/evening, until 2 in the
11 morning, there's a line of traffic that goes up and down U Street
12 from Logan Circle up to the -- past Cardozo High School. It's
13 very busy, and parking is an extreme problem in this neighborhood.
14 I am currently landlocked. I don't have ability to park in my
15 property, and there are a few houses around here that have the
16 same problem, and so we rely on street parking.

17 Ever since the development and building of the
18 13 U Street, Ellington, and a couple of buildings of The Louis
19 and something else over on 14th Street, it's been harder and
20 harder to find parking in this neighborhood. Now, I know that
21 the D.C. -- well, I think -- maybe it was the 13th and U, I don't
22 know if it's a regulation or what, but the -- they passed this
23 RPP where they can't get access to a parking street. Well, I
24 don't know how that's enforceable, quite frankly. People that
25 live in a residence somewhere else and move to one of these places

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1 can easily just continue their pass overwards. And there's no
2 follow up on that, and there's no enforcement of it as far as I
3 can tell. So I got to believe that people are finding a way
4 around that RPP restriction.

5 The developments with the townhouses in particular
6 bothers me in the sense that they have the ability to provide
7 parking for these folks right now to alleviate some of the
8 congestion on the street, and if they stuck to the regular zoning
9 regulations, they would have that there. So I'm opposed to the --
10 those variants to do that. The -- additionally with the hotels,
11 I'm not opposed to a hotel, per se, but I got to believe people
12 are going to drive into the city and want to stay at this hotel.
13 They're not all going to come here and take a U Street Metro or
14 they're not going to take a taxi or an Uber or whatever. I
15 imagine most of them probably will, but there's no guarantee that
16 they won't. So my question is where are they going to park?

17 I suspect they'll get some kind of parking pass. The
18 same with the townhouse residents and the people that live in the
19 apartments. They could do the D.C. park app and get their own
20 parking pass. There's a possible way around it, unless there's
21 been something to restrict that, and I don't know that there has
22 been. So those are kind of the big issues for me. The congestion,
23 the more people, that doesn't bother me. I think that's great.
24 Widening the alleys to be two ways now, you're going to have more
25 traffic in those alleys and more congestion on 13th Street. So

1 I don't know if that's going to help anything or make it safe or
2 if anything it's going to make it more congested and crazy. But
3 anyway, those are my concerns with it. I don't think you should
4 agree to the variants. I think some of the recommendations that
5 people have made already are very valid, and I think that's what
6 needs to be done. So thank you very much for your time.

7 CHAIRPERSON HOOD: Okay. Thank you. Hold tight.

8 Let's see, Ms. Schellin, the other person I still don't
9 see. Are they around or on the phone?

10 MS. SCHELLIN: Let me check their number very quickly.
11 Have one call-in user 898. Let me check her number. No. That
12 was not the number she gave, so no.

13 CHAIRPERSON HOOD: Okay.

14 All right. Any questions of Mr. Forey, Commissioners?
15 Commissioner May? Okay, no questions.

16 Does the Applicant have any questions?

17 MS. BLOOMFIELD: We --

18 CHAIRPERSON HOOD: Ms. Bloomfield, you have any
19 questions?

20 MS. BLOOMFIELD: No.

21 CHAIRPERSON HOOD: Okay.

22 And Chairperson Harris, you have any questions?

23 ANC CHAIRPERSON HARRIS: No. Thank you.

24 CHAIRPERSON HOOD: And party SPP, you have any
25 questions?

1 MR. SCHWARTZ: No, thank you.

2 CHAIRPERSON HOOD: Okay. Thank you, Mr. Forey. We
3 really appreciate your testimony.

4 All right. Anything else, Ms. Schellin? Anybody else
5 out there?

6 MS. SCHELLIN: No, sir.

7 CHAIRPERSON HOOD: Okay.

8 All right, Ms. Bloomfield, let's do rebuttal.

9 MS. BLOOMFIELD: Sorry for the technology issues.
10 We're -- Holland & Knight will continue to have our bad reputation
11 on that, and that's my problem.

12 CHAIRPERSON HOOD: You all sure got it, the echo team.

13 MS. BLOOMFIELD: I thought I had a solution, and I
14 didn't. I'd like to start by responding to OAG. We did a little
15 bit of that and Office of Planning did a little bit of it. I'd
16 like to say -- state some points again for the record, and
17 hopefully clarify some items. OAG's position, as everyone knows,
18 is that for a PUD without a map amendment, the applicant must
19 meet or exceed the standard IZ set-aside requirement in addition
20 to providing additional public benefits and amenities. And for
21 a PUD with a map amendment, the applicant must meet or exceed IZ
22 Plus in addition to providing additional benefits and amenities.
23 This is not the standard that the Zoning Commission is tasked
24 with in evaluating a PUD. The Zoning Commission is tasked with
25 in deciding a PUD to judge, balance, and reconcile the relative

1 value of public benefits and project amenities, the degree of
2 development incentives requested, and any potential adverse
3 effects.

4 The zoning regulations do not require a specific amount
5 of affordable housing. We talked about this before. They define
6 public benefits generally. And they list a number of public
7 benefits, all of which should be weighed against the flexibility
8 being requested. And this is how we have presented it to you.
9 We have numbers that Brandis presented that identify the
10 matter -- for example, matter-of-right housing under the current
11 zoning compared to what we're providing, and matter-of-right
12 affordable housing under existing zoning compared to what we are
13 providing. That is the standard for what a public benefit can
14 be considered when it comes to housing and affordable housing.
15 So what I -- what OAG has been presenting is just simply not in
16 the zoning regulations.

17 OAG also says that affordable housing is the highest
18 priority, and so therefore, the Zoning Commission should consider
19 it -- that -- should use IZ Plus as that standard. We'd like --
20 I'd like to remind the Commission that -- what -- something that
21 the Office of Planning said very well this evening, which is that
22 the mid-city planning area in which this property is located is
23 on track to exceed its IZ target. And I pulled the numbers.
24 It's -- they -- we will -- we're expected to exceed the target
25 by 131 percent by 2025. So while affordable housing may be the

1 highest priority, the Zoning Commission also needs to look at the
2 needs of this specific planning area when it conducts its
3 evaluation as to whether the project is not inconsistent with the
4 comprehensive plan.

5 So notwithstanding that OAG is applying the wrong legal
6 standard to evaluate the PUD, I would also point out that their
7 math is flawed on some basic assumptions that I'll go through
8 quickly. And we're happy to submit these to the record if needed.
9 I'm not going to go through particular numbers. I'm going to
10 talk about the process that they went through. First, OAG states
11 that the Applicant takes advantage of both an IZ bonus density
12 and an additional PUD-related bonus density. That is not true.
13 Subtitle K 809.1, that's for the ARTS zones, says that the bonus
14 density and height permitted with bonus uses in the ARTS zones
15 shall serve as the guidelines for PUDs. What this means is that
16 the project, and actually any PUD within an ARTS zone, does not
17 get to take advantage of any PUD-related bonus density that is
18 otherwise granted in the zoning regulations.

19 The bonus density that the applica- -- that the
20 Applicant uses in this case comes from Subtitle K, Section 802.3.
21 And this section allows for an additional bonus of 0.5 FAR in
22 the ARTS-4 zone for a building that includes 3 FAR or more devoted
23 to residential use. That's where we get our bonus. And the
24 regulations go on to say that the bonus density achieved through
25 the provision of preferred uses does not add to the set-aside

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1 requirement for IZ. The regulations are very clear on this. OAG
2 also incorrectly lumps the additional preferred use bonus density
3 that I just described into its incorrectly placed IZ Plus
4 calculation for the U Street site. So when all of that is taken
5 together, we've done the math, we've done the IZ Plus math that
6 Commissioner Miller had asked OP to deliver, and based on the
7 appropriate bonus density being utilized, we're only providing
8 1,800 square feet less than what IZ Plus would require, which is
9 significantly less than what OAG is offering up. And we're happy
10 to provide those numbers for the record if needed.

11 I'll also point out that OAG also dismisses a number
12 of our benefits that are not related to affordable housing. For
13 example, OAG states that our environmental proffer and our
14 employment proffer should not be considered benefits because they
15 do not exceed what would be required as a matter-of-right. They
16 also state that the widening of the public alleys does not qualify
17 as a benefit. We talked about this tonight. Because doing so
18 is required to bring the alleys into compliance with DDOT
19 standards for two-way circulation.

20 As it relates to LEED, the regulations specifically
21 state that meeting the minimum standards for LEED Gold is a public
22 benefit. The project is providing LEED Gold, which is explicitly
23 stated in the regulations as a benefit. The zoning regulations,
24 excuse me, also identify employment and training opportunities
25 as a PUD benefit, and in this case, the Applicant has committed

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1 to entering into a first source employment agreement, which would
2 not be entered into in the case of a matter-of-right
3 redevelopment. Just it wouldn't. Regarding the alley
4 dedications, DDOT has not indicated that widening the alleys is
5 required to mitigate any impacts and the Applicant is under no
6 legal requirement to bring the alleys into compliance with DDOT
7 standards for a two-way alley. We are doing this to benefit and
8 improve the existing conditions within the square.

9 All that said, in accordance with the zoning
10 regulations, the PUD should be viewed in a holistic manner. The
11 proffered benefits are significant and fully responsive to the
12 extensive neighborhood feedback that you heard about tonight.
13 The requested development's incentives, while also significant,
14 and we heard about those tonight as well, are due to the extremely
15 constrained nature of this site. The Applicant is not requesting
16 flexibility to construct an incompatible oversized project. We
17 are requesting flexibility to deliver a project that has been
18 informed by the community and helps to advance the policies and
19 goals of the comprehensive plan and many other current and
20 relevant public policies.

21 Although OAG may not think that the PUD offers an
22 adequate number or quality of meaningful public benefits that
23 outweigh the degree of development incentives requested, the
24 zoning regulations specifically state, and I mentioned this
25 before, that the amount of flexibility from the development

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1 standards is at the discretion of the Zoning Commission. We
2 believe we've submitted significant and substantial evidence in
3 this case -- in the case record and this evening at the public
4 hearing to justify approval of this project under the applicable
5 standards of the zoning regulations. We fundamentally disagree
6 with the way that the -- that OAG has valued our non-IZ related
7 public benefits. They put price tags, dollar amounts on many of
8 them, and there's no evidence as to how they came to those numbers
9 that -- in contrast, the ANC put dollar values onto those
10 benefits, and those were discussed extensively with the
11 Applicant.

12 And I'll close the piece -- my piece on OAG about --
13 in their written material that they filed yesterday, they quote
14 the comprehensive plan by stating that the District is
15 experiencing a housing affordability crisis that threatens to
16 undermine the District's goal of being an equitable and inclusive
17 city. By opposing this project, which itself provides
18 significant new housing and affordable housing, OAG is
19 undermining the District's goal of being an equitable and
20 inclusive city. It is also interfering with the community's
21 priorities that would be fulfilled by the proffered benefits and
22 amenities being shown here. So once again, we have the math if
23 the Zoning Commission wants to see the math. We found it not to
24 be helpful to say he said/she said as part of this presentation,
25 but in Brandis' presentation she provided what we believe is the

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1 math which shows matter-of-right compared to what we're being -
2 - proposing tonight.

3 I also want to quickly touch on some of the
4 opposition -- the comments from the opposition that we heard this
5 evening. One of those items was that why is this PUD being
6 presented as a single project as opposed to two development sites.
7 As Ms. Steingasser mentioned, that happens throughout the city,
8 in lots of PUDs. The zoning regulations specifically say that a
9 PUD does not have to be physically connected and can be separated
10 by a street or an alley, as the case is here. There's also a
11 lot of comments tonight about how the project does not meet the
12 RF-1 alley lot standards, which would be a two-story home. That
13 is not applicable in this case because the project is being put
14 forward as a PUD. So as a PUD in the RF-1 zone, we're permitted
15 50 feet, and we're only proposing 30 feet. So it's actually
16 lower than what would be permitted. Moreover, providing smaller
17 units, smaller townhomes back in the rear portion of the site
18 would result in smaller units, which would not be as accommodating
19 for families, which is a major goal of this -- of the city. And
20 as someone said this evening, there are very few townhomes being
21 developed in the city right now, particularly as PUDs and
22 particularly affordable.

23 And then as it relates to the height, again we have --
24 we lowered it throughout the course of engaging with the
25 community, and we also provide setbacks -- farther -- to separate

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1 at the third floor, farther away from those existing townhomes.
2 So we've done quite a bit actually to minimize the impact as much
3 as possible.

4 Shadows. We have gone through our shadows. We don't
5 believe that they create any real adverse impacts. We were
6 pulling up some of our diagrams that we presented to the community
7 throughout this process, and we do -- there -- admittedly, there
8 is a very, very small amount of time where the shadow extends up
9 off of the ground level. There's about an hour at the equinox,
10 an hour and 20 minutes in the summer and an hour and 52 minutes
11 in the winter. So if I said earlier that there was no impact to
12 the vertical development, that's incorrect. There is very, very
13 minimal impact. And we can submit that if necessary. We did
14 share all of those materials with the community.

15 There was talking about the townhomes being not --
16 being inconsistent with the comprehensive plan. I thought the
17 Office of Planning did an extremely helpful and good job this
18 evening about -- talking about how the medium density residential
19 designation in the comprehensive plan permits and encourages
20 exactly what we're doing here, which is townhomes, and that
21 providing a fewer number of townhomes or townhomes that are
22 smaller or having a lower height would be inconsistent with the
23 comprehensive plan, which is encouraging housing and affordable
24 housing. I'm almost done.

25 There was discussion about concerns with the alley and

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1 traffic. And as we have mentioned, we are widening one of the
2 alleys. We're providing -- provide two-way traffic, which will
3 actually make traffic flow better in the alley system. I'll
4 point out that the existing office building has parking in it,
5 and so there are cars traversing that alley system that will go
6 away because this project will not be providing any on-site
7 parking. I'll also note for -- one of the comments was that
8 someone taught their kids to ride a bike in the alley. We're
9 providing a beautiful publicly accessible alley mews. It won't
10 be open to cars, but it will be open to the community, and that
11 is a big benefit that feels like it has been sort of not really
12 recognized from the community this evening.

13 And -- is that it? Okay. I'm going to stop there.
14 We're happy to provide anything in additional for the record.
15 I've heard two things, I think, specifically asked Commissioner
16 May --

17 CHAIRPERSON HOOD: Ms. Bloomfield, let me stop you
18 right there. Was that -- depends on how you answer this question
19 whether I move forward. Was that rebuttal, or was that your
20 closing?

21 MS. BLOOMFIELD: That was everything put together.

22 CHAIRPERSON HOOD: Okay. All right. Typically, we
23 have to -- if anybody has cross on rebuttal, we don't usually --
24 you don't usually cross counsel. But somebody on your team will
25 have to answer questions to what you said. I want to make sure

1 this record is straight. So -- and Mr. Ritting, if I'm incorrect,
2 you can let me know.

3 So let me see. Does the -- first of all, my colleagues
4 have any follow up questions? Okay.

5 You're the Applicant.

6 Chairperson Harris is still around. Does she have any
7 cross-examination?

8 ANC CHAIRPERSON HARRIS: I do not.

9 CHAIRPERSON HOOD: Okay.

10 And SPP, do you have any cross-examination?

11 MS. MACEDO: Hi. I'm taking over from --

12 CHAIRPERSON HOOD: On cross. On cross. Nothing but
13 on cross.

14 MS. MACEDO: Yes.

15 CHAIRPERSON HOOD: Okay.

16 MS. MACEDO: So in terms of the -- you had stated that
17 the -- lowering the height of the alley dwellings would reduce
18 the number of bedrooms allowable. But actually, if you compare
19 it to T Street, which is they're all two-story houses that have
20 three bedrooms that sell for well over \$1 million each, by taking
21 that into comparison, a direct comparison, you would be allowing
22 smaller but still single-family dwellings that would be more
23 affordable, but still over a million dollars, allowing quite a
24 bit of profit to Eastbanc. So you had stated that that wouldn't
25 be possible by lowering the height, but it actually is, and it

1 will be lower density -- lower to moderate density.

2 CHAIRPERSON HOOD: Is there a question in there or
3 is -- we need a question.

4 MS. MACEDO: Yeah. Well, I was actually wondering
5 what -- where you took away the fact that it couldn't be a
6 three-bedroom house if you lowered it to two stories. Is there
7 like a comparison there?

8 MS. BLOOMFIELD: I have a procedural question. I don't
9 think they're allowed to cross on rebuttal. Should --

10 CHAIRPERSON HOOD: Yes, I believe they are. I've always
11 done cross on rebuttal. And then the closing statement, they
12 don't. So that's why I don't like for lawyers to do the crossing.

13 Mr. Ritting, I think -- am I wrong?

14 MR. RITTING: I'm not sure the answer either. But I
15 believe that you can cross --

16 MS. BLOOMFIELD: I think so.

17 MR. RITTING: -- on rebuttal.

18 CHAIRPERSON HOOD: Okay. Well, I don't --

19 COMMISSIONER MAY: He has always --

20 CHAIRPERSON HOOD: Okay. Well, I want to say you can
21 cross on rebuttal. I've always done that.

22 MS. SCHELLIN: Always.

23 COMMISSIONER MAY: Always crossed on rebuttal.

24 CHAIRPERSON HOOD: I've always done that, so -- and
25 that's why --

1 MS. SCHELLIN: Yes.

2 CHAIRPERSON HOOD: -- I need lawyers to stop doing
3 that. So Ms. Bloomfield, find somebody who can answer that
4 question.

5 MS. BLOOMFIELD: Oh. Because I'm not allowed to answer
6 the question.

7 MR. RITTING: Yeah.

8 MS. BLOOMFIELD: All right. So the question --

9 CHAIRPERSON HOOD: And typically, we don't ask counsel
10 to answer it, but if you want to, I don't have a problem with
11 it.

12 MS. BLOOMFIELD: Let me repeat the question. The
13 question is, is it true that it's -- that it is possible to put
14 three bedrooms in a two-story townhome? The answer is yes.

15 MS. MACEDO: Okay. And the second question was, I
16 was -- I'm still a little unclear as to whether the 16-foot alley
17 requirement -- you seem to say you wouldn't have to be in
18 compliance with DDOT, if I understood your statement, that you
19 were making some kind of concession by making it a two-way alley
20 and making it 16 feet wide, whereas DDOT said that they actually
21 were against your calling it an easement and said it should be a
22 gift or a -- make it -- it should be public -- made public. So
23 I guess I'm confused. What is the legal requirement and -- yeah,
24 what's the legal requirement?

25 MS. BLOOMFIELD: No, it's a good question, because it's

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1 confusing. And I think you're maybe conflating two issues. The
2 issue about the dedicating the piece of land, we had originally
3 proposed to build the exact same development set back six feet
4 and create a public perpetual easement in that location, which
5 would mean that we still own the land, but we're not allowed to
6 build on it. DDOT asked us to dedicate it. So that means it's
7 not -- no longer our piece of property, it becomes the city's
8 piece of property. And we said, that's fine. It makes no
9 difference to us, we were going to provide that setback anyway.

10 So the -- that's the first piece. The second piece is
11 there is -- DDOT is not requiring us. There is no requirement
12 that we create a two-way ally. The language that you keep hearing
13 is that the DDOT standard for a two-way ally is 16 feet wide,
14 and we are complying with that.

15 MS. MACEDO: And my final question is you are receiving
16 a lot of land from the closure of Temperance alley. Is there a
17 legal requirement for you to convert that into a monetary benefit
18 and have that go towards your public benefit? Because I was a
19 little confused by the -- I forget who -- the Office of Planning,
20 I think, answered that question, but I was very confused by the
21 answer.

22 MS. BLOOMFIELD: There is not a legal requirement to
23 do that.

24 MS. MACEDO: And just for the -- I guess, for the Zoning
25 Commission, is that taken into account at all in -- when you're

1 looking at the benefits proffered, whether it's justifiable, the
2 amount of benefits they've proffered versus what they've received
3 from the public?

4 MS. BLOOMFIELD: Right. So the way that an alley
5 closing works in the original city of Washington, the way that
6 the law -- it has progressed over the course of many court cases,
7 is that that land was actually owned by the property owners on
8 either side of it originally when the city of Washington was laid
9 out. So when an alley is closed, that land reverts back to the
10 original property owner, and the original property owner is the
11 private property owner on either side of the alley, not the
12 District. So there's not actually a monetary value to be given
13 one way or the other.

14 MS. MACEDO: Okay, thank you.

15 CHAIRPERSON HOOD: Okay. Thank you both.

16 And Ms. Bloomfield, thank you for answering those
17 questions. All right. Now, do you have a closing?

18 MS. BLOOMFIELD: I'll just --

19 CHAIRPERSON HOOD: We're not crossing your closing.

20 MS. BLOOMFIELD: I'll just close by saying thank you
21 for giving us the opportunity to present tonight. We heard a
22 lot of really good feedback. We've been hearing feedback for a
23 number of years now, and we're happy to work with the community.
24 And we believe we presented a project that is fully consistent
25 with the comprehensive plan. And while the development

1 incentives we have requested our extensive, it is a result of
2 creating a really incredible project with significant public
3 benefits and amenities, including housing and affordable housing
4 that we believe are commensurate with the flexibility being
5 requested. Thank you.

6 CHAIRPERSON HOOD: Okay. Thank you, Ms. Bloomfield.

7 Let's see what we have. Commissioners, anything we're
8 looking for, any questions, follow-up questions, or comments?

9 COMMISSIONER MAY: I did want to follow up on one thing
10 that came up in the cross. And by the way, I think the confusion
11 here is that when Ms. Bloomfield effectively is providing
12 testimony on rebuttal, it gets weird, because we don't normally
13 cross the attorneys representing the applicant. So it's -- it
14 really is a good idea to actually have your witnesses provide the
15 rebuttal rather than doing it yourself, because we're going to
16 expect to see that rebuttal every time.

17 So and this -- and so I have a question for
18 Mr. Gilliland, if he's still with you there. Yeah. So the
19 question is I -- and I, you know, I might have been able to look
20 this up, but I haven't been -- paying more attention to the
21 testimony, but the width, I'm sorry, the depth of the rowhouse
22 units that you are designing, I mean what -- how deep are they,
23 and I mean how could you do a three-bedroom there? Because they
24 seem to be a little bit, I don't know. I don't know what the
25 full depth is, whether it's sufficient for three bedrooms, but

1 it certainly is not sufficient for three bedrooms each with a
2 window, unless something's on first floor or something.

3 MR. GILLIAND: Yeah. You know, as that question was
4 being asked a little earlier, I was looking at an aerial
5 photograph of the square, you know, and the comparison was being
6 made to the townhomes, the three-bedroom townhomes on T Street,
7 which have lot dimensions which are significantly different than
8 what we're able to provide in Temperance Mews there. They're
9 significantly deeper, and allows for some variations in the way
10 you could lay out those units, creating some little sort of mini
11 courts between (audio blank) that allow you a way to get windows
12 into a bedroom. I don't think that's physically possible with
13 our project, due to the kind of compressed depths that we're
14 trying to work with to widen the alley, to provide the Temperance
15 Avenue experience that was so important to the historic
16 preservation process.

17 COMMISSIONER MAY: So yeah, it would be -- you're
18 saying that it would be very difficult to do three-bedroom
19 rowhouses on those lots, if not impossible?

20 MR. GILLIAND: Because of their depth. Well, we
21 could --

22 COMMISSIONER MAY: It would be impossible? I'm sorry,
23 you're saying it would be impossible?

24 MR. GILLIAND: It would be impossible in terms of
25 providing the kinds of sort of bedroom sizes that we think are

1 going to be important for the for-sale product.

2 COMMISSIONER MAY: Okay. All right. Thank you. In
3 terms of additional items, I mean I was asking for a couple of
4 things. One was that calculation of how much is lost if you did
5 the setback, and I do think I'd like to see the 7 a.m. solar
6 study. And I have to say, the solar study you provided is very
7 difficult to read. We've seen others on other cases, particularly
8 on BZA cases where they seem to be very frequent, where it's very
9 clear when you're hitting a vertical surface when -- versus when
10 you're hitting just the ground and also casting the shadows of
11 the other stuff. Because there are definitely fences that are
12 going to be casting shadows. There are additions and things like
13 that. I mean I'm not looking for details on all the stip
14 (phonetic) units and all that kind of stuff, but just something
15 that really shows it. And then, you know, showing -- yeah, I
16 mean, maybe it's just -- showing it more clearly with some sharper
17 edges, because it's a little bit fuzzy.

18 MR. GILLIAND: We can do that. I think on the winter
19 solstice study, it doesn't do any good to do a 7 a.m., because
20 the sun won't be up until 7:25 or something on winter solstice.

21 COMMISSIONER MAY: Also -- yeah, I mean, maybe 8 a.m.
22 is what you need on the winter solstice. I don't know.

23 MR. GILLIAND: Yeah. I'll look at that.

24 COMMISSIONER MAY: Yeah. I was -- I wondered about
25 that too because it's awfully dark when I'm riding my bike at

1 7:00 in the morning in December. That's it. Thank you.

2 CHAIRPERSON HOOD: Sure hope you have a light on your
3 bike.

4 COMMISSIONER MAY: I absolutely do. And I am covered
5 in yellow reflective stuff. Very, very visible. You'll see me
6 coming. You'll see me coming.

7 CHAIRPERSON HOOD: All right.

8 Commissioner Imamura, you have anything?

9 And Vice Chair Miller, you have anything?

10 VICE CHAIR MILLER: Well, I'm trying to remember what
11 I even asked for at this late hour. But, Mr. Chairman, in
12 addition to what Commissioner May just asked for, I think it
13 would be helpful for the case to have the in the written record
14 some of the narrative that the Applicant has provided tonight in
15 testimony and in rebuttal and that OP has provided upon
16 questioning on the issue of -- the impact on the project of
17 complying -- of meeting an IZ Plus standard, because that was OAG
18 testimony. And we've heard written -- verbal testimony, but I
19 think I'd like to see it in writing. And there was also public
20 testimony asking for more affordable housing. And also on the
21 issue of -- what was the issue -- other issue? I can't remember
22 now. Well, I think it'd be helpful to have written supplemental
23 testimony back -- written into the record, written -- the written
24 record, some of the verbal statements that have been made tonight
25 in response to the verbal testimony that we received from the

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1 opposition. So I think it'd be helpful for us to move forward
2 with that kind of record. Thank you, Mr. Chairman.

3 CHAIRPERSON HOOD: Thank you, Vice Chair. I would
4 ask --

5 VICE CHAIR MILLER: Oh, I know. So the issue was on
6 the two-story townhouses, what the impact on the project would
7 be if the townhomes were only two story.

8 CHAIRPERSON HOOD: Okay. Anything else? All right.
9 So what I would ask, Ms. Bloomfield, is, as the Vice Chair and
10 others have mentioned, especially your rebuttal, I think your --
11 the rebuttal that was mentioned, I think, is very key. Those --
12 just those key points that you mentioned, even though a lot of
13 it's in the record, but if we put it in one place, I think that'd
14 be very helpful. The other thing that I would ask is that you
15 mentioned some counteractions to what OAG as -- and I believe the
16 Vice Chair and I are asking for the same thing, I would like to
17 have that information. You volunteered it. I would like to have
18 it, even though I already know those -- we wrote the rules, so I
19 already know how it works, but I think that'll be good for the
20 record.

21 And even beyond that, I've heard a lot from SPP. And
22 as far as some of their concerns, let's continue to have a
23 conversation with the SPP and the Applicant. And I want a status
24 of the conversations of how much headway you've made between SPP
25 and Applicant. I want both the Applicant to send -- give me

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1 something as well as SP -- I mean, the SPP as well as that
2 Applicant. Okay? I want you all to continue to have those
3 conversations with Ms. Prime and others, and let's see what
4 happens.

5 Ms. Schellin --

6 Ms. Bloomfield, we're on the same page?

7 MS. BLOOMFIELD: We are.

8 CHAIRPERSON HOOD: Okay, good. Great.

9 Ms. Schellin, can we come up with some dates?

10 MS. SCHELLIN: Ms. Bloomfield, how much time do you
11 think you need to meet with the opposition party in order to get
12 all of this done?

13 CHAIRPERSON HOOD: Ms. Bloomfield, you're on mute.

14 MS. SCHELLIN: You didn't hear me?

15 CHAIRPERSON HOOD: You're on mute.

16 She's on mute. She heard you.

17 MS. BLOOMFIELD: I did. Would two weeks?

18 MS. SCHELLIN: And you can provide everything else
19 also, all the other --

20 MS. BLOOMFIELD: Yeah.

21 MS. SCHELLIN: The revised --

22 MS. BLOOMFIELD: Everything.

23 MS. SCHELLIN: Okay. So everything else too? Okay.
24 So -- okay. So if we could have -- if you could meet with the
25 opposition party within the next two weeks. That doesn't mean

1 that it has to wait until two weeks, but between now and the
2 30th, and also provide the additional documents to the record and
3 to the parties, the ANC and the MPP (sic) group by April 3rd.
4 And they would -- and that's 3 p.m. And then they would have
5 until 3 p.m. on April 10th to provide their responses. And if
6 you could also provide a draft order by April 10, then we can
7 put this on for consideration of proposed action on April 13th.

8 MS. BLOOMFIELD: Great. Thank you.

9 CHAIRPERSON HOOD: And let me -- before we proceed,
10 Ms. Bloomfield, I need to -- I need for the Applicant to supply
11 to me to help me -- and I'm only one vote, but I voted against
12 something on that alley lot previously. Why should I vote for
13 something on that alley lot now? Just -- I know it's a different
14 case, but I just want to know why should I now do that? However
15 you get me there, I would appreciate it.

16 MS. BLOOMFIELD: Got it.

17 CHAIRPERSON HOOD: Anything else?

18 Thank you.

19 Anything else, Ms. Schellin?

20 MS. SCHELLIN: That's it.

21 CHAIRPERSON HOOD: Okay. Before I close up this hearing
22 tonight -- very short hearing tonight. So we -- the Zoning
23 Commission will meet again Monday, the March 20th, I believe.
24 And the Zoning Commission case is 22-39, BD Parcel 2, LLC, at 4
25 p.m. on these same platforms. With that, I want to thank everyone

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1 for their participation in this hearing tonight and also for
2 their patience. So with that, good night, everyone, and thank
3 you, and have a nice evening.

4 (Whereupon, the above-entitled matter was adjourned.)

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In the matter of: Regular Meeting

Before: DCZC

Date: 03-16-23

Place: Teleconference

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GARY EUELL

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