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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

Case No. 13-08 (Square 5914, LLC and the
Washington Metropolitan Area Transit Authority -
Consolidated Planned Unit Development & Related
Map Amendment @ Square 5914)

6:33 p.m. to 11:12 p.m.
Thursday, January 22, 2015

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

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, Commissioner

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 SHARON SCHELLIN, Secretary

7

8 Office of Planning:

9 JENNIFER STEINGASSER

10 MAXINE BROWN-ROBERTS

11

12 District Department of Transportation:

13 ANNA CHAMBERLIN

14

15 District Department of the Environment:

16 JAY WILSON

17

18 Also Present:

19 PAUL TUMMONDS

20 AMANDA COEN

21 JAMI MILANOVICH

22 GEOFFREY GRIFFIS

23 ANTHONY MUHAMMAD

24 WILL MERRIFIELD

25 ANTHONY MUHAMMAD

1 Also present: (Cont'd)

2 RUTH BARNWELL

3 MICHELLE MITCHELL

4 LONISE MEACHAM

5 ROBERT GREEN

6 EUGENE PURYEAR

7 PETE RODRIGUE

8 KARLENE ARMSTEAD

9 CLARENCE TAYLOR

10 BRIANA TYSON

11 DAVID SCHWARTZMAN

12 ARKILAH WOMACK

13 JENNIFER BRYANT

14 MATT MURRAY

15 SKYLAR POINDEXTER-MOORE

16 DARRYL ROSS

17 CHRIS OTTEN

18 DEBBIE HINRAND

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P R O C E E D I N G S

1
2 CHAIRPERSON HOOD: Okay. Good evening,
3 ladies and gentlemen. This is a public hearing of
4 the Zoning Commission for the District of
5 Columbia. Today's date is January 22nd, 2015. We
6 are located at Jerrily R. Kress Memorial Hearing
7 Room.

8 My name is Anthony Hood. Joining me are
9 Vice Chair Marcie Cohen, Commissioners Miller,
10 May, and Turnbull. We're also joined by the
11 Office of Zoning staff, Ms. Sharon Schellin; the
12 Office of Planning staff, Ms. Steingasser and Ms.
13 Brown-Roberts; the District Department of
14 Transportation, Ms. Chamberlin; and then also the
15 District Department of the Environment, Mr.
16 Wilson.

17 This proceeding is being recorded by a
18 court reporter. It is also webcast live.
19 Accordingly, we must ask you to refrain from any
20 disruptive noises or actions in the hearing room,
21 including the display of signs or objects. Notice
22 of today's hearing was published in the D.C.
23 Register, and copies of that announcement are
24 available to my left, on the wall near the door.

25 The hearing will be conducted in

1 accordance with provisions of 11 DCMR 30.22, as
2 follows: preliminary matters; applicant's case;
3 report of the Office of Planning; report of other
4 government agencies; report of the ANC;
5 organizations and persons in support;
6 organizations and persons in opposition; rebuttal
7 on closing by the applicant.

8 The time constraints will be maintained
9 in this meeting. The applicant has asked for up
10 to 45 minutes, but they have 60 if needed;
11 organizations, 5 minutes; individuals, 3 minutes.

12 The commission intends to adhere to the
13 time limits as strictly as possible in order to
14 hear the case in a reasonable period of time. The
15 commission reserves the right to change the time
16 limits for presentations, if necessary, and notes
17 that no time shall be ceded.

18 All persons appearing before the
19 commission are to fill out two witness cards.
20 These cards are located to my left on the table
21 near the door.

22 Upon coming forward to speak to the
23 commission, please give both cards to the reporter
24 sitting to my right before taking a seat at the
25 table.

1 When presenting information to the
2 commission, please turn on and speak into the
3 microphone, first stating your name and home
4 address. When you are finished speaking, please
5 turn your microphone off so that your microphone
6 is no longer picking up sound or background noise.

7 The decision of this commission in this
8 case must be based exclusively on the public
9 record. To avoid any appearance to the contrary,
10 the commission requests that persons present not
11 engage the members of the commission in
12 conversation during any recess or at any time.

13 In addition, there should be no direct
14 contact whatsoever with a commissioner concerning
15 this matter, be it written, electronic, or by
16 telephone. Any materials received directly by a
17 commissioner will be discarded without being read,
18 and any calls will be ignored.

19 The staff will be available throughout
20 the hearing to discuss procedural questions.

21 Please turn off all beepers and cell
22 phones at this time so not to disrupt these
23 proceedings.

24 Would all individuals wishing to testify
25 please rise and take the oath?

1 Ms. Schellin, would you please administer
2 the oath?

3 MS. SCHELLIN: Yes.

4 Please raise your right hand. Do you
5 solemnly swear or affirm the testimony you will
6 give this evening will be the truth, the whole
7 truth, and nothing but the truth?

8 (Chorus of yeses.)

9 (Participants sworn.)

10 MS. SCHELLIN: Thank you.

11 CHAIRPERSON HOOD: And I will say this
12 again. If we get away from the mic -- sometimes
13 we turn our heads and you can't hear us -- I would
14 ask you to just raise your hand, and we will
15 acknowledge that, and we will speak up.

16 At this time, the commission will
17 consider any preliminary matters. Does the staff
18 have any preliminary matters?

19 MS. SCHELLIN: Yes, sir. We have a party
20 status request in opposition from the Alabama
21 Avenue-13th Street Tenants Coalition. And after
22 the commission considers that, we have a request
23 or a motion for postponement from that entity.

24 CHAIRPERSON HOOD: Okay. Thank you, Ms.
25 Schellin.

1 (Pause.)

2 MS. SCHELLIN: The party status request
3 is that Exhibit 27 --

4 CHAIRPERSON HOOD: You know I was looking
5 for it. Okay. Exhibit 27. Exhibit 27.

6 Commissioners, we have a request from the
7 Alabama Avenue-slash-13th Street Tenants
8 Coalition. What is your pleasure? And they
9 actually said on page 2 how they are uniquely
10 affected, and some of the issues they have, and
11 why they think that they believe they should have
12 party status.

13 Vice Chair Cohen.

14 MS. COHEN: Thank you, Mr. Chairman.

15 After reading the documentation that was
16 submitted, I do believe that they are eligible for
17 party status and would recommend that we accept
18 them as a party in opposition.

19 CHAIRPERSON HOOD: Okay. Any other
20 comments?

21 (No audible response.)

22 CHAIRPERSON HOOD: Okay. Mr. Tummonds,
23 do you have any objection? We do have your --
24 well, on the postponement. Any objections?

25 MR. TUMMONDS: Yes. Good evening. Paul

1 Tummonds, Gouston and Storrs, on behalf of the
2 applicant.

3 We have no objection to the request for
4 party status.

5 CHAIRPERSON HOOD: Okay. I would agree
6 with the vice chair. I think this is well
7 deserving of party status.

8 Would you like to make a motion, someone?

9 MS. COHEN: I move that we accept.

10 CHAIRPERSON HOOD: Okay. We will accept
11 the Alabama Avenue-13th Street Tenant Coalition.
12 Yeah. I wanted to confirm, you know, the proper
13 name, but
14 -- and ask for a second.

15 MR. TURNBULL: Second.

16 CHAIRPERSON HOOD: It's been moved and
17 properly seconded.

18 Any further discussion?

19 (No audible response.)

20 CHAIRPERSON HOOD: All those in favor?

21 (Chorus of ayes.)

22 CHAIRPERSON HOOD: Any opposition?

23 (No audible response.)

24 CHAIRPERSON HOOD: Not hearing any, Ms.
25 Schellin, would you record the vote?

1 MS. SCHELLIN: Yes. Staff records the
2 vote five to zero to zero to accept the party
3 status request in opposition from the Alabama
4 Avenue-13th Street Tenant Coalition, Commissioner
5 Cohen moving, Commissioner Turnbull seconding,
6 Commissioners Hood, May, and Miller in support.

7 CHAIRPERSON HOOD: Okay. Next, we're
8 going to deal with the motion for postponement.
9 And also, we have an applicant's response to the
10 motion for postponement.

11 While we granted them, the organization,
12 party status, I think that this does not rise to
13 the occasion for us to have postponement. We have
14 dealt with many cases in my tenure here on the
15 commission when it deals with zoning, clean hands
16 and how much you owe the City and all that, that's
17 not necessarily germane within our bailiwick. I
18 believe that we have even decided PUD cases where
19 the City had not transferred the land.

20 So I think that the request for
21 postponement does not rise to the case of zoning.
22 It may rise to the case of something that's not
23 within this jurisdiction. So I would be voting to
24 deny the request for a postponement. And I'm
25 hoping that the party in opposition is ready to

1 move forward tonight.

2 So, with that, any other comments?

3 MS. COHEN: No. Mr. Chairman, I support
4 your rationale. We are not an enforcement entity.
5 And therefore, we should move ahead.

6 CHAIRPERSON HOOD: Okay. Well, I would
7 move that we deny the request from the Alabama --
8 anyway, from the party, the party in opposition,
9 which is the Alabama Avenue-13th Street Tenants
10 Coalition, and ask for a second.

11 MS. COHEN: Second.

12 CHAIRPERSON HOOD: It's been moved and
13 properly seconded. Any further discussion?

14 (No audible response.)

15 CHAIRPERSON HOOD: All those in favor?

16 (Chorus of ayes.)

17 CHAIRPERSON HOOD: Any opposition?

18 (No audible response.)

19 CHAIRPERSON HOOD: Not hearing any, Ms.
20 Schellin, would you record the vote?

21 MS. SCHELLIN: Yes. Staff records the
22 vote five to zero to zero to deny the motion to
23 postpone the hearing filed by the Alabama Avenue-
24 13th Street Tenants Coalition, Commissioner Hood
25 moving, Commissioner May (sic) seconding,

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1 Commissioners Turnbull, Miller, and May in support
2 of denial.

3 CHAIRPERSON HOOD: Okay. Ms. Schellin,
4 do we have anything else, other than preliminary -
5 -

6 MS. SCHELLIN: Yes. We have the
7 applicant's proffered expert witnesses. Both have
8 been previously accepted: Maurice Walters and
9 Jami Milanovich.

10 (Pause.)

11 MR. TUMMONDS: Good evening. Paul
12 Tummonds again.

13 Unfortunately, Mr. Walters suffered a
14 broken leg on Monday. And he will not be here
15 this evening. So Amanda Coen, from Maurice
16 Walters Architects, will be our proposed expert
17 witness in architecture this evening. I am
18 submitting her resume now for you to review. And
19 Ms. Coen is available to answer any questions you
20 may have with regards to that resume.

21 CHAIRPERSON HOOD: Okay. Thank you, Mr.
22 Tummonds.

23 Ms. Milanovich we're fine with; we've
24 already accepted her. Ms. Coen, colleagues, as
25 stated by Mr. Tummonds, we have her resume in

1 front of us.

2 (Pause.)

3 CHAIRPERSON HOOD: Any objections? Or do
4 we need more time?

5 (No audible response.)

6 (Pause.)

7 CHAIRPERSON HOOD: I don't have any
8 objections. But any objections, any concerns?
9 Mr. May?

10 MR. MAY: No. I don't. I mean, other
11 than the degree from Cornell. You know.

12 (Laughter.)

13 MR. MAY: Just kidding. I had a whole
14 bunch of professors who went to Cornell, and they
15 just kept talking about it. But I won't hold that
16 against her. I'm fine.

17 CHAIRPERSON HOOD: Oh, okay. All right.
18 Okay. So we will accept her other than the issue
19 stated about Cornell.

20 (Laughter.)

21 CHAIRPERSON HOOD: We will congratulate
22 you for graduating from Cornell.

23 Okay. Anything else? Ms. Schellin, do
24 we have anything else?

25 (No audible response.)

1 CHAIRPERSON HOOD: Okay. Mr. Tummonds,
2 are we ready?

3 MR. TUMMONDS: Yes.

4 CHAIRPERSON HOOD: Ms. Schellin, remember
5 now, if the presentation is 45 minutes, the party
6 in opposition is 45 minutes.

7 MS. SCHELLIN: Okay.

8 CHAIRPERSON HOOD: Okay.

9 MR. TUMMONDS: Good evening, Mr.
10 Chairman, members of the commission. Again, I am
11 Paul Tummonds with Goulston Storrs. On behalf of
12 Square 5914, LLC, we are pleased to be here
13 tonight to present an application on quite a
14 significant transit-oriented development at the
15 Congress Heights Metro Station.

16 This project will include a mix of
17 residential, retail, and office uses that will
18 serve as a hub for people to live, work, and shop
19 in a neighborhood, while helping to spur
20 additional economic development projects on St.
21 Elizabeth's East Campus.

22 We note that the Office of Planning and
23 the Department of Transportation submitted reports
24 which supported the application, subject to a few
25 conditions. ANC 8E, at their January 5th, 2015,

1 public meeting, adopted a resolution in support of
2 the project.

3 In response to the Office of Planning
4 report, we have submitted into the record this
5 evening -- or we will be with our presentation --
6 a site plan showing the number, size, and
7 distribution of the IZ units that would be righted
8 in the residential portion of the project.

9 In addition, OP also requested that the
10 discounted rents for local retailers proposed by
11 the applicant shall be provided for the life of
12 the project. The applicant has agreed to this
13 request from OP.

14 The Department of Transportation noted
15 that it has no objection to the PUD application,
16 subject to five conditions. Our traffic engineer
17 will provide more detail regarding the applicant's
18 acceptance and response to those conditions.

19 We have one additional area of
20 flexibility that we will be requesting this
21 evening. Given the complexities of this site,
22 including construction in and around an operating
23 metro station and metro tunnels, we are requesting
24 that the applicant be provided three years to file
25 a building permit for the construction of the

1 first building, and up to five years for a
2 building permit for the second building. We will
3 describe the need for this relief in greater
4 detail in our witness testimony this evening.

5 As noted in our previous submissions, we
6 have three witnesses: Amanda Coen, Project
7 Architect; Jami Milanovich, our Traffic Engineer;
8 and Geoffrey Griffis, on behalf of the applicant.

9 I will now have Ms. Coen review the
10 project and highlight the changes that have been
11 made since the application was set down.

12 MS. COEN: Hi. Hello, everyone. My name
13 is Amanda Coen. I'm here on behalf of Maurice
14 Walters. I attended Cornell.

15 (Laughter.)

16 MS. COEN: And I'm just going to go
17 through the architecture a little bit.

18 Just to orient you, this is the site
19 plan. You can see Alabama Avenue and our site in
20 the middle. St. Elizabeth's East Campus is on the
21 upper portion of the page, the St. Elizabeth's
22 Hospital. You can see the cemetery, the Giant
23 down the street, and the adjacent Malcolm X
24 Elementary School, and just the residential
25 neighborhood.

1 And here's just a closer view of the
2 exact boundaries of the site. And you can see the
3 two metro stations.

4 This is just some of the context images.
5 This is across the street at St. Elizabeth's.

6 And this is the site itself as it exists
7 today, and especially that lower right-hand image,
8 that's the metro plaza as it exists today.

9 Here are some more images of the context.
10 You see Malcolm X Elementary School, some of the
11 existing apartments in the area, and the shops in
12 the lower right.

13 And this is just kind of the main view of
14 the project. This is 13th Street on the right
15 side, and you're looking south. And you can see
16 Alabama Avenue. The portion to the left side of
17 the page, that lighter tan-colored brick, that is
18 the office portion. And on the right side, you
19 have the residential portion.

20 And when we sat down with the Zoning
21 Commission about a year-and-a-half ago, one of the
22 comments was to lower the building heights to 90
23 feet. And we have done that.

24 There was also a vertical tower element.
25 You can see it on the residential portion. And

1 we've lowered that as well to just kind of de-
2 emphasize the height. And we've added some
3 horizontal elements as well.

4 Another comment was that a red brick --
5 this was originally beige brick in the front, as
6 well, for the residential. And you commented that
7 a red brick might be a bit of a more residential
8 feel and could relate to the context of St.
9 Elizabeth's and the existing apartment buildings
10 around the neighborhood. And we agree. So, the
11 residential has gotten a lot more red brick. And
12 you can see the kind of gray accent brick ties the
13 two pieces together.

14 We've also stepped the building down a
15 little bit on 13th Street, and you can see the top
16 two floors, how they kind of step back a little
17 bit.

18 This is a closer view of the office
19 portion. You can see some of the retail at the
20 bottom and the metro plaza. The bus stop that's
21 there will remain. We've lowered the building
22 heights. And there was also a penthouse structure
23 on the residential portion that was visible. And
24 we sought relief for that. And that is no longer
25 an issue. We've moved that back, and it's

1 completely hidden from view from this angle.

2 This is the rooftop structure of the
3 office portion. And you can see how it kind of
4 allows for some terraces at the top, the top floor
5 of the office, and also the roof. And you can see
6 a little bit of the green roof that we're using,
7 as well. And some of this stepping-back at the
8 roof also allows the building to appear shorter
9 from Alabama Avenue.

10 Here is a view we created of the metro
11 plaza. You can see the canopy on the left side of
12 the screen. The Capital Bikeshare will remain.
13 Over toward the right side of the screen, you can
14 see the residential entry. That's their main
15 lobby entry.

16 And then that rotunda element in the
17 middle is the retail space. This could be any
18 kind of retail. If it were a restaurant, as you
19 see here, we're thinking some tables and chairs
20 could spill out into that metro plaza. We're just
21 looking at this as being a well-lit, safe,
22 energized plaza space. And you can also see this
23 in an animation that we're going to show later on.

24 This is the 13th Street side of the
25 project. This is a residential area, but there

1 are houses across the street on 13th. So there's
2 no retail really on this facade. The glassy
3 elements at the ground level are offices. They're
4 small office spaces. So I think this will be a
5 little bit of a quieter street. And we've done a
6 lot to articulate the architecture and give it a
7 more residential feel since the last time you saw
8 it.

9 This is kind of the same space, just
10 backing up a little bit. So you can see a little
11 bit more of the context. In the foreground, you
12 can see the existing apartment buildings. And
13 here, you can also see how we've lowered some
14 building elements. That gray brick corner piece
15 that you see, we've stepped it down at the eighth
16 floor. And the middle portion along 13th Street,
17 we've stepped that back as well.

18 And you can also see the context of the
19 proposed St. Elizabeth's development across
20 Alabama. Those are just some of the sights --
21 sorry, some of the heights that have been approved
22 by the Zoning Commission.

23 One of the other comments we received was
24 to really develop this building in the round, to
25 realize that there are four facades and we

1 shouldn't treat the, quote, "back" of the building
2 with any less detail. So we really took a lot of
3 care to do that. And you can see in this image
4 how we brought a lot of that same architectural
5 detailing all around the building. So it really
6 has four facades, because it is very visible. And
7 you can also see how we lowered the height a
8 little bit and can see the relationship to the
9 context.

10 This is a private courtyard that's for
11 the residents of the apartments. You can see
12 where it's taken, the map in the lower right. We
13 just imagine this being an area that the residents
14 can come use, be outside, and as a quiet space.
15 We've also added a lot of balconies.

16 This is a new image. We were asked for a
17 couple more views along Savannah Street, what
18 those residents would see. And so, you can see
19 where this image was taken, that map in the lower
20 right.

21 And a little bit further east down
22 Savannah Street, here's another image.

23 Here's an overview of our program. You
24 can just see the office building is eight stories,
25 90 feet, two levels of garage. Residential

1 building, nine stories, 90 feet, one level of
2 garage. And a bunch of other numbers that we'll
3 go through later with the parking and the bicycle
4 spaces. And you can see we have 206 total units.

5 This is the new drawing that you asked
6 for. This is the inclusionary zoning layout.
7 This is a very preliminary layout of the
8 affordable unit distribution. We don't provide
9 any on floors eight and nine, so this is floors
10 two through seven. We provide the same ratio of
11 studios, one-bedrooms, two-bedrooms as we do in
12 the overall project.

13 And you can see how we've -- this is just
14 to get across the idea that we're laying them out
15 on every floor, with just a variety of locations.
16 We're not, you know, concentrating them all in one
17 space. You'll have a variety of options.

18 And I just want to go through the plans
19 really quick. This is the office portion on the
20 right-hand and the residential on the left-hand
21 side. So this is the second level of garage.

22 And then the first level of garage. They
23 have separate ramps, and you can see those
24 separate entry points. And there will also be
25 some bicycle storage down here.

1 And this is the ground level. The pink
2 that you see is retail space. And the yellow that
3 you see is office space. And some of the light
4 blue is those main lobby entries. As you can see,
5 the retail is broken up into three or four
6 sections facing Alabama Avenue. And there are a
7 couple of small office spaces along 13th, and we
8 hope to get some local businesses in there.

9 And there's also a space allocated for
10 the ANC, and that was a change since the previous
11 version. And that's over in the office space,
12 that yellow section.

13 And you can see the main lobby entries to
14 the residential, right off Alabama in the middle
15 there.

16 We also have this alleyway that kind of
17 goes around the back. And that sinks down about
18 four or five feet and allows you to get into those
19 garage ramps. And what that does is it just
20 separates the cars and any delivery trucks from
21 the pedestrian, and it allows 13th Street and
22 Alabama to really be very pedestrian-friendly
23 spaces.

24 Moving up the building, this is the
25 second floor. You can see that courtyard that the

1 residents get to use. And there's also a gym
2 that's for those residents.

3 And just a typical floor layout, with the
4 office space on the right and the typical
5 residential floor on the left.

6 And here, as we move up the building, you
7 can see how we've cut it back a little bit on 13th
8 Street. And you can also see that office terrace
9 on the right side. And also, you can see the
10 balconies that we've added in the courtyard space
11 for the residents.

12 And this is the roof plan. You can see
13 some of those terraces and all of the green roof
14 that we're using. And in the upper left, that is
15 the space that the residents will be able to get
16 to use on the roof.

17 And here's a roof plan just showing more
18 green roof.

19 And just going through the elevations,
20 this is the main view along Alabama Avenue.
21 Moving a little bit closer in to the left, this is
22 the office space. You can see the 90-foot height
23 there and some of the penthouse structures. And
24 this is the residential portion. You can see that
25 rotunda in the metro to the left and just some of

1 the architecture that the lowered tower and some
2 of the lowered elements up on the roof.

3 And this is moving around 13th Street.
4 You can see those horizontal elements that we
5 added just to de-emphasize the height. We did
6 lower the elevator, or shaft, as well. And then
7 you can see where we cut the buildings back along
8 13th, those elements that it's pointing to.

9 And continuing around the building, you
10 can just see those lowered elements again. You
11 can see the balconies we've added. And we have
12 the green wall on that traffic portion just to
13 kind of soften that whole vehicle space.

14 And this is just the east side of the
15 office. And you can see in the lower left-hand of
16 this drawing how that driveway really drops down
17 in elevation. And you can see that retaining wall
18 there. And then, we will need a fence on top of
19 that for fall protection. And so, between the
20 retaining wall and the fence, those vehicles
21 really get quite hidden from any residents that
22 are on the other side there.

23 Here's a section, cutting through the
24 site, just showing it within context a little
25 more. You can see the map on the lower right.

1 You cut through the metro canopy and through the
2 office building. You can see how our garage is
3 over the metro tunnels.

4 And then you're looking across the street
5 to Alabama Avenue. And this is some massing that
6 has been -- the zoning height has been approved 90
7 feet, and those are some of the setbacks that you
8 see across the street there. So that's something
9 that we imagine could be built on that site.

10 Here's another section. Again, you can
11 see where we cut it in the lower right. Cutting
12 through the site in the other direction, and you
13 can see its relationship to Malcolm X School and
14 to the residential on the left-hand side. And you
15 can also see the proposed St. Elizabeth's zoning
16 beyond.

17 This is what we imagine some of the
18 retail to look like. On the left, you can see the
19 bus shelter that will remain and then just some of
20 the granite face and a more detailed view of those
21 retail spaces. And on the right is the corner of
22 Alabama and 13th.

23 This slide is to show some of the
24 different heights that we get in some of those
25 spaces on the ground level as the grade changes as

1 you move around the site. Over by 13th Street, in
2 the upper right, you see we get some really great
3 ceiling heights for those office spaces. And then
4 around the corner, as well. Let's see. On the
5 lower right side, that is that corner bookstore.
6 And then the upper left is that rotunda element by
7 the metro.

8 And then finally, the lower left, this is
9 where, when we took four feet out of the building,
10 this part probably suffered the most. And you can
11 see we don't need to get a 12-foot floor-to-floor
12 right there. So Geoff might mention that a little
13 bit later.

14 And just to wrap up, to talk about the
15 materials. This is the office building, and we
16 show some tan brick and cast-stone banding to kind
17 of accent it. And then we have the gray brick.
18 He's going to pass around these material boards so
19 you can see them in person. And then the aluminum
20 storefront.

21 And on the residential building, we just
22 have the red brick and that same gray brick as an
23 accent, and possibly some frosted glass panels.
24 And these are the pages that should be in your
25 book. And these haven't changed very much.

1 I will pass it on to Jami for the traffic
2 study.

3 MS. MILANOVICH: Good evening, members of
4 the commission. My name is Jami Milanovich with
5 Wells and Associates, the transportation
6 consultant for the project.

7 Vehicular access to the site will be
8 provided by a private alley that wraps around the
9 southern portion and the eastern portion of the
10 site, which is shown here on this slide. So
11 that's the private alley. So vehicles can access
12 the site either directly from Alabama Avenue here
13 or via 13th Street here. Traffic would enter one
14 of those two locations.

15 And then you can see on this slide the
16 access points to the parking areas are shown in
17 those large blue arrows.

18 The proposed parking supply will meet the
19 minimum code requirements for the office building.
20 We're providing 132 parking spaces versus the 130
21 required. For the residential building, 86 spaces
22 will be provided versus the 60 spaces required.

23 Loading circulation and access will also
24 be provided by the private alley. However, in
25 this case, the trucks will follow a one-way

1 pattern. Trucks will be required to enter the
2 site from Alabama Avenue. They'll traverse
3 through the site to the loading areas to the rear
4 of the property, which are shaded in green on this
5 plan.

6 And then, exiting the site, they would
7 exit to 13th Street, make the right turn to head
8 up to Alabama Avenue, where they can turn on to
9 Alabama Avenue with the aid of a traffic signal.

10 We are requesting relief from loading
11 requirements. In lieu of a 55-foot loading berth
12 for the residential building, we'll be providing a
13 30-foot loading berth. And additionally, one of
14 the service and delivery spaces that's required
15 for the office building will be actually located
16 on the residential lot. So we're providing the
17 appropriate number of delivery and service spaces;
18 it's just one of the office spaces will be on the
19 residential lot.

20 In support of the requested relief from
21 the loading requirements, the applicant will
22 implement a loading management plan. A couple of
23 key elements of that plan -- there will be a
24 designated loading coordinator. And also, the
25 loading management plan lays out provisions for

1 cases where a truck larger than 30 feet would be
2 required.

3 We expect this would not be a frequent
4 occurrence by any means. But in the event that a
5 truck longer than 30 feet would be required,
6 provisions would be made for that truck to either
7 load along the private alley to the rear of the
8 site or, in accordance with DDOT procedures, a
9 temporary no-parking zone would be set up on
10 Alabama Avenue to accommodate that larger truck.

11 At full build-out, the project is
12 expected to generate about 250 vehicle trips
13 during both the morning peak hour and during the
14 evening peak hour. In our study, we evaluated the
15 impact of those additional trips at seven
16 intersections along the Alabama Avenue corridor.
17 And our study area is shown on this slide.

18 During the morning peak hour, site-
19 generated traffic is expected to account for less
20 than 10 percent of the total traffic at six of the
21 seven study intersections. The one exception is
22 at the Alabama Avenue, Randle Place intersection,
23 where site-generated traffic will account for 10.9
24 percent of the total traffic.

25 During the p.m. peak hour, at full build-

1 out, site-generated traffic is projected to
2 account for 10 percent or less of the total
3 traffic at five of the seven intersections. The
4 two exceptions are, again, the intersection of
5 Alabama Avenue and Randle Place, where site
6 traffic would account for 11 percent of the total
7 traffic, and at Alabama Avenue and 11th Place,
8 where site traffic would account for 10.5 percent
9 of the total traffic.

10 From a transportation perspective, the
11 site is ideally situated. Its location at the
12 Congress Heights Metro Station will naturally
13 encourage transit trips to and from the site.
14 Additionally, seven bus routes stop immediately
15 adjacent to the site. Five zip cars are located
16 directly across Alabama Avenue and the metro lot.
17 And a Capital Bikeshare station is located at the
18 proposed site.

19 To capitalize on those transportation
20 options and further encourage the use of non-auto
21 modes of transportation, the applicant will
22 implement a transportation demand management plan.
23 And this plan will include all measures requested
24 by DDOT.

25 Just a couple of highlights: Both short-

1 term and long-term parking will be provided. Bike
2 parking will be provided for the project. There's
3 a provision to provide Carsharing spaces in the
4 garage. One-year Capital Bikeshare or Carshare
5 memberships will be provided for each residential
6 unit every time that unit turns over, within the
7 first five years of the project.

8 DDOT, in their report, had a number of
9 requests, and I've summarized those here in this
10 table. First, DDOT requested that the applicant
11 design and install a traffic signal at the Alabama
12 Avenue, 15th Street intersection. Given that
13 traffic signal warrants are met at that
14 intersection, even without the proposed
15 development, the applicant has agreed to provide a
16 pro rata contribution towards the design and
17 construction of that signal at that intersection.

18 DDOT requested that the applicant install
19 22 short-term bicycle spaces, which the applicant
20 has agreed to do. They requested that parking be
21 unbundled from the costs of the commercial and
22 residential lease. The applicant has agreed to do
23 that. DDOT requested that we continue to
24 coordinate with them regarding public space
25 issues, and we have agreed to do that.

1 And finally, DDOT requested that the
2 applicant continue to coordinate with DDOT
3 regarding the installation of electric car-
4 charging stations on the property, and we will
5 continue to do that as well.

6 In summary, the residents and employees
7 of the project would have a variety of convenient
8 transportation options available to them. The
9 site's proximity to these options, coupled with
10 the comprehensive transportation demand management
11 plan for the project, will reduce vehicle trips to
12 and from the site.

13 The applicant has also agreed to
14 contribute the project's pro rata share of the
15 cost to design and install a traffic signal at the
16 Alabama Avenue, 15th Street intersection. This
17 improvement, along with the timing recommendations
18 identified in our study, implementation of the TDM
19 plan, and implementation of the loading management
20 plan, will offset the impacts of the project.

21 And with that, I'll turn it over to
22 Geoff.

23 (Pause.)

24 MR. GRIFFIS: Good evening, Commissioner
25 Hood -- Chairman Hood, forgive me, and

1 commissioners. I am Geoff Griffis with City
2 Partners, and we are the joint venture partner
3 with Sanford on Square 5914. It's a pleasure to
4 be here this evening.

5 I just want to take a moment to thank you
6 all for your time, going through our application,
7 actually for putting this hearing on for us. And
8 we do really appreciate it.

9 As the last formal part of our
10 presentation, I just wanted to highlight some of
11 the things you've already heard, many -- all of
12 the things that are in our application, but really
13 focusing on the benefits and amenities that our
14 project creates.

15 To do that, I'm going to run through
16 short videos that will show a little bit more of
17 our vision. I'm going to provide an overview of
18 our community benefits agreement, as well as our
19 dialog with current residential tenants. And
20 last, I will speak to, again, the complexity of
21 our timing.

22 Our proposed development will have
23 numerous amenities that will be beneficial to the
24 metro, to the City, and to the community of
25 Congress Heights.

1 Briefly looking at our site, I am sure
2 that you've understood that the metro land is
3 little use without the assemblages of our adjacent
4 sites and your PUD approvals. If you look at the
5 slide that's up -- I just put it up briefly to
6 show you that this is the metro site -- limited
7 street frontage with the access and entrance in
8 and the right-of-way of the tunnels.

9 By assembling our adjacent sites, we are
10 in a unique position of creating a constructible
11 site. With the support that we have from the
12 community, we will create a transformative
13 development.

14 If you look at our second slide, it's
15 going to show you a picture of the existing metro
16 site. It is very clear that it is an
17 underutilized parcel of land, and it is an
18 underutilized metro station. I think you've seen
19 from our submission and from what Amanda has shown
20 us tonight, the Maurice design team has created a
21 truly transit-oriented project that furthers the
22 District goals of creating economic development
23 opportunities in Congress Heights neighborhood and
24 in Ward 8.

25 The project will create new housing and

1 retail options for existing and new residents, and
2 establish a high level of urban design and
3 architectural quality that will guide future
4 development in the area.

5 As I said, we have two short vision
6 videos. For you for those that don't like looking
7 at sections and plans like I know most of you do,
8 we did a little bit of a three-dimensional piece.
9 And as that comes up, I'd ask you just to pause on
10 the cover page of Maurice Architects, give them a
11 little shout-out while Maurice is recuperating
12 with a broken leg. And I want to summarize our
13 critical elements that we see in this project.

14 First and foremost, we will be creating a
15 24-hour neighborhood center with office, retail,
16 and residential uses. We create an active, safe
17 streetscape and plaza. We will provide retail
18 venues for the neighborhood and job opportunities.
19 It will produce market-rate housing opportunities
20 as part of a mixed-income housing program. And it
21 provides retail and business space set-aside for
22 local businesses -- all done in LEED Silver
23 designed buildings.

24 So as we progress in the video, I'm going
25 to point out a few things that I think are,

1 frankly, very exciting. I'll locate you on 13th
2 and Alabama here. You can see how we've set the
3 building back to create wide sidewalks, animated
4 with tree boxes that are large, and lighting. A
5 base of retail strong. As Amanda told you, high-
6 quality architectural materials continue through
7 the residential and the office.

8 We've created a private alley on our
9 property in order to access the parking and the
10 loading. The materials don't change as we turn
11 the corner. They continue on on the sides, on the
12 back for both buildings.

13 As the alley comes in, it drops in grade.
14 As Amanda said, it creates a natural screen from
15 the adjacent properties. What you're doing as you
16 stand on the ball field is not looking directly
17 into loading and access, but rather into the first
18 floor of the buildings.

19 We softened, as was said, the utilitarian
20 walls with green walls. We create a quiet,
21 peaceful area, private for the residential
22 buildings. The balconies, the materiality
23 continues through.

24 13th Street shows the context of the
25 area. It's a critical area for us. This is the

1 area we've set aside for local businesses, for
2 people that are developing, you know, their new
3 businesses in their basement that want to move out
4 into a retail space.

5 We continue on with a strong materiality
6 in the undulation, articulation of the bays in
7 setting back. And we spent lots of time figuring
8 out how to make this plaza an inviting, but
9 active, place, high-quality retail frontage, which
10 changes in dimensions to create good interior and
11 good exterior space.

12 We locate the office building entrance at
13 the back of the plaza to draw all the day
14 population in and around, into our retail areas at
15 the base of the commercial office building, which
16 is the largest footprint we have. We've met
17 someone in the neighborhood that wants to open a
18 shoe store. That might be his shop.

19 The height of the retail is critically
20 important. You can see how it's squat. The
21 higher the retail base we have in the
22 neighborhood, the more ability we'll have to bring
23 the best retail into this building.

24 The second video, it's a little bit more
25 context. It's shorter, it's faster. We will

1 start with an aerial view.

2 (Pause.)

3 MR. GRIFFIS: Locating you on 13th Street
4 and Alabama, this the St. Elizabeth's campus with
5 the, as stated, your approved massing. Our
6 building here, we've talked to several leaders in
7 the community that have talked about how important
8 it is to create a boulevard type on Alabama with
9 strong urban edges defining the sidewalks. Our
10 building creates a base of retail with almost
11 16,000 square feet that surround and define our
12 5,000-square-foot plaza.

13 Again, we're very excited about creating
14 a place somewhere that will be active and
15 animated, a center around the metro station.

16 And from the start of our vision, we have
17 engaged the community. And after numerous
18 meetings and discussions and trading drafts back
19 and forth, we have ratified a community benefits
20 agreement. As part of our agreement with the
21 community, we have committed to the following
22 elements: to provide all current tenants the
23 absolute right to return to the new project; the
24 provision of set-aside affordable residential
25 units; to promote employment opportunities for

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1 local residents during construction and also with
2 our future employers in the development.

3 We're going to create two paid
4 internships that will start during construction
5 and will learn trades. And we'll figure out where
6 and what they are interested in and place them
7 there.

8 We're going to provide the ANC 8E with
9 new office space, be accessible 24 hours a day,
10 seven days a week, as a public space should be.
11 We'll provide retail space and-or business space
12 for local and small business enterprises, and
13 that's what we've pointed out on 13th Street.

14 We are committed to minimizing the noise
15 and the traffic during construction phase. And we
16 are committed to holding periodic meetings with
17 community representatives during the construction
18 so that we can update them on the schedule and
19 also address any issues that might arise.

20 We started, gosh, over a year ago, it may
21 even be two years ago, talking to the community
22 and talking to the existing tenants on the
23 parcels. We started those meetings with the
24 Single Member ANC person, and we continued just
25 with the tenants. And we have been consistent

1 with four elements in all of our discussions.

2 First, we have offered the right to
3 return to the new property. Second, we have
4 offered relocation assistance during construction.
5 Third, we have offered to find and assist in the
6 finding of temporary new units for the existing
7 tenants. We actually held open houses to some of
8 the units that are in the neighborhood, in the
9 weekday, in the evening, and also in the weekend.

10 And four, for those that don't want to
11 deal with that, the relocation and the moving back
12 into the new project, we fully understand, we have
13 offered a buy-out payment.

14 MALE SPEAKER: Chased of them away before
15 they even got a chance!

16 CHAIRPERSON HOOD: One of the things that
17 we don't do -- we're going to be respectful. I'm
18 going to ask, if you -- you know, I know that this
19 has a lot of passion to it. So I would ask for
20 all of us to be respectful.

21 Because here is what I will do. I will
22 stop this hearing, have you removed. And the
23 problem is going to be is this is your community,
24 and I want you to be here to get the information
25 just like we are so we're all informed.

1 So work with us. We'll work with you.
2 Let's work together, and let's be considerate of
3 all of us, okay? So let's establish those ground
4 rules for Mr. Griffis.

5 MR. GRIFFIS: Thank you very much.

6 And I do, I appreciate the comments, I
7 appreciate your comments, Mr. Chairman.

8 This is, it's an exciting project.
9 There's no question about it. And in excitement
10 comes both dread, concern, and frankly a little
11 bit of fear. And we've certainly tried our best
12 to handle that and handle that in the best manner.

13 And I just want to end -- Mr. Tummonds
14 had mentioned that we are asking for flexibility
15 in terms of the timing of the PUD. This is an
16 incredibly complex project. Obviously, there's
17 been a few projects that have built over a metro
18 tunnel. This is another one of those.

19 But what is different than a lot of those
20 is this is a mixed-use, truly mixed-use for the
21 office and residential and large retail. It will
22 take us time, take us time to build each of the
23 towers. There are different funding sources, and
24 they are going to be on different timings.

25 And so we would just appreciate that kind

1 of flexibility to deliver phase one in three years
2 and phase two in five years.

3 And I would just end with saying that,
4 from an economic and an environmental and a good
5 urban-planning perspective, it is sensible to
6 combine the WMATA sites with our adjoining sites
7 to create a transformative transit-oriented
8 development. This project will benefit the
9 surrounding community immensely and will create a
10 place, a real center, that's around the metro
11 station.

12 I thank you for your time. I know we
13 would be happy to answer any and all questions.
14 And we certainly look forward to the approval of
15 our application.

16 MR. TUMMONDS: That concludes our
17 presentation.

18 CHAIRPERSON HOOD: Okay. I want to thank
19 you all for your presentation to us. I'm sure we
20 have some questions.

21 Colleagues, who would like to start us
22 off on the questions?

23 Vice Chair Cohen.

24 MS. COHEN: Thank you, Mr. Chairman.

25 I had asked this question, I think, at

1 the preliminary sit-down, and I'm still not
2 convinced I understand. If Metro owns the land,
3 will they be conveying it to the development
4 entity? Or is it a lease? I guess I don't really
5 understand the breakdown of acreage.

6 MR. GRIFFIS: Certainly. Good question.

7 MS. COHEN: All my questions are good.
8 So we'll get that out of the way.

9 MR. GRIFFIS: I'll hold that comment from
10 now on.

11 (Laughter.)

12 MR. GRIFFIS: The metro is roughly 40,000
13 square feet. We have a fee simple contract with
14 them. We have a closing date in which we will
15 execute.

16 Under that fee simple contract, we will
17 actually give them a use easement, an access
18 easement, to all of their facilities. So we will
19 never be able to close off that station. We will
20 always have their vent and their access to
21 equipment and machinery available.

22 MS. COHEN: And do you have an
23 anticipated date of closing? You mentioned there
24 will be one coming up.

25 MR. GRIFFIS: We do have an anticipated

1 date, yes.

2 MS. COHEN: Can you share it?

3 MR. GRIFFIS: It's based on how quickly
4 you approve this.

5 MS. COHEN: Is it really contingent on
6 zoning approval?

7 MR. GRIFFIS: No. We can buy the
8 property. And we have -- to be honest, I don't
9 recall the exact date. We are on schedule to do
10 it. We're working directly. I think it's by the
11 end of this year.

12 MS. COHEN: But they don't have to
13 approve anything like the design of the project or
14 anything like that?

15 MR. GRIFFIS: No. No.

16 MS. COHEN: Their real estate section?

17 MR. GRIFFIS: We share all the design.
18 They will have final approval. And if you're
19 familiar at all with any construction over a
20 metro, their designers and engineers are
21 intricately involved in everything that we will
22 do. So they will be at the table. But whether
23 they have approval or not, it will be based on
24 whether there is a negative impact to the station
25 or the tunnels.

1 MS. COHEN: Okay. Is the office space
2 going to be spec, built on spec? Or are you
3 preleasing all of that space before you start
4 construction? Like how are you phasing the
5 construction of the residential and then the
6 office?

7 MR. GRIFFIS: That's a great business
8 question.

9 MS. COHEN: You're not supposed to say
10 that because they're all great.

11 MR. GRIFFIS: Yeah. Our phase one right
12 now, we anticipate, based on the market, is the
13 residential. What we anticipate and what we would
14 like to do is start to create a real area of
15 interest. And so we would continue with the whole
16 retail bay at the first floor and bring a tower of
17 residential up.

18 In terms of spec office building, I would
19 hope that we're in a great position that we would
20 go spec. I think with the timing and what we are
21 doing in bringing residential first that we will
22 not need to do that.

23 MS. COHEN: Okay, but there's quite a bit
24 of uncertainty as to the St. Elizabeth's moving
25 ahead, as well as there's quite a bit of

1 distressed -- there's some distressed properties
2 nearby. So that should -- that might impact your
3 marketing plan. So how does that affect the
4 timing of this entire project? Just curious.

5 MR. GRIFFIS: I don't know that that has
6 a large impact on our project.

7 MS. COHEN: Okay. You have plans that
8 you've been proposing to the existing residents
9 that are onsite. Yet there seems to be
10 miscommunication or a lack of understanding or
11 just really mistrust.

12 And I'm just wondering, how are you going
13 to overcome all this? How are we going to feel
14 comfortable that, number one, the people will be
15 relocated? I mean, there's really nothing to --
16 no meat other than some very vague statements that
17 you've made in your application, as well as
18 tonight. So, how can we make some assurances so
19 that everybody will not be displaced, can come
20 back? It's not clear to me that, at this stage,
21 you really have done your due diligence.

22 MR. GRIFFIS: I appreciate that. I think
23 I understand your question. And numerous months
24 ago when we sat with the tenants, one of the first
25 comments I made to them was, "You need to organize

1 and you need to get representation."

2 We laid out plans. And we have, as I
3 said, been consistent with what we've offered.
4 They are now represented. If there's any sort of
5 misunderstanding or no factual piece in writing,
6 it is not because we're not ready pen in hand. We
7 have offered, and we have not had the offer come
8 back to us from the tenants' representation.

9 You know, I would like to be here with
10 absolute 100 percent support. There are obviously
11 people that have difficulty with this project. We
12 do -- in fact, this week I was made aware of
13 numerous letters that have come in that are of
14 supportive quality with this, and also of my
15 partners and their company. And just to be
16 clear, my partner's company owns these residential
17 buildings.

18 But to that, we are ready. We are ready
19 to stand behind what we have offered, and we're
20 ready to sign a legal document to hold us to it.
21 We have never been apprehensive or wavering on
22 that.

23 MS. COHEN: I think there's just a
24 credibility gap that, obviously, you have faced,
25 you know, with these residents. But I'll move on.

1 You do say something about the residents
2 can come back. And you're going to keep their
3 rent at the level that they're paying today, or
4 that's what I read into it, maybe. You could
5 correct me as we go along. And that, eventually,
6 they'll be subject to a 4-percent per annum rent
7 increase.

8 How did you derive that, since I would
9 think a CPI may be a more reasonable rent
10 increase, and we haven't seen 4 percent CPI's in
11 awhile?

12 MR. GRIFFIS: Yeah. That was an early
13 representation, and we have gone back and forth on
14 both. We have done a CPI. Honestly, we are open
15 to accept anything that is agreeable in terms of
16 the standard rent increase.

17 MS. COHEN: Okay. Because we do have --
18 this wouldn't be subject to rent control, I don't
19 believe, this particular project? That's my
20 understanding. But I'll elaborate on that later.

21 There I have to commend DDOE on their
22 review. And one of the things that I was confused
23 about is, are you going for LEED certification?
24 There was sort of an inconsistency in your
25 submission. One place I think the OP report said

1 that you will go for LEED certification. But in
2 your application, you were vague about that. So
3 if you can confirm it or not, because if you want
4 credit for, you know, the LEED, I think you really
5 need to go for third-party certification and
6 verification.

7 (Pause.)

8 MS. COHEN: And let me just add that I
9 think that, again, DDOE came up with some really
10 significant suggestions that I would like the
11 applicant to address in their responses to our
12 questions tonight. But if you want to verbalize
13 anything that I just asked about the LEED
14 certification, I'd appreciate it.

15 MR. TUMMONDS: We'll address both of
16 those with your question about whether they're
17 going for LEED certification.

18 I know in the past what we've said, this
19 commission, is that we've -- people have
20 historically said, "We will design the building to
21 achieve this level of bid." But then people have
22 said, "I don't necessarily know if I want to go
23 through that LEED certification so I can put the
24 plaque on the wall. But the building itself will
25 operate at that." If you're saying that you want

1 us to do that --

2 MS. COHEN: I think if you're going to
3 get credit, I think third-party verification is
4 very, very important. I think you could state
5 that you've met that, but when you value-engineer
6 a building, that might be one of the areas that
7 you go to cut back. And that would make me very
8 unhappy.

9 MR. TUMMONDS: Okay.

10 MS. COHEN: As well as, I think, my
11 colleagues. I think I could speak on their
12 behalf, too. So I think it's really very
13 important for you to consider that. And I think
14 it helps in marketing your buildings as well. I
15 mean, and I don't think the cost is that onerous,
16 considering this is a multi-million-dollar
17 project. And your architect certainly can advise
18 you because she's certified.

19 MR. MAY: Can I add something on that?
20 You know, DDOE wrote in their letter that the
21 Green Building Act requires that the office
22 building actually be LEED certified, I can't
23 remember at what level. Gold?

24 (Inaudible interjection.)

25 MR. MAY: No.

1 MR. WILSON: Just certified.

2 MR. MAY: Just certified. So, I mean,
3 that means that you have to go through the
4 documentation process, according to the Green
5 Building Act, right?

6 (No audible response.)

7 MR. MAY: I mean, I know there's a point
8 at which all District buildings have to be LEED
9 certified back from when the bill was first
10 passed.

11 MR. GRIFFIS: I'll provide, give one
12 comment on this. And that is, first and foremost,
13 we are absolutely committed to doing good
14 environmental development. All the buildings I
15 have now in construction are going for LEED
16 certification. My difficulty is being required by
17 numerous different bodies to do certain things.

18 As Mr. May has pointed out, our own
19 legislation and code and requirements are changing
20 very rapidly in the City, and we have differing
21 aspects that we need to be beholden to.

22 Ultimately, it is sensible, it is
23 economically smart for us to do it, and we will
24 pursue it. I would just rather not have our
25 zoning be tied to a certain level when we know

1 it's also coming from different directions.

2 MS. COHEN: Well, I guess my reaction to
3 that is, if you're proffering it, then my reaction
4 would be you should do it and you should do it
5 right.

6 MR. GRIFFIS: And we will be designing to
7 a LEED standard, yes.

8 MS. COHEN: And it should be -- yeah, we
9 need third-party verification. I don't know what
10 you're going to come back with. I can't go out
11 and, you know, after it's built or send somebody
12 out after it's built.

13 So that's why I think it's important to
14 get that third-party certification. But --

15 MR. TUMMONDS: We hear what you're
16 saying.

17 MS. COHEN: Okay. And maybe my
18 colleagues feel differently. But I feel very
19 strongly about that.

20 Question again about the adjacent
21 properties that -- by the way, this is just a
22 little aside on the architectural drawings. You
23 really should do them front-back. It's a little
24 environmental, you know, thing, obsession that I
25 have, as you could remember when I first came on

1 the commission.

2 But there was a picture of some buildings
3 that were not -- were fairly dilapidated in the
4 neighborhood. I suppose they will remain. They
5 look dilapidated. I don't know if they really
6 are. I haven't looked at them for years now.

7 MR. TUMMONDS: One of the properties that
8 is included in this project is the Lot 7, the 3200
9 13th Street, which is located at the corner of
10 Alabama and 13th. It is currently vacant.

11 MS. COHEN: Oh, vacant, okay.

12 MR. TUMMONDS: Boarded up. Obviously,
13 that will go because that gets replaced with the
14 building we're presenting today.

15 MS. COHEN: Okay. Okay. Thank you.

16 And one last thing. Over the ballpark
17 that's behind the buildings, that isn't part of
18 your proffers. And I'm curious as to why not.

19 (Pause.)

20 MR. GRIFFIS: We don't have any control
21 of that.

22 MS. COHEN: Who owns it? Do you know?

23 MR. GRIFFIS: The City does.

24 MR. TUMMONDS: DCPS.

25 MS. COHEN: Ooh. Okay.

1 And then I have one point. You know, I'm
2 not an architect. But I do have one point about
3 the office building. I think the -- you could
4 just -- you could see the height that that light
5 color sort of says, "Look at me." I really feel
6 that if you made it darker, it would fade into the
7 background. And I'm sort of stepping on the toes
8 of my colleague, Commissioner May, because this is
9 one of his things.

10 MR. MAY: The penthouse?

11 MS. COHEN: Sorry?

12 MR. MAY: You're talking about the
13 penthouse?

14 MS. COHEN: The penthouse, yeah. I'm
15 sorry. It just really is standing out. Even
16 though you may meet the setback, it's that light
17 color. And really, as I said, I'm stepping on
18 Commissioner May's toes. I think he'll probably
19 say the similar thing. But it really needs to, I
20 think, be looked at again from different points,
21 looking at it because it really is glaring and
22 maybe should be a darker color.

23 But I'll pass on to other commissioners
24 for their questions.

25 CHAIRPERSON HOOD: Okay. Who would like

1 to go next?

2 Commissioner May.

3 MR. MAY: Okay. Thank you very much.

4 So, some of the comments that we made,
5 it's set down, I think have been addressed or at
6 least there have been attempts to address it. You
7 know, honestly, the project -- the building itself
8 does feel quite tall for the context.

9 I understand it's not inconsistent with
10 the Comprehensive Plan, and I guess it's
11 consistent with the heights across the street.
12 Your presentation says that everything across the
13 street and St. Elizabeth's, that went through
14 zoning awhile back, is already zoned at 90 feet.
15 Is that correct?

16 MR. TUMMONDS: With the setbacks for
17 those --

18 MR. MAY: With setbacks at Alabama
19 Avenue?

20 MR. TUMMONDS: Correct, at 50. And
21 that's what we --

22 MR. MAY: At 50?

23 MR. TUMMONDS: We had the one slide to
24 show that relationship.

25 MR. MAY: Right.

1 MR. TUMMONDS: And I think we --

2 MR. MAY: Got it. Okay. Because it
3 wasn't totally clear to me from that diagram.

4 So, I mean, 90 feet really does feel
5 quite tall. But we'll see what the rest of the
6 commission has to say about that.

7 I do appreciate the fact that you've done
8 some things to lower the overall height, to step
9 down some of the portions of it, although the
10 step-downs on the side along 13th Street are a
11 little subtle and they don't necessarily read
12 particularly from a distance.

13 I do appreciate what you did with the
14 tower element. It seemed a bit undeveloped before
15 and a little too tall, and now it's a bit shorter.
16 It may not be quite exactly right. It might use a
17 little bit more tweaking. I mean, it might
18 actually be better a little bit taller, a little
19 bit lighter in appearance. But, you know, I'd
20 leave that up to you.

21 Why is there a very tall fence at the
22 back? I know you have to keep people from falling
23 in -- you know, falling off that retaining wall.
24 But it looks like a six- or an eight-foot fence
25 back there. Why is that?

1 MS. COEN: I think to just help shield
2 the lower levels of the building. But you're
3 right. It does need to be 42 inches --

4 (Cross-talk.)

5 MR. MAY: And what's it made of?

6 MS. COEN: Probably --

7 MR. MAY: Chain link?

8 MS. COEN: No. It has to have fall
9 protection, so there has to be four-inch vertical
10 pickets.

11 MR. MAY: No, I know. But I mean --
12 well, what's drawn in there right now?

13 MS. COEN: I think it's just like a
14 wrought-iron kind of, like a black regular fence.

15 MR. MAY: Okay. Okay. So when you have
16 something that shows it up close, that would be
17 appreciated, or having a detail on it would be
18 appreciated.

19 I'm not sure that you really gain
20 anything from having such a tall fence. Because
21 there really makes it feel more like a fortress.
22 And you already have a bit of concrete, I guess,
23 coming up above the grade, the adjacent grade.
24 So, you know, maybe you can get away with a three-
25 foot fence or a two-and-a-half-foot fence and it's

1 enough to keep people from falling.

2 What that raises for me overall is the
3 bigger issue, which is that there is just so much
4 asphalt on this project. I mean, you have that
5 alley -- and I brought this up at sit-down. And,
6 you know, I appreciate the fact that you are, you
7 know, taking the loading away from the street and
8 creating a private alley, and then it goes all the
9 way through.

10 But then that result is that the entirety
11 of the rear yard is paved with asphalt and backed
12 up by a retaining wall. And I suggested at the
13 time, is there a way to reduce that? Is there a
14 way to have, you know, two separate alley
15 extensions that go in and allow you to have at
16 least some green back there that goes up to the
17 edge of the building?

18 It's not like you need to have a well
19 space in order to get light into housing units or
20 anything like that. Nothing is down there. It's
21 all just service spaces and loading and vents and
22 stuff, and a whole lot of asphalt.

23 So I just -- it seems like you're really
24 putting up a barrier with the rest of the
25 neighborhood instead of trying to integrate with

1 it, even, you know, with the park that's right
2 behind it. And who knows? You might even be able
3 to capture enough that it could be an amenity for
4 the residents or the people in the office.

5 Will the residential building be eligible
6 for residential parking permits?

7 MR. TUMMONDS: Yes.

8 MR. MAY: Yes. Has that been a subject
9 of discussion with ANC or any of the neighbors?

10 MR. GRIFFIS: It hasn't come up on the
11 list of discussions that we've had.

12 MR. MAY: Okay. I mean, I don't know
13 whether parking is an issue or not. But that's a
14 lot of units. And I forget. What's the ratio of
15 units? Is it one to two or one to three? One to
16 four?

17 MS. MILANOVICH: The code requires one to
18 four.

19 MR. MAY: One to four. So --

20 MS. MILANOVICH: We're providing 1 to
21 2.9.

22 MR. MAY: One to two-point-nine. So that
23 means that there are potentially quite a number of
24 people who could be seeking residential parking
25 permits in that neighborhood. And I'm not sure if

1 that's a concern for the neighbors; maybe it
2 isn't.

3 MR. GRIFFIS: If you don't mind, I would
4 just address that really quickly.

5 MR. MAY: Sure.

6 MR. GRIFFIS: First of all, one of the
7 other pieces that we have is the office parking,
8 which allows for evening parking for residential.
9 And we have anticipated that that would be made
10 available so that we wouldn't have an awful lot of
11 cars out onto the street. And again, we're
12 located right on top of a metro station.

13 MR. MAY: Sure. I understand that. I
14 mean, there are good reasons why you wouldn't
15 necessarily need to have the numbers of parking.
16 But one of the strong incentives for people to
17 take metro and not have cars is the fact that it
18 costs them a couple hundred bucks a month to park
19 the car. And if you can get RPP and park for \$30
20 a year, you know, why would you buy a space in the
21 building?

22 I mean, you would for convenience or
23 maybe for, you know, being in a locked garage.
24 But there's lots of, you know -- it's a big price
25 difference. You're probably not going to charge a

1 couple hundred bucks a month, but you're going to
2 charge a hundred bucks a month. So.

3 MR. MAY: The units that will be, I
4 guess, reserved for people who want to return,
5 right? How many units are actually going to be
6 reserved for that purpose?

7 MR. GRIFFIS: We have 38 existing units
8 on the property.

9 MR. MAY: So, some portion of that? I
10 mean, pretty much anybody who wants to come back
11 within eight months after you get the C of O would
12 be able to come back?

13 MR. GRIFFIS: That's correct.

14 MR. MAY: So is that in addition to the 8
15 percent affordable units?

16 MR. GRIFFIS: We had anticipated that
17 would be part of those units because those would
18 be way under the IZ affordability rate.

19 MR. MAY: Okay.

20 (Pause.)

21 MR. MAY: And I agree with Commissioner
22 Cohen on the penthouses should be darker. I mean,
23 sometimes it seems counterintuitive that something
24 up against the sky actually fades more when it's
25 darker, but it's true. And if you observe

1 penthouses around the City and look at the dark
2 ones versus the light ones, the darker ones
3 actually fade more. So it's worth considering.

4 But it does help that you have the
5 appropriate setbacks and the treatments, I think.
6 Generally speaking, I don't have a lot of problems
7 with what's going on on the roof.

8 Last thing is LEED certification. You
9 know, if you are required to be LEED certified
10 because of the Green Building Act, then you're
11 going to have to be LEED certified. And when I
12 say "certified," I'm not saying just the certified
13 level, whatever the level is going to be that you
14 reach.

15 I will also say that when a predator
16 walks in the door for a zoning case and they say
17 they're going to get LEED certified at the
18 certified level, that doesn't really mean anything
19 at all. In fact, that's a negative mark. LEED
20 Silver is kind of baseline. LEED Silver, to us,
21 is the equivalent of saying that you're going to
22 have four walls and a roof. Right? It's not very
23 significant.

24 But if you come in and say you're going
25 to do LEED Gold, then you're talking about some

1 real value to the project.

2 Everybody wants to do all these measures;
3 it's sensible as a building owner to do some, you
4 know, a relatively high level of these measures in
5 order just to save money in the long run. But if
6 it's something that you want to make a benefit of
7 the project, it's got to be at a significant
8 level, and it really should be certified, actually
9 certified.

10 Anyway, thanks.

11 MS. COEN: Just to respond to that really
12 quick, I believe that, in the Green Building Act
13 for the District, LEED is one of the alternate
14 compliance paths. So there are several compliance
15 paths, and that's one of the ones.

16 MR. MAY: Okay. Yeah.

17 MS. COEN: And there are other ways to do
18 it. But I think I would probably suggest we do
19 LEED. I think that's one of the easier ones, and
20 of course, Silver or Gold is what we would strive
21 for.

22 MR. MAY: Right. Right. Yeah. I think
23 at the time the Green Building Act was done, which
24 was '06 or '07, something like that, 2006 or '07,
25 there were only -- I mean, LEED was really the

1 only real game in town. But they knew that they
2 couldn't just keep it that way forever. There
3 were going to be alternatives.

4 MS. COEN: And can I just add on that?
5 The other certifiers are funded by some of the
6 corporations that want to compromise the LEED
7 certification process. So, I think DDOE can shed
8 light on that.

9 CHAIRPERSON HOOD: Should we defer to you
10 or DDOE?

11 MS. COEN: Either one.

12 CHAIRPERSON HOOD: Commissioner Turnbull.

13 MR. TURNBULL: Thank you, Mr. Chairman.
14 Thank you for your presentation tonight.

15 Let me -- can we go back to the -- I
16 guess my first thing is on the loading relief.
17 Looking at, you say that there's a couple of bays
18 in the residential building you're using. Could
19 you show us that on the plan? I mean, I looked at
20 the plan here that I've got in front of me.

21 As I understand it, the 12 by 30 loading
22 berth for the residential building is actually
23 outside. Is that -- it's not covered at all, it's
24 just open?

25 MS. MILANOVICH: I'm sorry. So the

1 relief that we're requesting is actually not for
2 the loading -- well, so we're replacing the 55-
3 foot loading berth with a 30-foot loading berth.

4 MR. TURNBULL: Right.

5 MS. MILANOVICH: But then, the other
6 relief is for a delivery space.

7 MR. TURNBULL: And you're got two of them
8 on the residential property; is that it?

9 MS. MILANOVICH: Right.

10 MR. TURNBULL: They're just sort of
11 marked out on the paper.

12 MS. MILANOVICH: Correct. So there's one
13 -- go ahead.

14 MS. COEN: Sorry. So there's one right
15 here in the upper left, delivery space. And
16 there's two down here.

17 MR. TURNBULL: Right.

18 MS. COEN: Or actually really close to
19 the office. It's just technically on the
20 residential lot.

21 MR. TURNBULL: Technically, right. But
22 the loading area for the residential building is
23 simply a marked space, right. There's a loading
24 platform. It's not covered; it's just open?

25 MS. COEN: Correct.

1 MR. TURNBULL: And then it's right near a
2 garage exhaust?

3 MS. COEN: Can you -- if you look at --
4 yes. It's right here. The garage exhaust is up
5 perhaps 30 feet above that or something like that,
6 comes off of the second floor.

7 MR. TURNBULL: Okay. It just seems like
8 -- okay.

9 Now, part of one of your proffers is for
10 ANC office space?

11 MS. COEN: I was pointing it out in the
12 office right here, but maybe Geoff can elaborate
13 on that.

14 MR. TURNBULL: And that's 500 square
15 feet, apparently, approximately you're proffering?

16 MR. GRIFFIS: Approximately 500, yes.

17 MR. TURNBULL: I guess I would associate
18 myself with the comments of Commissioner May
19 regarding the alley access. It's a little bit --
20 I'd like to see, actually, a better rendering of
21 what's going on back there. I'm really not sure
22 what this thing really looks like. I couldn't
23 even tell by some of the sections as to fence, the
24 size, and what the -- I'd like to see a
25 perspective or rendering, looking as you're in

1 that space. It just seemed like it's a forgotten
2 area, and I'd like to see something on that.

3 When you were talking about relocation
4 assistance, maybe you could describe a little bit
5 more about what you're proffering to do on that.
6 This is at no cost to the residents, then, the
7 relocation? Or what?

8 MR. GRIFFIS: Well, there's two aspects
9 to it. The first was we had set a dollar amount
10 that we would contribute to moving expenses. And
11 the second was actually trying to find and
12 identify units of similar size within the
13 community and neighborhood.

14 MR. TURNBULL: And cost.

15 MR. GRIFFIS: Yes, and cost.

16 MR. TURNBULL: Yeah.

17 MR. GRIFFIS: We were able to do that for
18 a large portion of those. And as I said, we had
19 them open for review.

20 MR. TURNBULL: Okay. We can go back to
21 the other comment about the 38 units currently on
22 there, and in theory 38 of those units can return
23 to the building. And they would be at the current
24 rate that they're spending now, the monthly rate
25 or whatever?

1 MR. GRIFFIS: Correct.

2 MR. TURNBULL: I guess the one I think
3 was raised before about the 4 percent annual
4 increase just seems like it could be a little bit
5 steep. Within five years, they've gone up 20
6 percent. So I'd like to see some more thinking
7 about what's going on with people who are living
8 in this area, trying to afford staying in that
9 building.

10 MR. GRIFFIS: Sure.

11 MR. TURNBULL: And if I'm not mistaken,
12 the 260 units, 8 percent at IZ would be about 16
13 units?

14 MR. GRIFFIS: Approximately that, yeah.

15 MR. TURNBULL: Approximately? But if you
16 get a returning rate of 30, you're counting that
17 toward IZ?

18 MR. GRIFFIS: That's correct. That's
19 right.

20 MR. TUMMONDS: So in that case, we'd be
21 significantly over --

22 TURNBULL: Over.

23 MR. TUMMONDS: -- our proffer, if you
24 will.

25 MR. TURNBULL: Right.

1 MR. TUMMONDS: Yes.

2 MR. TURNBULL: And obviously, they're not
3 going to be at 80 percent AMI.

4 MR. TUMMONDS: It would be significantly
5 below that, yes.

6 MR. TURNBULL: Yeah.

7 MR. TUMMONDS: And I think part of that,
8 too, is, as we know, IZ is in perpetuity.

9 MR. TURNBULL: Right.

10 MR. TUMMONDS: So we think that,
11 certainly at the beginning, we will be
12 significantly over the 8 percent, at 80 percent
13 AMI.

14 MR. TURNBULL: Okay.

15 (Pause.)

16 MR. TURNBULL: And you're talking about
17 contributing to the signal at the Department of
18 Transportation. Is there any agreement as to what
19 that cost is going to be?

20 MS. MILANOVICH: No, we haven't agreed to
21 a cost. Our traffic accounts for less than 5
22 percent of the total traffic at that intersection.
23 And so that's what we were thinking about, a pro
24 rata contribution.

25 MR. TURNBULL: Okay. Well, I think maybe

1 for final, I think we're going to need a little
2 bit -- to finalize a little bit more as to what
3 that would actually be, I think.

4 And getting -- that gets into some of the
5 benefits. I mean, there's a lot, there's benefits
6 explained. But I think some of them need a little
7 bit more meat on them. Some of them are vague as
8 to contribution amount of what they're going to be
9 doing. I think we're going to need a little bit
10 more explanation as to how that money is going to
11 be spent and how it's going to be used.

12 I think there's just some numbers out
13 there now, and as to whether you're just handing
14 over the money, I think it would be good to, in
15 our -- when this thing gets to that point and we
16 look at an order. that's really defined for us.
17 So I'd like to see those fleshed out a little bit
18 more.

19 I guess one thing, the architecture, I
20 think, of this thing has improved. I think,
21 Commissioner May, so I think we're still concerned
22 about the height. I'm really concerned about the
23 school next door and how that relationship of the
24 height to that school and the shadows going over
25 that. I don't know if you've done a shadow study

1 or anything on this.

2 MR. GRIFFIS: There is one in the
3 package.

4 MR. TURNBULL: Was there one?

5 MR. GRIFFIS: You can see we don't cast
6 shadows over onto the school site. The school
7 site, it is my understanding also, is under
8 consideration of repositioning. It is a school
9 that's losing population through attrition. And I
10 think there's a whole new day ahead of it.

11 It is a substantially tall building, and
12 it's fairly massive. I think we represent it
13 fairly well in here. I forget what sheet it is?

14 What sheet is that?

15 MS. COEN: 2.11.

16 MR. TURNBULL: And this is in the
17 September 12, 2014, filing?

18 (Pause.)

19 MR. TURNBULL: Okay. Thank you.

20 I think one of the items which seems a
21 little bit architecturally strange is the little
22 appendage, which has been lowered. I guess it
23 shows up on 9.1. It's on the -- it's that little
24 corner building. It's that little corner add,
25 which --

1 (Pause.)

2 MR. TURNBULL: It's kind of a charcoal-
3 gray brick. It's probably about five stories, six
4 stories, five stories, six stories tall.

5 MS. COEN: It's along 13th Street kind of
6 in the back?

7 MR. TURNBULL: Yeah. Right. And you've
8 reintroduced the charcoal-color brick, which you
9 have in the courtyard along the front and to
10 another corner. But here, and you've got
11 charcoal-gray brick on the spandrels adjacent to
12 it. But it just seems like it was added on much
13 after the fact. It's like you built the building
14 and came back and said, "Those units need more
15 space."

16 And somehow, architecturally, it just
17 looks incongruent with what you're trying to do.
18 I mean, I know you're trying to repeat the
19 charcoal-gray brick that you have on different
20 other areas. But here it just, somehow it just,
21 it stands out like you didn't know what to do with
22 that. And I think you need to rethink,
23 architecturally, how to -- I don't know whether it
24 needs something else in it, but it just -- it
25 doesn't blend with a lot of the other areas where

1 you have that charcoal-gray brick.

2 As you turn a corner, and in the
3 courtyard by the metro station, you've got it in
4 there, the charcoal-gray brick. But here as you
5 turn the corner, it just looks like -- it just
6 looks strange.

7 MS. COEN: Okay. Noted.

8 MR. TURNBULL: It just looks like,
9 architecturally, it just needs something to make
10 it blend in a little bit better with that.

11 MS. COEN: I think one of the ideas,
12 architecturally, was when you peeled back the red
13 and the beige brick, the charcoal was kind of
14 behind it. So the facade has some depth, and
15 those inset pieces are often where the charcoal
16 brick occurs.

17 (Cross-talk.)

18 MR. TURNBULL: Yeah. I think the
19 charcoal-gray brick works in those other areas.
20 Just here, it just looks like we've added
21 something on and then we don't know what to do.
22 "Oh, let's make it charcoal-gray brick." And it
23 doesn't look like it fits in with the rest of your
24 building.

25 MS. COEN: Noted.

1 MR. TURNBULL: The other question is on
2 store heights. And you've got a couple of --
3 you've got one store height that's only now a
4 little over nine feet. I'm looking at the street
5 sections, that lower left one.

6 MS. COEN: That was assuming a 24-inch
7 plenum for mechanical.

8 MR. TURNBULL: Right. And I was looking
9 at the site plan. I mean, is there that much of a
10 change in grade that you get that kind of a change
11 from the almost 14 feet or whatever you had, or
12 over 13-feet-plus at some other areas?

13 MS. COEN: You can see height on that
14 page that the residential second floor is about
15 four inches higher than the office second floor.
16 But other than that, yes, it's grade.

17 MR. TURNBULL: And there's -- it just
18 seems awfully tight. Is that retail, is that in
19 the corner? Maybe you could bring up a plan and
20 show me exactly where that --

21 MS. COEN: Can you see the plan in the
22 lower right here? It's this one right here, this
23 section.

24 MR. TURNBULL: Okay.

25 (Pause.)

1 MS. COEN: So that's this portion here.

2 MR. TURNBULL: So it's in the office
3 building?

4 MS. COEN: Correct.

5 MR. TURNBULL: Office, retail.

6 (Pause.)

7 MR. TURNBULL: And how many square feet
8 are at that height?

9 MR. GRIFFIS: It's about 8,000.

10 MS. COEN: Yeah, about 8,000.

11 MR. TURNBULL: That's a lot.

12 MR. GRIFFIS: It's our largest retail
13 footprint.

14 MR. TURNBULL: Seems awfully low. And
15 you're looking for maybe basically neighborhood
16 local retail to be going in? Neighborhood serving
17 or --

18 MR. GRIFFIS: So, absolutely neighborhood
19 serving. I mean, our retail plan is really to
20 make this a unique area to be drawn to. So we
21 don't have letters of intent or actually
22 identified retail, but again, as I said, we really
23 want to be able to have the flexibility to draw in
24 the best amount of choices for retail for us.

25 And that's why we've done several things.

1 One, we've tried to keep the footprints as large
2 as possible with the maximum amount of street
3 frontage for retail. Now, our 8,000-square-foot
4 retail bay may be able to be divided into two or
5 three, depending on the demand. But the height is
6 a critical aspect of drawing retail in.

7 MR. TURNBULL: Okay. And you're offering
8 a break for local retail stores to move in?

9 MR. GRIFFIS: We are indeed. Not just a
10 break, we actually have designated actual store
11 frontages for them, which we think work very well.

12 MR. TURNBULL: Okay. All right, Mr.
13 Chair, I think that will be it for now.

14 CHAIRPERSON HOOD: Okay. Thank you.
15 Mr. Miller?

16 MR. MILLER: Thank you, Mr. Chairman.

17 I would tend to agree with almost all of
18 the comments of my colleagues. I'll try not to be
19 redundant and go into some new areas. But I
20 think, in general, this is a very -- it does have
21 the potential. I appreciate the applicant's
22 presentation. I think this does have the
23 potential to be a transformative project for this
24 neighborhood and for the City, the over 200 units
25 of housing and over 400,000 square feet of office,

1 and the substantial amount of retail.

2 There are some things in addition to the
3 requests that have been made for -- well, before I
4 get to that. I think we need more information on
5 the relocation plan, as Mr. Turnbull -- exactly
6 what it is that you've already provided in the way
7 of dollars. What is your average -- how many
8 people have actually bought out, instead of them
9 going for the relocation assistance, and what was
10 the amount that was paid?

11 I don't know if you want to address that
12 here. But I think we need that. It would be good
13 to have that in writing as to how many -- well, do
14 you know how many people you have assisted so far
15 in terms of -- there are 38 units left right now.
16 How many have been already -- how many have
17 already been relocated or bought out?

18 MR. GRIFFIS: We can get you that
19 information.

20 MR. MILLER: Okay. How many units did
21 exist amongst all of the adjacent properties that
22 will be demolished?

23 MR. GRIFFIS: If I'm not mistaken, I
24 believe there are 42 total.

25 MR. MILLER: And certainly, if --

1 certainly, as you pointed out, if many of them do
2 come back, they will be -- you will be exceeding
3 both the minimum amount of inclusionary zoning
4 set-aside and be far lower affordability level
5 than the 80 percent AMI. I wonder, given that,
6 and given this neighborhood, that 80 percent AMI
7 is probably higher than market rate.

8 If you would be willing to proffer, you
9 know, something that's a little bit deeper
10 affordability level than the minimum IZ, since you
11 probably will be able to meet it easily. I
12 realize this is of the life of the project, but I
13 just think in this neighborhood -- I'm not
14 singling out you guys. I realize it meets the IZ
15 requirement. But it just, 60 percent AMI, 60
16 seems to be a more reasonable level than the 80
17 percent, particularly for this neighborhood.

18 So I would ask you just to give maybe
19 some consideration to that, and then it could be
20 considered a public benefit instead of just
21 meeting the requirement.

22 You mentioned the ANC resolution that was
23 -- we'll hear from the ANC, I assume, this
24 evening. But you mentioned that they passed a
25 resolution on January 5th. I don't think we have

1 anything in the record yet.

2 MR. GRIFFIS: We haven't seen it either.

3 MR. MILLER: So we would, obviously, need
4 to have that. And we look forward to seeing
5 Anthony Muhammad, the Chairman of that ANC, in a
6 little bit.

7 I would concur with my colleagues'
8 comments about the LEED, that, you know, we're --
9 I appreciate that you're striving for Silver or
10 Gold. I think that's -- the products we've been
11 seeing here, it's really at a minimum they should
12 be -- the applicant should be making a commitment
13 to Silver and striving for Gold.

14 So, to the extent that you're able to
15 strengthen that commitment as we go along, that
16 would be great. The CB, the community benefits
17 agreement that you've -- that we have in the
18 record is signed by Commissioner Muhammad. The
19 one I saw isn't signed by you all. And then it
20 had signature lines for all the other, some of the
21 other community organizations that would be
22 benefiting, and they weren't signed, either, in
23 the copy that I have.

24 But I hope, as we get along further in
25 this case, we'll see a fully executed community

1 benefits agreement with at least your signature
2 and the ANC's and any additional community members
3 that choose to sign it.

4 Also, I think it would be good to have in
5 our record something from WMATA or something -- I
6 don't know if it's the fee simple contract that
7 you referenced that's already been executed or
8 something from WMATA that indicates that they are
9 supportive of the concept, at least, of this
10 development. So, just I think it would strengthen
11 the record.

12 The 1,600 square feet of retail that you
13 are setting aside for local businesses at a 25
14 percent discount, I think that is very
15 commendable. OP had suggested that that be for
16 the life of the project instead of just the 10
17 years. Do you have a reaction to that?

18 MR. GRIFFIS: Yeah. We're agreeing to
19 that.

20 MR. MILLER: To the life of the project?

21 MR. GRIFFIS: Correct.

22 MR. MILLER: That's great.

23 And, as Commissioner Turnbull pointed
24 out, I think we do need to understand -- and we
25 can go get into a discussion with DDOT about this

1 -- as to what exactly is the pro rata cost of the
2 traffic signal at 15th and Alabama, is it? Well,
3 Ms. Milanovich, you probably know what the cost,
4 what the total cost of the traffic signal would
5 be. DDOT does, too. But what's the total cost?

6 MS. MILANOVICH: Ballpark cost for
7 signalization of an intersection and design would
8 be about \$300,000.

9 MR. MILLER: And did you have a
10 percentage that you'd worked out with yourselves
11 or DDOT on what you think your pro rata share
12 should be? I mean, you're obviously the first
13 development in this immediate neighborhood, which
14 is why I think -- I tell the Commissioners why it
15 looks taller and bigger than the neighborhood,
16 because the neighborhood eventually will be taller
17 and bigger.

18 That's what's planned for. That's what
19 we've approved for the St. Elizabeth's site across
20 the street. But do you know what other properties
21 here, including here in the -- do you have a
22 percentage figure that you're --

23 MS. MILANOVICH: Yes. So we've not
24 discussed a percentage number with DDOT. But just
25 speaking, you know, with the team, again the

1 signal has warranted whether this project goes in
2 or not. And our project would account for less
3 than 5 percent; it's actually about 4 percent of
4 the total traffic at that intersection.

5 So, you know, when we were thinking of a
6 pro rata share, that's what we were thinking.

7 MR. MILLER: Okay. Well, we'll ask DDOT.
8 I assume that they would have a position on that.

9 I think that's about it, Mr. Chairman. I
10 appreciate the presentation, and I may have some
11 further questions as we go along.

12 CHAIRPERSON HOOD: Thank you.

13 Mr. Griffis, if you can help me with this
14 relocation. I looked at the MOU, and I did see
15 something where Commissioner Muhammad had signed.
16 And then I see this draft community benefits
17 agreement submitted with no signatures. And I
18 think in your testimony you mentioned "pen in
19 hand." So, obviously, you're committed to making
20 it happen.

21 Let's talk about the relocation. For me,
22 that's always been a big issue in a number of
23 other cases for years. What went through the
24 relocation? Other than what I see here, and other
25 than a little bit, do we have a full laid-out

1 plan? Or where are we with the relocation?
2 Because that's key to residents in this City. So
3 what else do we have besides these two lines and
4 what I see here?

5 MR. GRIFFIS: Good. So, first and
6 foremost, you should understand that our deal with
7 the existing tenants is different than the
8 community benefits agreement. They were on
9 identical tracks at timing, and we were dealing
10 and obviously meeting with both groups. And the
11 community benefits agreement committee that we
12 were dealing with were focused on that.

13 We have taken our dealings and our offer
14 to the existing tenants much further and in much
15 more detail. So, yes, we have. And actually, our
16 attorney and my partner met, gosh, yesterday with
17 the tenants' attorneys and again presented our
18 offer, which is those four elements that I have
19 stated. And it will be in writing, and it will be
20 signed.

21 CHAIRPERSON HOOD: Okay.

22 MR. GRIFFIS: It has been refused back to
23 us.

24 CHAIRPERSON HOOD: Okay. That's what I'm
25 looking for. And even though we don't get into,

1 necessarily, agreements, we still point to it in
2 our order.

3 MR. GRIFFIS: I understand.

4 CHAIRPERSON HOOD: And it would be good
5 for the record.

6 MR. GRIFFIS: Right. And I appreciate
7 you bringing that up, because there are two
8 different documents that are out there. And the
9 CBA is much more general in terms of dealing with
10 the issues of the tenants.

11 CHAIRPERSON HOOD: Now, let me ask you
12 this about the CBA. Some of the groups here, I
13 see the ANC and maybe some of them are here
14 tonight: the Ward 8 Council Against Domestic
15 Violence, the Lead the Way Foundation, Congress
16 Heights Community Training and Development,
17 Congress Heights Community Association, and then
18 the Advisory Neighborhood Commission. You're
19 working with all those groups on this CBA?

20 MR. GRIFFIS: We work with anybody that
21 decided to be part of what they have called
22 themselves and came to meetings and represented.
23 We were given the signature pages and who was to
24 be signing it. If you note in part of this, the
25 group has given its designation and authority to

1 the chair of the ANC to negotiate and ratify this
2 document.

3 CHAIRPERSON HOOD: Okay. And all these
4 groups are impacted by this PUD, for the most
5 part. All these groups here on this CBA are
6 impacted? Because our regulations state it goes
7 to people who are impacted. All these groups are
8 impacted by the CBA.

9 I'm not trying to diminish it.

10 MR. GRIFFIS: Right.

11 CHAIRPERSON HOOD: I'm just trying to
12 make sure it's straight and it doesn't cause any
13 distrust, as we've heard previously, between the
14 community.

15 MR. GRIFFIS: We did not have a threshold
16 of requirement for any group and persons that
17 wanted to meet with us and wanted to discuss any
18 of the community issues that came up, or any of
19 the potential community benefits that should be
20 provided.

21 CHAIRPERSON HOOD: Okay. I really am
22 looking forward to the relocation, because I think
23 that's key. And the way I get this from this
24 record, that's what a lot of concern is for,
25 especially from the party in opposition.

1 Ms. Milanovich, let's talk about
2 circulation. I'm not going to get a whole lot
3 into the architecture because I've seen us make
4 comments, and then when it comes back -- not
5 putting anything against my colleagues. When it
6 comes back, then I don't like it. So I'm not
7 going to get a whole lot into the architecture.
8 I'm just going to let those comments heed, even
9 though I do have one or two questions.

10 But let's talk about the circulation
11 pattern. I've forgotten which slide it was.

12 (Pause.)

13 CHAIRPERSON HOOD: It was the one, it was
14 the first -- yeah, there it is.

15 Help me with the trucks, how the trucks
16 were entering, and how they're going to pull back
17 out. Yeah. Let's go through that. If you can
18 take your red light and just --

19 MS. MILANOVICH: Sure.

20 CHAIRPERSON HOOD: Let's just circulate.

21 MS. MILANOVICH: Right. So, trucks
22 would come either eastbound or westbound on
23 Alabama Avenue. They would turn into the private
24 alley. And then they would drive back the private
25 alley to the loading areas back here.

1 You can see the office loading berths are
2 right here. So they would come back if they were
3 going to the office building, and they would back
4 in to fill the loading berths. Or if they were
5 going to the residential building, they would come
6 up here and back into that loading berth.

7 CHAIRPERSON HOOD: So basically, let's go
8 to the first where they were backing. They were
9 backing -- we noted that turning radius is enough,
10 I guess, to --

11 (Cross-talk.)

12 MS. MILANOVICH: Yeah. I have some truck
13 sweeps if you'd like to see those.

14 CHAIRPERSON HOOD: Okay. I guess if you
15 can provide them for the record.

16 MS. MILANOVICH: Okay. Sure.

17 CHAIRPERSON HOOD: Okay. And do you have
18 a radius for both areas?

19 MS. MILANOVICH: Yeah. Yeah. We showed
20 auto-turns accessing both the office area and the
21 residential loading berth. And then, so then once
22 they're done, then they would pull forward, come
23 out, make the right turn onto 13th Street, come
24 up. There's an existing traffic signal at 13th
25 and Alabama. So they could either then turn left

1 or turn right onto Alabama Avenue.

2 CHAIRPERSON HOOD: Okay. I'll just look
3 forward to seeing those radius -- you know, those
4 diagrams you have.

5 Let me talk a little bit about the cafe
6 sign, the circle. I think, for me, and I don't
7 want to -- I'm not saying change anything. I'm
8 just saying that, to me, that should be a very --
9 I think it really fits within the scope of this
10 building. But my problem is it looks like it's
11 hidden. Now, that just may be my view, but it
12 looks like it's hidden.

13 I think that really, really brings out
14 the niceness, I believe, of anything. But I guess
15 I just like circular things. But anyway, I can
16 tell you that I think that that's hidden. I'm not
17 saying make it bigger, because I'm sure my
18 colleagues would probably have a problem. But to
19 me, it looks like it's hidden.

20 MS. MILANOVICH: I'm sorry. Could you
21 repeat what you --

22 CHAIRPERSON HOOD: The circular over top
23 of what the cafe, the three signs are, says
24 "cafe"? For me, it looks like it's hidden. I
25 think that's a very prominent piece to this whole

1 project, and it actually looks very well -- I've
2 seen some other ones this commission has approved
3 on Georgia Avenue on particular. And when you
4 ride by it, that's one of the projects that I'm
5 proud that I had something to do with. There are
6 a number I'm not. But in that case, I think the
7 circular thing really brings out the fluidness of
8 the building.

9 MR. TUMMONDS: Commissioner Hood, just to
10 follow up on your previous question. In our
11 September 12, 2014, filing --

12 CHAIRPERSON HOOD: Is that what it is?

13 MR. TUMMONDS: -- page 5.0 through 5.5,
14 we have all the truck-turning diagrams.

15 CHAIRPERSON HOOD: That's where it is?

16 Okay. Good. All right. I do like the way to get
17 folks down in to see the retail. As you go back,
18 I think you had the office entrance, I believe you
19 said set back. I think that's a good mode or a
20 good way of thinking. I think it attracts and it
21 draws people in to be able to use some of that
22 retail. So I do like that thought pattern.

23 Again, it was mentioned about the RPP,
24 residential -- I got RP. Okay. It's getting
25 late. RPP. That's been a big issue for us, as

1 you know, Mr. Tummonds. I know it hasn't been
2 talked about in your meetings, but I would like
3 for us to look at that.

4 I'm not saying it's conducive or it needs
5 to happen here. But there are some areas where it
6 needs to happen. It may not need to happen here;
7 I don't know. I'll leave that up to the applicant
8 and to the community. But let's look at that so
9 we won't create a problem.

10 MR. TUMMONDS: And the idea of
11 restricting the residents in this building from
12 being able to obtain RPP.

13 CHAIRPERSON HOOD: Here's the thing. It
14 may apply; it may not. I heard Mr. Griffis say
15 that they didn't look into that. So I'm just
16 saying. I'm not saying -- I'm not pro or con.
17 I'm just saying let's try to work -- that's
18 something that we have flagged in other areas. It
19 may not even apply here. There are some areas
20 that it doesn't apply; it may not apply here. But
21 if it does, let's look into it and give it some
22 thought.

23 MR. TUMMONDS: Absolutely.

24 CHAIRPERSON HOOD: Okay? I don't have a
25 whole lot of questions. My biggest thing, though,

1 is the relocation. That's my biggest piece.

2 Mr. Griffis, my biggest piece is the
3 relocation. That's my issue. Okay?

4 All right. Any other questions?

5 Mr. Miller.

6 MR. MILLER: Yeah. I'm sorry, Mr.
7 Chairman. I think I'd like to just touch on a
8 couple of things. One was that I think that,
9 architecturally, in general, it is very attractive
10 and I appreciate all the changes that you did make
11 in response to previous concerns, bringing the red
12 brick around on Alabama Avenue, all the
13 articulation and the setbacks and the reduction in
14 the height. I think all of that is good, and I
15 think it is a very attractive project.

16 On the office-retail that the reduction
17 in the height, overall height is what you say, is
18 leading to less-than-optimal floor-to-ceiling
19 retail in the office building, are the two levels
20 of rooftop office terraces really necessary? I
21 mean, if you eliminated one of them, you'd get
22 your additional -- you could transfer that height
23 to the ground and get your more successful retail
24 space.

25 Can you just talk about that briefly, the

1 necessity for the two levels of office terrace,
2 rooftop office terraces?

3 MR. GRIFFIS: Very briefly. It's
4 absolutely critical. This is a huge lift for us.
5 And I know the commission doesn't like getting
6 into the business aspect of providing new retail
7 spaces and homes and offices. But this is a
8 stretch. And the density that's required, it is
9 what we provided. If we start to chip away a
10 floor, we might as well chip away five or six
11 floors, because this will be a wood frame
12 construction, and it will have no retail on the
13 ground floor.

14 The retail is the hardest thing to do in
15 a mixed-use building. And we have dedicated this
16 project and really focused on providing the best
17 retail that we can.

18 MR. MILLER: I appreciate that
19 explanation. Thank you.

20 CHAIRPERSON HOOD: My last question.
21 Let's look at the west elevation.

22 (Pause.)

23 CHAIRPERSON HOOD: Where would I be to
24 see all that? And help me understand what's going
25 on up on the roof. What is all that?

1 MS. COEN: This is a little tricky
2 because you're kind of seeing around the corner
3 onto the frontage of Alabama. Should I pull up a
4 3D view?

5 CHAIRPERSON HOOD: No. I want you to
6 explain that one. Maybe that's my problem. I'm
7 not understanding what I'm looking at here. It
8 just looks like it's a lot going on. Maybe it's a
9 corner turn or whatever the issue is. But --

10 MR. GRIFFIS: Can I make one comment?

11 CHAIRPERSON HOOD: Help me understand it.

12 MR. GRIFFIS: Chairman Hood, you said,
13 "Where would you be to see this?"

14 CHAIRPERSON HOOD: That's one of the
15 parts of the questions. And the other part is --

16 MR. GRIFFIS: That you will never be
17 anywhere to see this, because this is an
18 architectural tool of an elevation. It is as if
19 this building went flat. So there is no place or
20 perspective where you would sit, in reality, and
21 see all of this. So what it is is those rooftop
22 structures, the penthouses, appear as if they're
23 right at the edge of the building. But they are
24 not.

25 CHAIRPERSON HOOD: Well, actually, I know

1 they're not at the edge of the building. I just
2 want to know, can I see it? And if I do see it
3 like that, it looks kind of busy for me. That's
4 pretty much it. I can tell there's enough
5 setback.

6 Which brings me -- thank you for bringing
7 that up, because that brings me to my next
8 question. What I would like to also see is this
9 building put in context with what's really around
10 it. You know what I mean? I see some fictitious
11 elements or some things that are in an
12 architectural, I guess, CAD or whatever you all do
13 it in. But I want to see this building dropped
14 down and a perspective of what's really existing
15 in the neighborhood.

16 I don't have all those fancy words, but I
17 think you get my drift, right?

18 (Laughter.)

19 MR. TURNBULL: Ms. Coen is cringing at
20 your comments.

21 MS. COEN: Slow work.

22 (Laughter.)

23 MR. GRIFFIS: Yep. We'll do that.

24 CHAIRPERSON HOOD: You got it? Okay.

25 So, can we still answer that question?

1 Help me with that up there, what's going on.

2 MS. COEN: Yeah. Just, if you pretend
3 that this is the corner of the building here, that
4 gray corner in the book kind of, the retail right
5 there. If you just ignore all this to the left,
6 this is more fronting on Alabama.

7 CHAIRPERSON HOOD: Okay.

8 MS. COEN: And then that tower, you can
9 see that that was the tower that you see along
10 Alabama, too. So what is really the facade here
11 is this. And then, these penthouses, these
12 elevators are set way back. You're seeing them
13 way beyond. And then there's a little stair tower
14 that you probably also wouldn't see from the
15 street, either.

16 CHAIRPERSON HOOD: Okay.

17 MS. COEN: This area is set back a little
18 bit. And there's another minor setback there, and
19 then the little office space.

20 CHAIRPERSON HOOD: Okay. All right.
21 Thank you. Very helpful.

22 Okay. Any other questions up here?

23 ANC, you have any cross-examination? Any
24 cross on any of the presentation you've heard?

25 (Pause.)

1 CHAIRPERSON HOOD: The Chairperson has
2 the authority. But do you want to come, Mr.
3 Muhammad? You know, do you want to come to the
4 table and identify yourself? And if you want to
5 bring your colleagues up with you, you can. It's
6 up to you.

7 MR. MUHAMMAD: I'm Anthony Muhammad,
8 Chair of ANC 8E. Just the comments that were made
9 on the returning of the residents to have more
10 detail in the way and the amount of money that's
11 going to be spent going and returning. And where
12 will they live when they are displaced?

13 CHAIRPERSON HOOD: Okay. So that's a
14 question to the applicant.

15 MR. TUMMONDS: I think, you know, all of
16 that information will be addressed, I think, in
17 the details that you had requested, specifically,
18 Commissioner Miller, about that. So we'd be able
19 to have all that information for the ANC.

20 CHAIRPERSON HOOD: Okay. Again, Chairman
21 Muhammad, these are questions you're going to ask
22 from the presentation. Any questions for the
23 applicant?

24 MR. MUHAMMAD: In the brick from gray,
25 from that turn, you are certified?

1 MS. COEN: Licensed and certified.

2 MR. MUHAMMAD: If we could change that
3 color.

4 CHAIRPERSON HOOD: But you want to ask
5 her a question. You can give us that in your
6 testimony that you also agree with the comments
7 that you heard up here.

8 MR. MUHAMMAD: I don't think it was ever
9 answered. Why was it made that color, coming
10 around the corner? It look like it was just
11 placed there.

12 MS. COEN: You're talking about that
13 tower that they talked about before?

14 MR. MUHAMMAD: Yes.

15 MS. COEN: Around the corner there?
16 Okay. Just an architectural decision. You would
17 like to see it red? Is that correct?

18 MR. MUHAMMAD: Yes.

19 MS. COEN: Okay. It can be done. It's
20 not built yet.

21 (Laughter.)

22 CHAIRPERSON HOOD: Okay. Any other
23 questions for the applicant?

24 MR. MUHAMMAD: None.

25 CHAIRPERSON HOOD: Is that your

1 colleague?

2 FEMALE SPEAKER: Yes.

3 CHAIRPERSON HOOD: Are ya'll working
4 together on this question? Because it's cross-
5 examination.

6 (Inaudible response.)

7 CHAIRPERSON HOOD: Oh, okay. Well, let
8 me just explain to you what's going on. The
9 Chairperson or whoever is authorized, in writing,
10 gets to do cross-examination. So he's speaking in
11 terms of the ANC. So you can come up and testify
12 at a later time. Okay?

13 Any other cross-examination questions?

14 MR. MUHAMMAD: With the amount of
15 projects that are coming to Ward 8, I, as one
16 person, don't want to keep making this like a
17 Boehner-Obama problem. Thank you. I hope you
18 understood that.

19 (Inaudible response.)

20 CHAIRPERSON HOOD: Okay. Let's go to the
21 party in opposition. You can come forward,
22 identify yourself. You're speaking with a party,
23 right? You're the attorney?

24 MR. MERRIFIELD: Yes, sir.

25 CHAIRPERSON HOOD: Okay. If you can

1 identify yourself?

2 MR. MERRIFIELD: Yeah.

3 CHAIRPERSON HOOD: I know I have your
4 name up here somewhere.

5 MR. MERRIFIELD: That's okay. Good
6 afternoon, Chairman and Commissioners. My name is
7 Will Merrifield. I'm an attorney with the
8 Washington Legal Clinic for the Homeless. I'm
9 also the authorized party representative for the
10 party opponent.

11 In addition to that, just for context,
12 for the commission, commissioners, I've been
13 involved -- I've been the attorney involved in the
14 relocation agreement, too, with -- I represent the
15 tenant association through the redevelopment
16 process.

17 I wanted -- Mr. Griffis, first of all,
18 it's good to see you again. I wanted to just nail
19 things down a little bit with regard to what we've
20 been talking about with the affordability levels
21 and a number of units that will be made available.
22 Commissioner May, I think, said that 8 percent of
23 the total space that's being proposed would work
24 out to 16 units?

25 (Pause.)

1 MR. GRIFFIS: That's what I heard him
2 say. Actually, I think --

3 (Cross-talk.)

4 MR. MAY: I didn't say 16 units. But
5 somebody said 16 units.

6 MR. TURNBULL: I think I said that.

7 MR. MAY: Yeah.

8 MR. MERRIFIELD: Okay. Thank you.

9 And you had testified that you were
10 actually setting aside 38, correct?

11 MR. TUMMONDS: No. I think what we
12 testified to is that we are -- our proffer for the
13 IZ for the IZ is that we will set aside with IZ
14 the 16 units. In addition, every one of the
15 returning tenants who wants to come back has that
16 ability. So I think it was an answer, and the
17 question was, so that is in addition to the
18 reservation of the 16 IZ units in perpetuity. So
19 it, I think, gets to the notion to "in addition
20 to," not just capping at 17.

21 MR. MAY: But the way I asked the
22 question is, is the -- are the units that are set
23 aside for people who are returning in addition to
24 the 8 percent? And the answer I got is that --

25 MR. TUMMONDS: Yeah, I'm sorry.

1 MR. MAY: It overlaps.

2 MR. TUMMONDS: It could be both, yes,
3 correct.

4 MR. MAY: Right? But, you know, if 38
5 people want to come back, there are going to be 38
6 units for them. And the first 16 are probably
7 going to be the IZ units, right?

8 MR. TUMMONDS: Absolutely.

9 MR. MAY: Yeah.

10 MR. MERRIFIELD: Okay. So, in preparing
11 for returning tenants, as you testified you have,
12 have you done an assessment of the number of
13 bedrooms that will be needed for each unit? Has
14 that been part of the analysis of the set-aside
15 units?

16 MR. GRIFFIS: Yes.

17 MR. MERRIFIELD: Okay. And what was the
18 outcome of that analysis?

19 MR. GRIFFIS: How would I answer that?

20 MR. MERRIFIELD: How many bedroom sizes
21 are you setting aside for returning units, for
22 returning tenants?

23 MR. GRIFFIS: And with the tenants, and
24 in an agreement that we've written up and passed
25 on, is we will do an assessment of the size of

1 unit that our tenant is leaving. And we will
2 provide that size or equal to what they have
3 currently. There are several three-bedroom units.
4 We are not producing three-bedroom units, and
5 we've been straightforward and up-front with that
6 from the beginning. And those are the units that
7 we then would identify.

8 So it also comes down to an interesting
9 matrix as, as we get the agreements of people
10 returning, then we start identifying the units
11 that are set aside. Our financial pro forma has
12 set aside 38 units in preparation for every tenant
13 coming back.

14 MR. MERRIFIELD: The pro forma, does it
15 take into account the specific affordability
16 levels of returning tenants?

17 MR. GRIFFIS: Yes.

18 MR. MERRIFIELD: Okay. And do you have
19 that pro forma? Could you share, are you able to
20 share that with the commission?

21 MR. GRIFFIS: No.

22 MR. MERRIFIELD: Okay. Why won't -- why
23 is that not available to share?

24 MR. GRIFFIS: That's a proprietary
25 business document that I don't think goes to any

1 point of what we're here for today.

2 MR. MERRIFIELD: I want to be clear with
3 respect to, you testified that, and it's in the
4 CBA, that there's an absolute right to return with
5 a 4 percent rent increase. That's correct. Is
6 that correct?

7 MR. GRIFFIS: Well, I think you know
8 better than I as you've dealt with our
9 representative on that issue, that that CPI and
10 the increase has been in -- has come in at
11 different levels and in different types.

12 MR. MERRIFIELD: We haven't negotiated a
13 final agreement. What I'm asking you about is the
14 CB -- the community benefits agreement
15 specifically.

16 MR. GRIFFIS: That's what it states, yes.

17 MR. MERRIFIELD: Okay. Now, to be clear,
18 I believe your testimony was that -- and I guess I
19 wasn't clear -- that those rent increases, is it
20 your understanding that they would start as soon
21 as the tenants are relocated, or when they return
22 to the property?

23 MR. GRIFFIS: You're asking what it says
24 in the CBA agreement?

25 MR. MERRIFIELD: I'm asking what your

1 understanding of when those 4 percent rent
2 increases start. So, would the 4 percent rent
3 increases start immediately when the tenants are
4 relocated into another Sanford property? Or would
5 the rents be frozen until they're allowed back
6 into the proposed redevelopment? What is your
7 understanding?

8 MR. GRIFFIS: My understanding, in all of
9 our discussions, is that we have said when the
10 tenant returns to the new project. We have also,
11 I believe, as I have not been the front persons in
12 the negotiations on this -- but I do believe we've
13 actually had a certain amount of years that it
14 would not start.

15 So again, there's been great flexibility
16 on our part, numerous offers of potential
17 agreements, that have been met with silence in
18 many respects.

19 MR. MERRIFIELD: Okay. Well, we can get
20 into that. Probably this isn't the forum to get
21 into the back-and-forth of negotiations.

22 But what I'm hearing you testifying
23 tonight, and what I want to make clear for the
24 record, is that it's your understanding that
25 tenants' rents will not increase until they come

1 back to the relocated property, that they will
2 stay the same until this property is built and
3 then they're brought back. Is that what I'm
4 understanding from you tonight?

5 MR. GRIFFIS: No. That's a different
6 question than your first question.

7 MR. MERRIFIELD: No. It was the same
8 question.

9 MR. GRIFFIS: No. If we're talking about
10 the rents as they move into the new project, that
11 rent is set on the amount that they leave with in
12 their current unit.

13 MR. MERRIFIELD: Okay. So, let me give
14 you a for-example so that we're crystal clear.
15 Say somebody is paying 900 bucks for rent right
16 now. And that they're relocated next week. Next
17 year, are you going to raise their rents 4 percent
18 at the relocated Sanford-owned unit? Or is that
19 900 bucks going to stay 900 bucks until the new
20 unit is developed and they're coming back? So,
21 are they coming back at \$900 into the redeveloped
22 property?

23 MR. GRIFFIS: That's my understanding of
24 one of our offers that we've put to you that
25 hasn't been agreed to.

1 MR. MERRIFIELD: Okay. That's not my
2 understanding. That's why I wanted to make clear
3 on the record what -- what -- because you're
4 submitting to the commissioners that, you know,
5 you've offered certain things. So I just want to
6 make clear that we're clear on what exactly has
7 been offered.

8 Because it's a big difference if the
9 project -- how many years is the project, would
10 you suppose that, you know, we're going to be
11 ready to move people in from today?

12 MR. GRIFFIS: Depends how you define
13 "today." Are we starting construction today? I
14 mean, what's the timeline?

15 MR. MERRIFIELD: So, say the PUD is
16 approved on this project within the next six
17 months. How long then would you suppose that the
18 new buildings are going to be built and ready for
19 occupancy?

20 MR. GRIFFIS: I'd say it's at least 36
21 months.

22 MR. MERRIFIELD: Okay. At least 36
23 months? Okay. So, just to make clear for the
24 record, how many years is 36 months?

25 (Pause.)

1 MR. GRIFFIS: You want me to put that in
2 the record?

3 MR. MERRIFIELD: I want you to put that
4 in the record, yeah.

5 MR. GRIFFIS: A lot better things we
6 could do with our time.

7 MR. MERRIFIELD: Would you put that in
8 the record? I'm asking a question. How many
9 years is 36 months?

10 MR. GRIFFIS: It's my opinion that it's
11 three years.

12 MR. MERRIFIELD: Okay. So, the reason
13 why the point is important is because people are
14 going to maybe face three years. Best case
15 scenario, the thing goes up in three years.

16 MR. GRIFFIS: Well, if you ask --

17 MR. MERRIFIELD: So, three years of
18 increases at 4 percent, which may make a right-to-
19 return meaningless unless it's fixed until they
20 return. That's the line of questioning.

21 CHAIRPERSON HOOD: You know what it
22 sounds like to me? And it sounds like that we're
23 having a negotiation. I think you all are going
24 to -- hold on. Let me finish. It sounds like to
25 me that you all are having a negotiation. This is

1 cross-examination of us.

2 You've made your point. I think you all
3 are still having some more conversations. Am I
4 correct? I think that's what I heard.

5 MR. MERRIFIELD: You're correct,
6 Chairman.

7 CHAIRPERSON HOOD: So, what I'm saying
8 is, instead of negotiating here, let's go back to
9 land use. We understand about the relocation.
10 We've made the point from up here.

11 MR. MERRIFIELD: Yeah. Um-hm.

12 CHAIRPERSON HOOD: So let's work those
13 details out when you all do whatever you have to
14 do.

15 MR. MERRIFIELD: And the only reason I
16 went there was because I thought that there was
17 being presented to the commission a specific plan
18 that was in place. I wanted to clarify what
19 exactly that plan was that he had testified to.

20 CHAIRPERSON HOOD: But you all are going
21 to nail that down in your conversations, correct?

22 MR. MERRIFIELD: Correct.

23 CHAIRPERSON HOOD: So tonight, you want
24 to do what's best for us for land use. We will
25 look at that because you all are going to have

1 something in writing for this commission.

2 MR. MERRIFIELD: Well, we're going to
3 work to negotiate something in writing.

4 CHAIRPERSON HOOD: You didn't hear what I
5 said. You all are going to have something in
6 writing for this commission. You didn't get my
7 drift.

8 MR. MERRIFIELD: Well --

9 CHAIRPERSON HOOD: That means come back
10 with something in writing. Okay?

11 Next question.

12 MR. MERRIFIELD: Next question. Okay.

13 Mr. Griffis, again, you had testified
14 that this project was a big lift and a stretch for
15 you, correct?

16 MR. GRIFFIS: Yes.

17 MR. MERRIFIELD: Okay. And as such, are
18 you aware of any other issues that you may have to
19 deal with with respect to an additional affordable
20 housing covenant on the property at 3200 13th
21 Street?

22 MR. GRIFFIS: No.

23 MR. MERRIFIELD: Okay. Have the
24 applicant or has anyone from the applicant had
25 conversations about an additional affordability

1 covenant that exists at 3200 13th Street?

2 MR. TUMMONDS: I would object. I think
3 this is outside the scope of -- and I think these
4 are issues, if Mr. Merrifield wants to spend his
5 time in his case in chief, absolutely he can bring
6 these issues up then.

7 MR. MERRIFIELD: Chairman, if I may, the
8 reason that I think it goes towards land use is
9 that if we're demolishing property in order to get
10 property built, we have to make sure that the
11 covenants that may or may not be associated with
12 those properties -- if they need to be complied
13 with and that's going to prevent the proposed
14 project from happening, I think we should put that
15 out in the open.

16 CHAIRPERSON HOOD: Right. But covenants
17 of that nature are not jurisdiction of the Zoning
18 Commission. So I would encourage you again, let's
19 go back to land use.

20 (Pause.)

21 CHAIRPERSON HOOD: And I allowed a lot of
22 it because I figured that eventually you'd get to
23 the point. But I'm just trying to help you along.
24 Ask the questions that are going to help us.

25 MR. MERRIFIELD: With respect to the

1 proposed community benefits that are offered, one
2 of those community benefits you mentioned was
3 local retail, correct?

4 MR. GRIFFIS: Yes.

5 MR. MERRIFIELD: Have you identified
6 potential local partners?

7 MR. GRIFFIS: No.

8 MR. MERRIFIELD: You mentioned that
9 somebody had a shoe store. Have you -- what was
10 that person's name?

11 MR. GRIFFIS: I can get that for you. We
12 have a lot of people in our community meetings
13 that come up that are excited about this, that are
14 looking for opportunities. I think as this moves
15 on and becomes much more real, those folks are
16 going to be even more so.

17 MR. MERRIFIELD: Have you determined --
18 you said that -- and correct me if I'm wrong, that
19 the proffered rent for local businesses would be
20 25 percent less? Is that correct?

21 MR. GRIFFIS: Yes.

22 MR. MERRIFIELD: Okay. And do you know
23 what that would work out to? Have you done that
24 analysis in your plan?

25 MR. GRIFFIS: Well, it's going to be

1 based on the market rents at the time that we put
2 it out for lease.

3 MR. MERRIFIELD: Okay. So, we don't have
4 a number today because it's hard to project into
5 the future. Is that your testimony?

6 MR. GRIFFIS: Okay.

7 MR. MERRIFIELD: Okay.

8 (Pause.)

9 MR. MERRIFIELD: The commission -- and
10 again, Chairman, I want to clarify the record with
11 this line of questioning. It won't take long.

12 But you had testified to the commission
13 that some people had taken buy-outs. Is that
14 correct?

15 MR. GRIFFIS: I don't think I testified
16 to that, no.

17 MR. MERRIFIELD: Okay. I believe the
18 commission asked for you to get a number of people
19 who had accepted buy-outs?

20 CHAIRPERSON HOOD: I think that was a
21 question, I believe, from up here.

22 MR. MERRIFIELD: Okay.

23 CHAIRPERSON HOOD: It was a question I
24 asked to him, and he's supposed to get back to us.
25 So that should be in the record.

1 MR. GRIFFIS: I said I'd -- yeah. I'll
2 provide that number. But I didn't testify to
3 anybody having buy-outs.

4 MR. MERRIFIELD: Okay. Are you aware of
5 people being offered buy-outs that haven't seen
6 those buy-outs yet, that have moved and haven't
7 received a buy-out?

8 MR. GRIFFIS: I'm not aware of that.

9 MR. MERRIFIELD: Okay.

10 (Pause.)

11 MR. MERRIFIELD: What's your plan for
12 acquiring the site at 3200 13th Street, Southeast?

13 MR. TUMMONDS: Again, Mr. Griffis didn't
14 testify to that.

15 MR. MERRIFIELD: Chairman, to your point
16 about land use, if they're proposing a PUD that
17 has a site in that PUD that they don't have site
18 control on, I would like to know -- my question
19 goes to, what is their plan for gaining control of
20 that site? So that we know, as a tenant
21 association --

22 CHAIRPERSON HOOD: Let me just help you.
23 Wasn't that also -- and I don't want to make it
24 sound like I'm against you, because I'm not.
25 Because I want you get the questions out for the

1 community so they can understand.

2 But let me ask you this. If we ruled
3 against that for postponement, why would we
4 continue to keep going there in cross-examination?

5 MR. MERRIFIELD: Okay. I'll move on,
6 Chairman.

7 CHAIRPERSON HOOD: Okay. Thank you.
8 Thank you for catching quick. I appreciate it.

9 (Pause.)

10 MR. MERRIFIELD: That's it.

11 CHAIRPERSON HOOD: I want you to take --
12 if you have some more questions, I don't want you
13 to feel rushed, because I think you're
14 representing a group that has a big interest. If
15 you have questions, I want you to ask them.

16 MR. MERRIFIELD: No, Commissioner. I
17 have a lot of questions about 3200 13th Street.

18 CHAIRPERSON HOOD: Okay.

19 MR. MERRIFIELD: But what I'm hearing is
20 you don't want to hear it. So I won't --

21 CHAIRPERSON HOOD: Well, it's not that I
22 don't want to hear it.

23 MR. MERRIFIELD: I don't want to ask the
24 question --

25 CHAIRPERSON HOOD: I want to hear stuff

1 that's germane to this body.

2 MR. MERRIFIELD: And the reason that I
3 believe it's germane to the body is, without site
4 control, I don't think a PUD can be considered --

5 CHAIRPERSON HOOD: I can take this. We
6 actually have case law that has directed this
7 commission on how to move on that.

8 MR. MERRIFIELD: Okay.

9 CHAIRPERSON HOOD: So I'm trying to make
10 it so we can move forward with stuff that's
11 germane.

12 MR. MERRIFIELD: You know, Chairman, I'm
13 good. And I'll wait to present my case in chief.
14 Thank you.

15 CHAIRPERSON HOOD: I just don't want you
16 to feel rushed, because you're representing a
17 people --

18 MR. MERRIFIELD: Not rushed. We'll be
19 fine. Thank you.

20 CHAIRPERSON HOOD: Okay. Great. Okay.

21 Ms. Schellin, are we going to go to --
22 yeah, I know. I'm looking for my book.

23 (Inaudible interjection.)

24 CHAIRPERSON HOOD: That's all right.
25 Don't worry about it. I should have it up here

1 after 16 years.

2 Let's go to the Office of Planning,
3 District Department of Transportation, and the
4 District Department of the Environment. We'll go
5 to those reports.

6 And again, I want to thank the District
7 Department. This is new. Sixteen years, this is
8 very new. So we want to thank the DDOE for coming
9 down.

10 Okay. Ms. Brown-Roberts.

11 MS. BROWN-ROBERTS: Thank you, Mr.
12 Chairman, and members of the commission. Square
13 5914, LLC, submission for consolidated PUD and
14 related map amendment to rezone various lots in
15 Square 5419 from the R5A to the C2B zone would
16 result in a vibrant transitory development at the
17 Congress Heights Metro Station.

18 The requested C2B zone allows a medium-
19 density development with a density incentive for
20 residential use and is recommended for a rapid
21 transit stops among the areas. The future land
22 use map designates a site for a mix of medium-
23 density residential and medium-density commercial
24 uses.

25 The generalized policy map designates the

1 site as a neighborhood enhancement area, as well
2 as for a new neighborhood center at the Congress
3 Heights Metro Station.

4 The proposed C2B zoning at 5.01 FAR and
5 land use is not inconsistent with these
6 designations. Further, the proposal meets the
7 policy guidance for mixed-use development at the
8 Congress Heights station, in particular.

9 The applicant addressed many of the
10 issues identified at setdown, resulting in an
11 improved design. The areas of flexibility,
12 including the map amendment, would not have a
13 negative impact on the residential surrounding
14 community. The benefits and amenities being
15 offered are in line with the requested
16 flexibility.

17 OP continues to encourage the applicant
18 to design the building to meet LEED Gold standard,
19 to improve the environmental benefits. The Office
20 of Planning, therefore, recommends that the
21 proposed PUD and related map amendment be
22 approved.

23 Thank you, Mr. Chairman. And I'm
24 available for questions.

25 CHAIRPERSON HOOD: Okay. Thank you. We

1 will wait until everyone finishes, and then we'll
2 ask our questions on the end.

3 MS. BROWN-ROBERTS: Okay.

4 CHAIRPERSON HOOD: Ms. Chamberlin?

5 MS. CHAMBERLIN: Good evening. I'll just
6 stick to the one outstanding issue that we have
7 with the applicant still, in regard to the signal
8 at 15th Street and Alabama Avenue.

9 Although in their testimony, or I guess
10 not in their testimony, their presentation, they
11 mentioned that they're only accounting for 4
12 percent of the total volume in the peak hour, it's
13 not about what the total volume is. It's about
14 the tipping point and the turning movements and
15 the actual movements that are creating the
16 problem.

17 So, in this case, on Alabama Avenue and
18 15th Street, in the background conditions, the
19 northbound movement in the a.m. is an E. And with
20 the project, it goes to an S. And then, in the
21 p.m., it's an S, but then it's an increase of 20
22 seconds on the S. So it accounts for about a 32-
23 percent increase in the delay of that intersection
24 due to the project alone.

25 And so, we also have the same issue with

1 15th Place as well, where it's -- the southbound
2 movement, it's an E with the background
3 conditions, and then it goes to an S with the
4 addition of the project.

5 So it's about where, you know, the actual
6 tipping point is and not just because they're only
7 adding 4 percent to that total volume. But it's
8 the actual movement, and it's the tipping point.
9 And if we were to say, "Well, it's already
10 warranted under background conditions," then we
11 wouldn't get many things done, I guess.

12 We don't have current plans or current
13 funding for these two particular intersections.
14 But I do think we still need to work with the
15 applicant, because they didn't complete a full
16 traffic signal warrant analysis. They just did a
17 partial analysis.

18 So we would like to get together with the
19 applicant, do a full traffic signal analysis, and
20 ensure that there aren't any other opportunities
21 outside of the signal, although the signal would
22 greatly benefit the pedestrian movements at 15th
23 Street, which right now we have a beacon, a rapid-
24 flashing beacon because there's high pedestrian
25 volumes at that intersection.

1 But, in addition, DDOT doesn't have any
2 mechanism to receive or reserve or escrow partial
3 payments for signals. I don't know of any other
4 case in the past where that's occurred. So I'll
5 leave it at that.

6 And the other question about the RPP.
7 So, currently, the 1300 block of Alabama Avenue is
8 not in the RPP system. So, the existing residents
9 can probably confirm they don't have RPP stickers.
10 Not to say that the new project, the new building
11 couldn't petition to try to get into the system,
12 although it's unlikely due to the metro and the
13 no-parking currently on Alabama Avenue, which is
14 why those buildings were probably excluded in the
15 past.

16 But the 1200 block and the 1400 block and
17 the 1100 block are in the RPP system, but just the
18 1300 block is the only one that currently is not.
19 And it's due to the land uses with the metro and
20 the no-parking-allowed on that block. Thank you.

21 MR. WILSON: Good evening, Mr. Chairman,
22 and the commission.

23 The District Department of the
24 Environment would recommend approval of the PUD
25 application, but we have one condition for

1 consideration. We would like the applicant to
2 strengthen their commitment to sustainability and
3 pursue LEED Gold certification. As we detailed in
4 the memorandum filed on January 9th, this project
5 sits in the center of the St. Elizabeth's Congress
6 Heights EcoDistrict.

7 The Office of Planning, along with DDOE
8 and the other D.C. agencies, are working to make
9 this neighborhood an example of social and
10 environmental health consistent with the
11 EcoDistrict protocol. The applicants stated in
12 their application this project would, quote,
13 "establish a high level of urban design and
14 architectural quality that will guide the future
15 development in the area."

16 Through the EcoDistrict protocol, we're
17 also looking to guide that future development in
18 the area. Similar to EcoDistricts for
19 neighborhoods, the LEED program provides
20 guidelines for buildings in terms of
21 sustainability. Given the public commitment to
22 EcoDistricts, we would encourage private
23 development to lead the way as an example of
24 sustainable building through the LEED Gold
25 certification.

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1 In our memorandum, we also suggested
2 several zero- and low-cost credit examples that
3 would drive the project toward LEED Gold. And I'd
4 like to echo Commissioner Cohen's comments about
5 the value of third-party certification.

6 We've seen projects that designed to a
7 LEED standard, don't usually achieve the LEED
8 standard that they say at the beginning they're
9 going to design to. And it's due to the unknowns
10 during design and construction, value-engineering
11 and other issues that arise that are not able to
12 be estimated at the beginning of the process.

13 The office -- I also wanted to clarify
14 what requires certification and what doesn't. So,
15 under the Green Building Act, office buildings at
16 50,000 square feet or more are required to get
17 LEED certified.

18 The D.C. Green Construction Code offers
19 three different alternative compliance paths for
20 compliance with the Green Construction Code. You
21 could -- and that is for commercial and
22 residential buildings. Under the Green Building
23 Act, the residential portion of the project
24 wouldn't be required to go for certification. But
25 it could pursue certification as an alternative

1 compliance path under the Green Construction Code.

2 And so, there's nuances. It's
3 complicated. We can help. And we would encourage
4 phone calls and everything else. And I'm here to
5 answer any questions that you may have.

6 CHAIRPERSON HOOD: Okay. I want to thank
7 you all for your presentation to us on your
8 reports.

9 Commissioners, any questions of either
10 one of those three agencies, or three departments,
11 for DDOE, DDOT, and OP?

12 MR. TURNBULL: Mr. Chairman.

13 CHAIRPERSON HOOD: Yes. Mr. Turnbull.

14 MR. TURNBULL: I have a question for Ms.
15 Chamberlin. Ms. Milanovich stated that the cost
16 of the signal was about 300K. Does that seem to
17 ring a bell as an approximate number?

18 MS. CHAMBERLIN: My recollection is that
19 they are actually about 120.

20 MR. TURNBULL: Oh, only 120.

21 (Laughter.)

22 MR. TURNBULL: Ooh. Okay. It's a big
23 difference then. I was just going to say 4
24 percent is a rather insignificant number.

25 MS. CHAMBERLIN: Absolutely.

1 MR. TURNBULL: So we're really looking at
2 -- now, as you said, you previously stated you
3 cannot take money. So are you looking for the
4 applicant, then, to pick up the 100 and --

5 MS. CHAMBERLIN: Correct.

6 MR. TURNBULL: Okay. Okay. Thank you.

7 CHAIRPERSON HOOD: Okay. Any other
8 questions? Vice Chair Cohen?

9 MS. COHEN: Thank you, Mr. Chairman.

10 Again for DDOT, this is an area that the
11 City wants to encourage development. And yet,
12 it's important to have that traffic signal or two.
13 So, why wouldn't this have been a priority of your
14 agency to identify, you know, certain areas to be
15 developed to receive the appropriate mitigation?

16 MS. CHAMBERLIN: Well, currently, under
17 existing conditions, it doesn't meet a warrant for
18 a signal. And we actually did study it. Thus, we
19 have the rapid-flashing beacon for the pedestrian
20 movement on 15th Place. So we don't go and put in
21 -- a federal warrant needs to be met. And under
22 the existing conditions, it doesn't meet it. And
23 we don't go and put signals in advance of possible
24 future development. So.

25 MS. COHEN: But again, if it's a priority

1 of the City, and it has been for some years, I
2 mean, it just doesn't sound like it's sound
3 financial planning of the department to say, "I'm
4 going to put what priorities exist here when I'm
5 going to do development there." So that's just a
6 comment that I don't -- I just don't understand
7 sometimes the rationale for some of the points
8 when, again, expecting the developer, that would
9 be great. I didn't mean for the developer to do
10 it.

11 And I understand your rationale to bump
12 up their contribution; I definitely understand
13 that. I just don't kind of get it of policy
14 issues that sometimes DDOT --

15 MS. CHAMBERLIN: No, I understand what
16 you're getting at. I mean, we have a hard enough
17 time keeping up with the existing conditions and
18 making improvements to areas that are -- that need
19 attention right now. And so, that's what we focus
20 our funds on, are dealing with the problematic
21 issues that are today's issues, not what future
22 issues that might happen with possible
23 development.

24 In most other jurisdictions, there are,
25 you know, impact fees, where if you go out to

1 Virginia and you're going to build a Wal-Mart, and
2 you need a new road and a new signal, Fairfax
3 County isn't paying for it. I mean, the Wal-Mart
4 is paying Fairfax County an impact fee for that.
5 And unfortunately, in the District, we don't have
6 the system set up that way.

7 (Pause.)

8 CHAIRPERSON HOOD: Okay. Any other
9 questions up here? Commissioner May.

10 MR. MAY: Yeah. I just wanted
11 clarification on RPP. Which block did you say was
12 not --

13 MS. CHAMBERLIN: The 1300.

14 MR. MAY: 1300 block of Alabama?

15 MS. CHAMBERLIN: Um-hm.

16 MR. MAY: Okay. What about the 3200
17 block of 13th?

18 MS. CHAMBERLIN: I didn't check the 13th
19 Street.

20 MR. MAY: Okay.

21 MS. CHAMBERLIN: But I would assume it's
22 not, given the map, the parking map that was
23 submitted, there's actually no parking on that
24 block allowed. So generally, that's the first
25 clue that then that's not an RPP block.

1 MR. MAY: So somehow, with the applicant,
2 we ought to get clarity on whether it would be
3 eligible or not. It may be a moot issue.

4 MALE SPEAKER: Absolutely.

5 MR. MAY: Yeah. All right. Thank you.

6 CHAIRPERSON HOOD: Okay. Any other
7 questions? Mr. Miller?

8 MR. MILLER: Yeah, just quickly, Mr.
9 Chairman. I thank you all, each of you, for your
10 testimony.

11 I just wanted to ask the Office of
12 Planning to confirm what I think was in your
13 report. And it certainly was in the applicant's
14 presentation. But do you think that the height
15 and setbacks of this project are compatible with
16 the height and setbacks of the St. Elizabeth's --
17 the site across the street?

18 MS. BROWN-ROBERTS: Yes, Commissioner.

19 MR. MILLER: Okay. Thank you.

20 CHAIRPERSON HOOD: Any other questions?

21 (No audible response.)

22 CHAIRPERSON HOOD: Okay. Does the ANC
23 have any cross-examination of either one of those
24 three agencies?

25 (No audible response.)

1 MR. MAY: Mr. Chairman, can I ask one
2 more question of the Office of Planning?

3 CHAIRPERSON HOOD: Sure.

4 MR. MAY: Commissioner Miller's question
5 got me thinking. There is a setback requirement
6 in the area of St. Elizabeth's, where it's 90
7 feet. There's a 50-foot -- there's a setback at
8 50 feet. Why aren't we trying to do the same
9 thing across the street? Why wouldn't we be
10 recommending the same thing across the street?
11 Why is it it's so important to have that 50-foot -
12 - that setback at 50 feet?

13 MS. BROWN-ROBERTS: Yeah. I think when
14 we were looking at the St. Elizabeth's, there was
15 an issue with the ravine and some vegetation
16 there. And those are things that we took into
17 consideration at that time.

18 MR. MAY: So it had to do with the
19 topography of the area across the street?

20 MS. BROWN-ROBERTS: Yes. Yes. But, I
21 mean, that's behind, behind those buildings.

22 MR. MAY: My recollection is that we had
23 gotten a fair amount of testimony from neighbors
24 about the heights along Alabama Avenue. And then
25 it might have been a reaction to that.

1 MS. BROWN-ROBERTS: Actually, the
2 testimony that we had received was a little
3 further going east.

4 MR. MAY: Right.

5 MS. BROWN-ROBERTS: Yeah.

6 MR. MAY: East? Or west?

7 MS. BROWN-ROBERTS: Or west, yes, farther
8 west, yes.

9 MR. MAY: All right. That makes sense.
10 Thanks.

11 CHAIRPERSON HOOD: Okay. Any other
12 questions?

13 (No audible response.)

14 CHAIRPERSON HOOD: Okay. Chairman
15 Muhammad, any cross-examination? Turn your mic
16 on.

17 MR. MUHAMMAD: Department of
18 Transportation. Across the street from this
19 project, 1300 block of Alabama Avenue, it probably
20 wouldn't qualify for residential parking because
21 it's across the street from a graveyard and the
22 actual Congress Heights subway.

23 But at the 1500 block of Alabama Avenue,
24 it's an I-Hop, where people cross back and forth,
25 that really needs a light. And there's

1 Commissioner Cohen said if they called it a
2 stadium, the City would pay for it.

3 (Laughter.)

4 MR. MUHAMMAD: Do you agree? That's the
5 question: Do you agree?

6 MS. CHAMBERLIN: No, I can't agree to
7 that.

8 CHAIRPERSON HOOD: Okay. I actually
9 think that question is not necessarily germane,
10 and I'm going to strike what Commissioner Cohen
11 said. So, any cross-examination that's germane to
12 the topic.

13 MR. MUHAMMAD: That's it. But they do
14 need that cross -- that light there at 15th and
15 Alabama.

16 CHAIRPERSON HOOD: We're working on a lot
17 of things. Some things we can't do. Okay. But
18 you can mention that in another forum with DDOT.
19 I'm sure they will listen.

20 Okay. Mr. Merriweather -- Merrifield. I
21 don't know why I want to -- maybe I'm thinking
22 about Merriweather Post Pavilion; I don't know.

23 (Laughter.)

24 MR. MERRIFIELD: I just have brief
25 questions for the Office of Planning. Has the

1 office coordinated with any other District
2 agencies to analyze how the displacement pressures
3 on the impacted communities will be increased by
4 such a large product of largely market-rate
5 buildings of this height?

6 MS. BROWN-ROBERTS: No.

7 MR. MERRIFIELD: Has the OP coordinated
8 with DHCD or any other District agencies to see
9 how market-rate projects of this size may
10 destabilize the land values of the underlying
11 District and surrounding properties?

12 MS. BROWN-ROBERTS: A letter was sent --
13 a refer letter was sent to DHCD, and we didn't
14 receive a response from them.

15 MR. MERRIFIELD: Okay. So, that's a no.
16 No coordination between the agencies, then?

17 MS. BROWN-ROBERTS: A letter was sent to
18 them. But we didn't receive any additional -- any
19 information from them.

20 MR. MERRIFIELD: Okay. Thank you.

21 Does the office have any reports or plans
22 that will prepare the impacted community for
23 mitigation of the increasing displacement
24 pressures?

25 MS. BROWN-ROBERTS: No.

1 MR. MERRIFIELD: Does the office consider
2 it a priority to have high affordability levels
3 near metro sites?

4 MS. BROWN-ROBERTS: Not high
5 affordability levels, but a mixture at a metro
6 station site, yeah.

7 MR. MERRIFIELD: Okay. What was the
8 Office of Planning -- we've heard some different
9 levels of affordability tonight. What was the
10 Office of Planning's understanding of the levels
11 of affordability being offered at this project?

12 MS. BROWN-ROBERTS: It was my
13 understanding that they were going to do the 8
14 percent at 80 percent AMI. And then regarding the
15 persons who were going to be relocated, we didn't
16 get any information on that.

17 MR. MERRIFIELD: Okay. So your
18 understanding was the affordability levels would
19 be at 8 percent at 80 percent AMI?

20 MS. BROWN-ROBERTS: Yes.

21 MR. MERRIFIELD: And is that 8 percent of
22 the total units or 8 percent of the square
23 footage?

24 MS. BROWN-ROBERTS: The residential
25 square footage.

1 MR. MERRIFIELD: Okay. So, how many
2 units did you think that would work out to, were
3 you under the impression, the office, that would
4 work out to?

5 MS. BROWN-ROBERTS: We just went by what
6 the applicant gave us. We looked at the square
7 footage, that that was correct. And then the
8 applicant told us how many units.

9 MR. MERRIFIELD: Okay. And how many
10 units did the applicant tell you?

11 MS. BROWN-ROBERTS: I think it was about
12 16 what they talked about.

13 MR. MERRIFIELD: Okay. And those units
14 would be, pursuant to your understanding, up to 80
15 percent AMI, correct?

16 MS. BROWN-ROBERTS: Yes. We looked at it
17 to make sure that it was meeting the IZ
18 requirements.

19 MR. MERRIFIELD: Okay. And does the
20 office consider that a truly mixed-income project,
21 mixed project?

22 MS. BROWN-ROBERTS: Yes. Because they're
23 going to do the IZ. And then we were also told
24 about the other residents who were returning.
25 That would be at lower levels of AMI. We just

1 didn't know exactly -- we just don't know exactly
2 what levels they were.

3 MR. MERRIFIELD: Okay. But you weren't
4 aware of the returning residents before tonight,
5 correct? Wasn't that your earlier testimony?

6 MS. BROWN-ROBERTS: No, no, no. We were
7 aware of that. We just weren't aware of -- you
8 asked about the AMI level, and I said we don't
9 know what that is. We weren't informed about what
10 that level would be.

11 MR. MERRIFIELD: Okay. Thank you.
12 Nothing further.

13 CHAIRPERSON HOOD: Okay. Thank you.
14 Let's go to the report of the ANC.

15 Now, let me ask this. Has everyone who
16 is going to testify tonight been sworn in?

17 (No audible response.)

18 CHAIRPERSON HOOD: Everyone stood and
19 took the oath, right?

20 (No audible response.)

21 CHAIRPERSON HOOD: Okay. For those who
22 haven't stood and took the oath, let's do it now,
23 Ms. Schellin.

24 Everyone who has not taken the oath who
25 is going to be testifying, let's stand and take

1 the oath.

2 MS. SCHELLIN: Please raise your right
3 hand. Do you solemnly swear or affirm that the
4 testimony you will give this evening will be the
5 truth, the whole truth, and nothing but the truth?

6 (Chorus of "I do" and "I affirm.")

7 (The oath was administered to
8 participants.)

9 MS. SCHELLIN: Thank you.

10 CHAIRPERSON HOOD: Okay. Chairman
11 Muhammad, you may begin your presentation and your
12 testimony.

13 MR. MUHAMMAD: My name is Anthony
14 Muhammad. I'm the Chair of ANC 8E. At our
15 January 5th meeting, at a legally established
16 meeting, a quorum was established with six
17 commissioners. We voted to approve the project
18 five to one.

19 We have been negotiating with this
20 project for two years. It is important for
21 commissioners to know zoning, something about
22 zoning. I'm not an architect. I'm not a planner.
23 I'm not a landscape architect. But I've been
24 involved many years coming back and forth, hour
25 after hour, learning about zoning.

1 Some of us got involved today or a few
2 moments ago. You have to get involved before it
3 gets to this point, because if we think we're
4 going to stop the project at this point or get
5 involved at this point, it's usually not the case.

6 We have been involved day in and day out.
7 We're not on a payroll. And because we've
8 negotiated a benefits agreement, that is not a
9 payment. The ANC office can be gone at any
10 moment. Our ANC office, if I'm un-elected, I'm
11 not in that office. Whoever comes in the
12 community gets to use that office. And even
13 community benefits and the community members are
14 able to use an office.

15 Yes, all of those that are listed in that
16 agreement will be affected by the project being
17 built. They are all in that Commission 8E. So,
18 those who came forward, those who got involved in
19 the beginning, those who came to the meeting,
20 because we have duly constituted notices of our
21 ANC meetings on a regular basis. We have our
22 meeting the first Monday of each month for years.

23 And if you're not involved, you don't
24 know. So if you come late, if you come at the
25 middle of a meeting, you come at the middle of a

1 negotiation, you may not be a part of a
2 negotiation. The whole community will not be
3 involved. They won't come until someone says,
4 "You might can get something out of it if you get
5 involved."

6 But we attempted to negotiate, and we
7 attempted to communicate with the tenant
8 association that is in the area. And we have
9 others who -- we have one side, the Boehner group,
10 the other side Obama. No matter what it is, I'm
11 going to be against it. So we have groups like
12 that in every community that are going to be
13 against it no matter what is offered, no matter
14 what it said, no matter what it's done.

15 And yes, I'm a fighter. But I know when
16 to hold them and when to fold them. Thank you.

17 CHAIRPERSON HOOD: Okay.

18 MR. MUHAMMAD: Any questions?

19 CHAIRPERSON HOOD: Thank you. Any
20 questions? The chairman has already asked us, do
21 we have any questions?

22 MR. MUHAMMAD: Any questions that you
23 would like to ask me.

24 CHAIRPERSON HOOD: Any questions of
25 Chairman Muhammad?

1 Commissioner Miller?

2 MR. MILLER: Chairman Muhammad,
3 Commissioner Muhammad, you're going to get us
4 today something in writing?

5 MR. MUHAMMAD: Yes. Yes.

6 MR. MILLER: Okay. Good. Thank you.

7 CHAIRPERSON HOOD: Are there any other
8 questions?

9 (No audible response.)

10 CHAIRPERSON HOOD: Let's see if we have
11 any cross. Does the applicant have any cross?

12 MR. TUMMONDS: No.

13 CHAIRPERSON HOOD: Mr. Merrifield, do you
14 have any cross?

15 MR. MERRIFIELD: Brief.

16 CHAIRPERSON HOOD: Brief? Come.

17 (Pause.)

18 CHAIRPERSON HOOD: Chairman Muhammad,
19 you're going to be the one who answers? Oh, okay.

20 MR. MERRIFIELD: How are you doing, Mr.
21 Muhammad?

22 MR. MUHAMMAD: Good.

23 CHAIRPERSON HOOD: Is your microphone on?

24 MR. MERRIFIELD: I believe so.

25 CHAIRPERSON HOOD: Okay.

1 MR. MERRIFIELD: The community benefits
2 agreement that's been drafted is not signed,
3 correct? It's only signed by you?

4 MR. MUHAMMAD: It is signed, but the one
5 that was submitted was only signed by me. But I
6 had another signed sheet with all of them
7 signatures on it.

8 MR. MERRIFIELD: Okay. So there's not a
9 submitted, complete community benefits agreement?

10 MR. MUHAMMAD: It's a not a complete
11 signed sheet submitted.

12 MR. MERRIFIELD: Okay. Okay. Thanks.

13 And who voted -- who was present to vote
14 to adopt the community benefits agreement?

15 MR. MUHAMMAD: All of the commissioners
16 except Commissioner Armstead.

17 MR. MERRIFIELD: Okay. When was that
18 vote taken?

19 MR. MUHAMMAD: We did it more than once.
20 We did it in July, and we did it in -- we did it
21 in July, we did it in January.

22 MR. MERRIFIELD: Okay. So, July of 2014?

23 MR. MUHAMMAD: Correct.

24 MR. MERRIFIELD: And January of 2015?

25 MR. MUHAMMAD: Correct.

1 MR. MERRIFIELD: And was it adopted in
2 July of 2014?

3 MR. MUHAMMAD: Correct.

4 MR. MERRIFIELD: So why wasn't it signed
5 in July 2014?

6 MR. MUHAMMAD: Because it wasn't signed.

7 MR. MERRIFIELD: Okay. So you approved
8 the same community benefits agreement twice, but
9 it's still not signed?

10 MR. MUHAMMAD: Correct.

11 MR. MERRIFIELD: How were people notified
12 of the meeting that the vote was to take place at?

13 MR. MUHAMMAD: How was the meeting notice
14 done?

15 MR. MERRIFIELD: Yeah.

16 MR. MUHAMMAD: We don't tell them
17 everything that's going to take place at our ANC
18 meeting.

19 MR. MERRIFIELD: When you say "them,"
20 who's "them"?

21 MR. MUHAMMAD: The community.

22 MR. MERRIFIELD: Okay. So, did you
23 inform the community that the community benefits
24 agreement was being voted on in July and then
25 January?

1 MR. MUHAMMAD: Yes.

2 MR. MERRIFIELD: Yes.

3 MR. MUHAMMAD: In July. They knew we
4 were voting on a community benefits agreement.

5 MR. MERRIFIELD: But they weren't
6 notified in January that another vote would be
7 taken?

8 MR. MUHAMMAD: In January is the first
9 meeting of --

10 MR. MERRIFIELD: Mr. Muhammad, it's a
11 yes-or-no question, man.

12 MR. MUHAMMAD: In the beginning of the
13 meeting --

14 CHAIRPERSON HOOD: Hold on. Let me say
15 this. If you asked him a question, let him answer
16 it.

17 MR. MERRIFIELD: Okay. I apologize.

18 CHAIRPERSON HOOD: Yeah. Ask him.

19 But let me just say this. Let me back
20 you up a little bit. You said, does the ANC have
21 an agenda?

22 MR. MUHAMMAD: Correct.

23 CHAIRPERSON HOOD: Okay. So that's
24 public notice.

25 MR. MUHAMMAD: Yes.

1 CHAIRPERSON HOOD: So you do notify the
2 community.

3 (Chorus of "no.")

4 CHAIRPERSON HOOD: No, I'm asking that
5 question.

6 MR. MUHAMMAD: It's done on a listserve.
7 It's done at the Giant. We put them in --

8 CHAIRPERSON HOOD: Right. So that's my
9 point. But it's the agenda, right?

10 MR. MUHAMMAD: Yes.

11 CHAIRPERSON HOOD: So I think when you
12 spoke --

13 (Inaudible interjections.)

14 CHAIRPERSON HOOD: Hold on. Let me
15 finish.

16 When you spoke, you said that the ANC did
17 not notify the community. But if you all put out
18 an agenda, you do notify the community.

19 MR. MUHAMMAD: You can go on MPD
20 Listserv.

21 CHAIRPERSON HOOD: So I guess what I'm
22 trying to get you to do is correct the record.
23 Because you all do notify the community.

24 MR. MUHAMMAD: Yes, we notify the
25 community.

1 CHAIRPERSON HOOD: Okay. I just wanted
2 to make sure, because you said you didn't. Well,
3 I know what you meant.

4 MR. MUHAMMAD: And it's put on the agenda
5 at every meeting if they come, that the next
6 meeting is the first Monday and each month. First
7 Monday.

8 So some of them don't even know what's
9 their ANC number. If they ask them that's talking
10 in the audience.

11 CHAIRPERSON HOOD: Okay. Let's go back
12 to Mr. Merrifield.

13 MR. MERRIFIELD: Was there an agenda
14 created and given to the public that said that
15 there would be a vote taken on the community
16 benefits agreement in January?

17 MR. MUHAMMAD: The law does not require
18 us to give each member of the community an agenda.

19 MR. MERRIFIELD: Was it publicly noticed?

20 MR. MUHAMMAD: It was publicly noticed.

21 MR. MERRIFIELD: And the agenda that was
22 publicly noticed, did it have on it that a
23 community benefits agreement vote would take
24 place?

25 MR. MUHAMMAD: That is not required.

1 MR. MERRIFIELD: So, was there one or
2 wasn't there one?

3 MR. MUHAMMAD: Was there one what?

4 MR. MERRIFIELD: On the agenda, did it
5 talk about the community benefits agreement, yes
6 or no?

7 MR. MUHAMMAD: That's not required.

8 MR. MERRIFIELD: So I'll take that as a
9 no?

10 MR. MUHAMMAD: It's not required.

11 MR. MERRIFIELD: Okay. All right.

12 MR. MUHAMMAD: Judge is up there that can
13 make me answer the way you want me to answer.

14 MR. MERRIFIELD: Okay.

15 (Laughter.)

16 MR. MERRIFIELD: Well, I would just
17 assume if it was on there, you would say yes. So
18 I'll take that for what it is.

19 I have nothing further.

20 MR. MUHAMMAD: Could I ask him a
21 question?

22 CHAIRPERSON HOOD: Typically, we don't do
23 that. I actually did that one year when I was in
24 front of the Board of Elections, and the Chairman
25 told me, "Typically, we don't do that." So,

1 typically, we don't do that.

2 (Laughter.)

3 MR. MUHAMMAD: Because I wondered, do he
4 live in Southeast? I'm wondering if he live in
5 Southeast.

6 CHAIRPERSON HOOD: Well, let me just say
7 this. Let's move forward. He's their
8 representative.

9 MR. MUHAMMAD: Oh, okay.

10 CHAIRPERSON HOOD: I'm going to answer
11 that. He's their representative, okay?

12 All right.

13 MR. MERRIFIELD: I live in Deanwood, for
14 the record, if people are interested.

15 CHAIRPERSON HOOD: Okay. Thank you for
16 giving us that information. Thank you for
17 answering that question.

18 Okay. That one got me distracted. Where
19 am I at?

20 (Laughter.)

21 CHAIRPERSON HOOD: Okay. Let's go to --
22 oh, the party in opposition. No. No, that's not
23 what --

24 (Pause.)

25 CHAIRPERSON HOOD: Let's go to

1 individuals who are here in support. And, Ms.
2 Schellin, could you get some tape from the back?
3 I need to use some out here.

4 (Laughter.)

5 CHAIRPERSON HOOD: Do we have anyone
6 who's here who would like to testify in support?
7 If you can come forward. Support? Those who are
8 in support of the project. Oh, okay.

9 Again, anyone who would like to testify
10 in support.

11 (No audible response.)

12 CHAIRPERSON HOOD: Okay. Let's go to the
13 party in opposition. Mr. Merrifield.

14 (Pause.)

15 MALE SPEAKER: He's asking if he's part
16 of --

17 CHAIRPERSON HOOD: Is he part of your --

18 MALE SPEAKER: No.

19 CHAIRPERSON HOOD: Oh. Okay. Well, you
20 may begin. I thought you were waiting on him.
21 Okay.

22 MR. MERRIFIELD: Good evening. My name
23 is Will Merrifield. I'm a staff attorney at the
24 Washington Legal Clinic for the Homeless. I'm
25 here tonight as the authorized representative of

1 the Alabama Avenue 13th Street Tenants Coalition.

2 We are praying tonight in opposition of
3 the proposed PUD. All members of the coalition
4 are current tenants of Sanford Capital and have
5 lived -- and live in the buildings that the
6 proposed PUD seeks to demolish.

7 The addresses that comprise the members
8 are at 1309, 1331, and 1333 Alabama Avenue,
9 Southeast, Washington, D.C., as well as 1320 13th
10 Street, Southeast, Washington, D.C.

11 MALE SPEAKER: 3210.

12 MR. MERRIFIELD: 3210 -- I'm sorry --
13 13th Street, Southeast, Washington, D.C. Thank
14 you.

15 Commissioners, as submitted, we believe
16 the PUD cannot be considered complete and
17 therefore cannot move forward at this time.
18 Furthermore, if the proposed PUD is approved, we
19 believe there's a substantial risk that the Zoning
20 Administrator will be prevented from implementing
21 any associated permit applications for the
22 property.

23 Clearly, the issues raised in our motion
24 to postpone may also prevent the applicant from
25 securing financing for the development as planned.

1 The significance of these issues cannot be
2 understated for the Alabama Avenue 13th Street
3 Tenants Coalition.

4 The coalition has been and continues to
5 be engaged in negotiations with Sanford Capital.
6 However, the coalition's current position is that,
7 without clarity around these issues, it is
8 impossible for them to be able to enter into a
9 meaningful relocation and right-to-return
10 agreement because it is not clear whether the
11 project will come to fruition.

12 The coalition's greatest fear at this
13 point is that they will enter into an agreement,
14 the project will be delayed because the Zoning
15 Administrator will not be able to approve the
16 permits, and that tenants will have given up their
17 TOPA rights for a right-to-return that is
18 essentially meaningless.

19 With respect to TOPA, the applicant has
20 made it a precondition that any relocation and
21 right to return to the redeveloped property be
22 premised on the tenant's giving up their TOPA
23 rights. This would mean that the coalition would
24 be prohibited from being able to explore the
25 option to collectively purchase the building

1 themselves or assign their right to purchase to a
2 third party.

3 This would close off numerous
4 possibilities for the tenants to seek more
5 progressive development options and would
6 guarantee their continued residency at the current
7 metro-accessible property or future redeveloped
8 property.

9 Furthermore, by giving up their TOPA
10 rights, the coalition would be precluded from
11 seeking alternative forms of development that
12 guarantee broader affordability than the proposed
13 PUD before the commission this evening.

14 To this point, the coalition has been
15 unwilling to give up their TOPA rights due to the
16 concerns with the overall project's feasibility,
17 as well as their concerns with the applicant as a
18 partner. Unfortunately, these concerns have been
19 exacerbated by the way the redevelopment process
20 has played out so far.

21 First, the tenants were not made aware of
22 the potential redevelopment before the applicant
23 applied for the proposed PUD. Secondly, the
24 proposed PUD makes no mention of the existing
25 tenants or their future involvement in the

1 redeveloped property. And thirdly, the applicant
2 negotiated a community benefits agreement without
3 any of the coalition being involved in the
4 process.

5 Further adding to the coalition's
6 distrust of the process has been their history as
7 tenants in the current buildings owned by Sanford
8 Capital. Members of the coalition will testify,
9 as part of our presentation, about housing code
10 violations they have had to endure while living in
11 Sanford-owned buildings.

12 Currently, there are overarching security
13 issues that literally put coalition members' lives
14 at risk daily. Specifically, there are a number
15 of vacant units at all three buildings that
16 squatters routinely enter to engage in criminal
17 activity. The squatters are encouraged to do this
18 by the lack of security at the property that
19 includes a history of unsecured front doors, as
20 well as Sanford Capital's failure to properly
21 secure the vacant units inside the properties.

22 Lastly, from its inception, the coalition
23 has made broad affordability at the redeveloped
24 project a priority. Furthermore, as pointed out
25 in the coalition's motion to postpone, the

1 property at 3200 13th Street, Southeast, is
2 covered by a covenant with the District of
3 Columbia and the Department of Housing and
4 Community Development that limits the occupancy of
5 its residential units to extremely low-income
6 tenants.

7 That covenant is attached to the motion
8 to postpone as Exhibit 5. The housing
9 affordability described in the PUD application
10 does not detail compliance with this covenant, nor
11 does it describe the type and distribution of any
12 affordable units.

13 As members of the community concerned
14 with affordable housing, we would ask the
15 commission to help provide clarity regarding the
16 status of this covenant, as well as address what
17 will become of the approximately \$925,000 that is
18 outstanding on the loan the covenant is premised
19 upon.

20 In conclusion, we are asking for the
21 Zoning Commission to put this proposed PUD on hold
22 until the issues raised in the coalition's motion
23 to postpone are resolved.

24 Right now, the coalition believes they
25 are being given an ultimatum to either give up

1 their TOPA rights and rely on the good faith of
2 the applicant, or be left out of the deal
3 altogether. We are only seeking transparency
4 around this project so that we can begin to
5 exercise our options with clarity and negotiate
6 with all parties in good faith.

7 I will now turn it over to our panel. As
8 I stated earlier, our witnesses will consist of
9 members of the coalition that reside in the
10 buildings that the proposed PUD seeks to demolish,
11 as well as Eugene Puryear.

12 Mr. Puryear is a Congress Heights
13 resident and has been a great help in advising the
14 tenant coalition on various matters. He will be
15 testifying with respect to his concerns about the
16 affordability of the project as a Congress Heights
17 resident.

18 (Pause.)

19 MS. BARNWELL: Good evening, Zoning
20 Commission. I am testifying this letter with
21 regards to the Alabama Avenue revitalization
22 project. As a native Anacostian, I have enjoyed
23 the historical community that reside east of the
24 Potomac River for many years. I'm a retired
25 teacher's assistant with a limited physical

1 disability and have lived at my current residence
2 in good standing for over 45 years.

3 I am also one of the original tenants
4 currently residing in the 1309 Alabama Avenue
5 apartment complex, and very proud to be a member
6 of the community. The Alabama Avenue housing
7 corridor is a prominent and rich --

8 (Pause.)

9 MS. BARNWELL: Excuse me. My name? Ruth
10 Barnwell.

11 MS. COHEN: Thank you.

12 MS. BARNWELL: You're welcome.

13 The Alabama Avenue housing corridor is a
14 prominent and rich community which allows me easy
15 access to local transportation, neighborhood
16 shopping, businesses, and the issues that have
17 shaped the community for many years.

18 I am very active in the community service
19 and a committee member of the outreach ministry of
20 my local church. This community shares the vision
21 of the City for revitalization for low- to middle-
22 income residents by providing an opportunity
23 bridge that the economy and social stigma of those
24 residents living east of the river.

25 It is my hope that this revitalization

1 project will rebuild a distressed property,
2 improve the quality of life for existing residents
3 such as myself and the surrounding communities.
4 Moreover, this revitalization plan will be a great
5 opportunity to create a mixed-income community,
6 will have the constructive influence on the
7 environment, the economic and social impacts to my
8 household.

9 To this end, it is my great hope that the
10 developer and the City will give first priority to
11 existing residents of 1309 Alabama Avenue
12 apartment complex for relocation to revitalize
13 property. I have also included some questions on
14 my concern to this letter.

15 One of my questions is, is there a
16 relocation plan in place for current residents?
17 Will we get assistance with relocation and moving-
18 related expenses? What other specific services
19 will be available to me prior and during the
20 relocation process?

21 When I move into relocation, will my rent
22 change? Where will I live while the property is
23 under construction? Will the developer and the
24 City ensure that my temporary residence will be a
25 safe environment? Will the temporary residence be

1 inspected to ensure that it meets established City
2 Housing Regulation standards?

3 How long will I be living in my temporary
4 residence? Will there be restrictions regarding
5 the residents' return to the property? And how
6 can I get involved in relocation planning process?

7 Sincerely yours, Ruth Barnwell.

8 MS. MITCHELL: My name is Michelle
9 Mitchell. I live at 3210 13th Street, Southeast,
10 Apartment 8. I have lived there for --

11 CHAIRPERSON HOOD: Excuse me. Let me
12 hold you up. We're getting some feedback. Is
13 your mic on?

14 MS. MITCHELL: Yes, sir.

15 (Pause.)

16 MS. MITCHELL: Excuse me.

17 CHAIRPERSON HOOD: Okay. There we go.

18 MS. MITCHELL: My name is Michelle
19 Mitchell. I have lived at 3210 13th Street,
20 Southeast, Apartment 8, as in the number, for 15
21 years.

22 I'm testifying in opposition to proposed
23 the PUD that seeks to tear down my building, due
24 to Sanford Capital's continuing lack of
25 consideration for the building that's owned and

1 tenants, as a property owner and landlord.

2 Sanford and Capital maintains their
3 properties in bad condition, does not respond
4 quickly or often at all to maintenance requests,
5 and does not provide security for the tenants
6 living in their buildings. For this reason, I do
7 not believe that they are a trustworthy company
8 and should not be granted permission to conduct a
9 planned unit development where our homes currently
10 stand.

11 My neighborhood and I have many problems
12 with the conditions of the building and the
13 apartments where we live, and have made Sanford
14 Capital aware of these many times since they had
15 owned the buildings.

16 Some of these include the following: The
17 doors to my closet and bedrooms are broken. My
18 carpet is old and in bad condition, and they have
19 refused to replace it. There's water damage
20 throughout my apartment, causing chipping paint
21 and my kitchen sink to sink into the floor. My
22 refrigerator Sanford provided for me leaks and is
23 constantly filled with water. And there's regular
24 trash buildup outside the dumpster.

25 I've asked them repeatedly to address

1 these issues, and they have not.

2 Sometimes, they will look at the problem,
3 say they will come back to fix it, but never do.
4 Certain problems that cost them money, such as
5 water leaks, since they pay the water bill, they
6 are quick to fix that. But not most things we
7 need.

8 A few of us tenants in here have never
9 had a heating system. Personally, I never use my
10 heating system. I told them that it's broken, and
11 they didn't want to pay to get it fixed. My
12 neighbors use his oven.

13 To get repairs, Sanford has a system
14 where you call a number, and then you wait on
15 maintenance to get back with you. I tried to be
16 understanding with them a long time. But most of
17 the time, they never address my problems. I do
18 not feel that they care about their tenants. They
19 have a slumlord attitude.

20 We ask them over and over again to do
21 certain things in the building or in our
22 apartments. And they either get to it on their
23 own time, or they don't at all. I used to call
24 them a lot. And when I would call, they wouldn't
25 do anything for me. So it doesn't seem worth it

1 to call anymore.

2 To resolve some of the problems in our
3 living situation, me and my neighbors had to come
4 together and come up with other solutions, such as
5 meeting with the Police and Housing Conditions
6 court. We still have problems with security,
7 though the police haven't helped much at all
8 because they say they can't do anything without
9 the owner's permission.

10 Sanford and Capital doesn't care who
11 comes in and out of the building. And the front
12 door hasn't been secure since Sanford has owned
13 the building. Truthfully, I've never seen
14 anything like it. I've been complaining to them
15 about the security problems in my building for
16 three years. Sanford and Capital will not come
17 and listen to our security concerns. They told me
18 that they had the police on it, but in reality,
19 since Sanford has owned the building, there has
20 never been enough security.

21 I believe that it's mostly due to Sanford
22 and Capital's negligence, as well as them
23 aggressively getting people out of the building.
24 There are more vacant units than there were
25 before, which makes the security problem in the

1 building much worse.

2 We never had problems with security under
3 the previous ownership. The last owners were very
4 fast to fix anything we called about. I've never
5 seen any landlord as inconsiderate as Sanford and
6 Capital. They have so many properties already
7 that they just don't want to invest in.

8 And I don't think that they deserve to
9 tear these buildings down and build something new,
10 because of their poor treatment of their tenants.
11 I really don't think they deserve to have this
12 property. And I don't think other tenants do,
13 either. Thank you.

14 MS. MEACHAM: My name is Lonise Meacham.
15 I'm here on behalf of my tenants, as well as
16 Sanford Capital. I've lived in this apartment
17 building for 10 years. I lived in the
18 neighborhood for 25 years, 10 at Sanford and
19 Capital, 15 years at 15th Street.

20 Sanford and Capital have not been as well
21 as -- they have not kept up the building as well
22 as they had in the last year. The basement smells
23 so bad that you cannot go into the building
24 without covering your mouth. You have to hold the
25 door open. They will not repair the basement.

1 It's a flood there when water comes in the
2 basement from the rain.

3 It's put the pilot out at night -- I
4 mean, put the pilot out on our heating system, so
5 we don't have hot water. So if they don't come
6 and suck the water out, pump the water out, we
7 will not have heat in the building.

8 The secured system is not concurrent.

9 (Pause.)

10 MS. MEACHAM: I'm not reading from my
11 paper.

12 I have been in this neighborhood, and
13 it's very convenient for me. I am 61 years old.
14 I am not trying to keep moving from here and
15 there.

16 They want to build this new development.
17 Why can't we, the people that have been in this
18 complex for 32 years and better, enjoy the luxury
19 that you're about to build in our neighborhood?
20 Why we can't enjoy it, as well? I'm 61 years old.
21 I'm not trying to move someplace else for another
22 30 years. I want to enjoy where I am today.

23 My church is not far from where I live
24 at. The subway is very convenient for me and
25 others that live there. We are not young people.

1 We are older people. We are elderly people. We
2 don't want to be skipped around from place to
3 place. Please consider us if you don't consider
4 the other people.

5 Now, Section 8 younger people, that's who
6 you have moved out of our apartment complex. The
7 people that's there in our complex now that's
8 paying market rent, we're standing up for where we
9 live at. And we want to come back and be there
10 and enjoy everything. And the subway, it's very
11 convenient. The bus station is very convenient
12 for us. Giant, the stores, it's very convenient
13 for us.

14 And everybody that's sitting here that's
15 up in age like us want to enjoy, if you don't have
16 to go from place to place to enjoy where you're
17 living at in your neighborhood. This is Lonise
18 Meacham.

19 (Applause.)

20 MR. GREEN: Honorable members of the
21 Zoning Commission --

22 CHAIRPERSON HOOD: Excuse me. Let me
23 just say this.

24 Typically, and I'm going to be consistent
25 like I am in all hearings, if you like what

1 somebody said, you have to keep it to yourself.
2 We don't demonstrate. We don't clap. We don't
3 speak out. We try to run this orderly. So I
4 would ask that everybody be cognizant of that as
5 we move forward.

6 Next. Thank you.

7 MR. GREEN: Honorable members of the
8 Zoning Commission, my name is Robert Green. I
9 reside at 1331 Alabama Avenue, Southeast,
10 Apartment 304, Washington, D.C. 20032. I have
11 lived here for two years. I would like to testify
12 in opposition to the PUD today for two main
13 reasons.

14 The first reason that I oppose the PUD is
15 because of the hardship that being displaced from
16 my home will cause me personally. I would like to
17 remain in my apartment because of the closeness of
18 public transportation, the metro bus and subway,
19 which are next-door to my apartment.

20 The accessibility of the bus and subway
21 helps me by getting me to my medical appointments
22 and physical therapy sessions, the grocery store,
23 the library, food establishments, close by when
24 I'm too sick to cook. My pharmacy is close by.
25 And the laundromat is right up the street.

1 experienced housing condition problems such as
2 cracks in the wall, problems with hot water,
3 especially when it rains, with heat and air
4 conditioning. The first year here, I had went a
5 month-and-a-half with no heat. The second year, I
6 went three months. And I kept calling, and they
7 would say they would send out someone. Then they
8 are ordering parts.

9 That is ridiculous. And I'm not going to
10 set up and use a stove, because I had people in my
11 family perish by using a stove as a source of
12 heat.

13 When the cracks in my walls were fixed,
14 they reappeared soon after. That's because of the
15 traffic of buses and trucks traveling up and down
16 Alabama Avenue. The hallways and common areas are
17 not cleaned regularly, and they're filthy. The
18 laundry facilities in my building are a mess.
19 There are leaking pipes in the basement, and the
20 basement floods every time it rains.

21 There's leaking sewer pipes, a terrible
22 odor of feces, and there has been fly infestations
23 because of the standing water, which I had to go
24 out and get I don't know how many cans of Raid and
25 fly catchers to put up in my ceiling to catch and

1 stop the flies.

2 Last, the glass in my front door is
3 constantly broken and not repaired. I have to fix
4 the cracks myself so that they are no longer a
5 problem. I have bought and repaired from getting
6 steel wool filling in to keep the mice out of my
7 apartment. The roaches, I've had to, you know,
8 because they'll be coming up from the vacant
9 apartments now. But finally, they did send an
10 exterminator. So that problem is solved.

11 And the only reason my refrigerator,
12 which I complained about not working, my throwing
13 out food constantly -- and it hurts me to throw
14 food because I'm on a fixed income. And, you
15 know, when you throw away food, hey, it's hard.
16 When you're having trouble, you know, with money,
17 and you know, I don't sit up and made nothing but
18 grits, I mean, gravy and made biscuits to make a
19 meal out of.

20 To get a repair done, you're supposed to
21 call the maintenance number. When you do, they
22 give you a confirmation number and then turn it
23 over to what they say is "site maintenance."
24 There is nobody on the site.

25 MALE SPEAKER: That's right.

1 MR. GREEN: They come knock on my door
2 and ask what's the problem. I've called it in.
3 So why should you ask? And when they do make the
4 repair -- and the only reason I've got the repairs
5 done was because of a young lady named Caroline
6 Hennessy from housing counsel and Scott -- they
7 told me, "Go to conviction court."

8 I went to conviction court. I finally
9 got things done, because the judge sent out a
10 federal inspector. And that if they treat me this
11 way and other tenants, it's not fair for you to
12 give them the right to build a new building and
13 treat the new tenants with respect and care and
14 consideration.

15 Because the way they treated me, hey, I
16 mean, it shouldn't be allowed. And that I've had
17 people from Sanford tell me, "You might as well
18 move, because, hey, the PUD is going to be
19 approved." And I believe that if the PUD is
20 already approved, then, hey, I mean, I hate to say
21 this, and I hope it's not true. But the five of
22 you, hey, should have a pretty good bank roll
23 because, hey, I mean, somebody is being paid.

24 (Laughter.)

25 MR. GREEN: Sanford and Capital don't

1 care about me and about housing. And the members
2 of the commission have done this for a check that,
3 you know -- I mean, I'm wasting my time sitting
4 here because they're going to have it. They're
5 going to tore down the apartment. I'm going to
6 suffer. And, hey, what can I say?

7 But I thank the five of you for listening
8 to me. And I hope ya'll sleep well because, hey,
9 the money that they gave you or whatever, enjoy
10 it. But God would do something about it. And I
11 thank you for listening to me.

12 (Applause.)

13 MR. GREEN: You shouldn't clap, though,
14 like the man said.

15 MALE SPEAKER: You're right on the money!

16 CHAIRPERSON HOOD: Okay. Next.

17 MR. MERRIFIELD: Let me just clarify
18 something. My man at the end, I appreciate him
19 for coming out. But he's not part of the party.
20 I think he's going to testify as part of the
21 general public. So just to make that clear.

22 CHAIRPERSON HOOD: Okay. Thanks.

23 MR. PURYEAR: Thank you. So once again,
24 my name is Eugene Puryear. Putting this testimony
25 forward on behalf of the party in opposition. But

1 for the record, I'd also like to state I live at
2 539 Mellon Street, Southeast.

3 Chairman Hood, commissioners, I
4 appreciate the opportunity to testify, and I want
5 to testify here. And some of this was already
6 raised by you in your questioning of the
7 applicant. So I'll do the best I can to summarize
8 those elements. But I want to testify here
9 specifically as it concerns the proffered public
10 benefit of housing in relationship to Chapter 11,
11 Section 2403 of the D.C. Municipal Regulations,
12 which is the PUD evaluation standards.

13 And I'd like to apologize to the
14 commissioners ahead of time; I know that you know
15 the code very well. But for the record and the
16 general public, I thought some of these things
17 should be stated very particularly.

18 In setting out its PUD evaluation
19 standards, Section 2403, paragraph 3, states, "The
20 impact of the project on the surrounding area and
21 the operation of city services and facilities
22 shall not be found to be unacceptable, but shall
23 instead be found to be either favorable, capable
24 of being mitigated, or acceptable given the
25 quality of public benefits in the project."

1 And I think, speaking to the issue of the
2 impact on the surrounding area, we should look at
3 two primary issues, one which is, of course, the
4 context of the neighborhood. And I've included in
5 my written testimony, commissioners, a demographic
6 snapshot drawn from that census tract from the
7 American Community Survey that speaks to that,
8 that you can peruse at your leisure.

9 And also, I think the second issue is, as
10 the applicant themselves state in the PUD, is the
11 context of the development with other
12 developments, the large development at St.
13 Elizabeth's East. And I would further suggest
14 that many of the other developments happening in
15 Ward 8, from Skyland and numerous projects in
16 Anacostia, also bear on the broader impact this
17 project will have, not just in Congress Heights,
18 but the Ward 8 community.

19 As stated in the same section, 2403,
20 paragraph 8, "Evaluation of public benefits must
21 be considered relative to potential adverse
22 effects." And it is our contention that the
23 housing element of the stated "public benefits"
24 does not currently mitigate adverse effects
25 relevant to the issues cited above, but that

1 perhaps with changes, it could.

2 But to get directly into it, the
3 applicant has directly cited affordable housing as
4 a public benefit, as, of course, is their right.
5 And they cite specifically Chapter 11, Section
6 2403, paragraph 9(f) of the District of Columbia
7 Municipal Regulations.

8 That section states, "Housing and
9 affordable housing, except that affordable housing
10 provided in compliance with Section 2603, shall
11 not be considered a public benefit except to the
12 extent it exceeds what would have been required
13 through matter-of-right development under existing
14 zoning. In determining whether this standard has
15 been met, the commission shall balance any net
16 gain in gross floor area against any loss of gross
17 floor area that would have been set aside for low-
18 income households as defined by Section 2601,
19 paragraph 1." And that definition is at or below
20 50 percent of the area median income.

21 The applicant has proposed that 8 percent
22 of the residential square footage will be
23 developed as affordable, defined as up to 80
24 percent of the area median income. The applicant
25 is seeking to have the subject property rezoned to

1 C3B. Section 2603.2 of the same chapter states
2 that, in the District Zone C3, 8 percent of the
3 residential gross floor area must be inclusionary
4 units.

5 In other words, it is not consistent with
6 Section 2403.9(f), which clearly states that a
7 public benefit must exceed the matter-of-right
8 requirements.

9 There is also the issue of the St.
10 Elizabeth's district, St. Elizabeth's East
11 district, which had its own requirements. It had
12 the 8 percent requirement, but it drops the 50
13 percent bonus density requirement that you
14 commissioners know about.

15 Further, the housing element of the
16 Comprehensive Plan, specifically, policy H-1.1.3,
17 which is also cited by the applicant, states that
18 a sufficient supply of land should be planned and
19 zoned to meet the District's long-term housing
20 needs.

21 As is both statistically and anecdotally
22 very clear, the District has a dire need for more
23 affordable housing both currently and in the long
24 term, and a range of legislation has been passed
25 or proposed by the D.C. Council that I believe,

1 been stated previously -- I'm not exactly sure by
2 who at this point -- the 11 units that existed
3 that were already set aside for low-income
4 individuals, since we don't really know how many
5 of the alleged IZ units are going to be below 50
6 percent of the AMI, I think it's very difficult to
7 really judge what's being gained and what's being
8 lost.

9 And once again, I want to reference the
10 element in the Comprehensive Plan that they put
11 forward whereby the recognition of long-term
12 housing mentions single-family homes. And we know
13 that, recently, the D.C. Council will pass the
14 Affordable Home Ownership Preservation and Equity
15 Accumulation Amendment Act of 2013, which lifts
16 the resale restrictions on homes purchased via the
17 Housing Production Trust Fund in distressed
18 neighborhoods, a category which would include many
19 of the center tracts in Congress Heights.

20 And so, ultimately, that means that home
21 prices in this area, which is a very desirable
22 area, will probably increase over the long term,
23 and thus what is relevant in terms of the range of
24 affordability here, as it's very difficult for us
25 as residents or tenants to really determine what

1 is being gained or lost from the point of view of
2 affordable housing, as this project moves forward,
3 without having some sense of what the range of
4 affordability may be.

5 I think that up to 80 percent of the AMI,
6 given the income ranges there, is just too much to
7 say anything in specificity about that.

8 I won't state much more because I think
9 that my written testimony more or less speaks for
10 itself. But I don't believe that the proper
11 benefit really does comport with the regulatory
12 definitions, which of course, would mean that the
13 PUD is not acceptable on all categories, which it
14 must be, according to 24.3, paragraph 10.

15 But I think that there is, in fact, a
16 potential for improvement here. And some of this
17 has already been touched on. I think, first and
18 foremost, the PUD could be revised to more
19 concretely detail the plans for affordable housing
20 as a public benefit and make it much easier for us
21 to judge what is being gained and lost and what
22 the broader impact is on the neighborhood, which I
23 think is extremely important to know much more
24 exactly there.

25 And I think also, they could remove the

1 provision, as Mr. Merrifield just stated, in their
2 proper relocation agreement that requires tenants
3 to give up their TOPA rights. Obviously, TOPA is
4 a tool that will allow tenants to explore many
5 other options that could potentially exist for
6 what could be built on this site. Obviously,
7 something should be built there.

8 And from the point of view of residents
9 of the community, who are not developers, it would
10 be very difficult to see what else is possible,
11 which of course, will be extremely relevant,
12 moving forward from a development perspective --
13 how it impacts the community, as opposed to just
14 looking at every development as in "my way or the
15 highway."

16 So, I will conclude there. The balance
17 of my testimony is in my written submission to
18 you. So, thank you, commissioners, once again,
19 for your time. And I'm obviously happy to take
20 any questions.

21 MR. MERRIFIELD: That concludes our
22 panel. We're happy to take questions.

23 CHAIRPERSON HOOD: Okay. Thank you all
24 very much for the presentation.

25 Commissioners, any questions?

1 Commissioner May.

2 MR. MAY: Just a couple. The group that
3 you are representing here, what percentage of the
4 38 apartment units are represented in this group?

5 MR. MERRIFIELD: Well, we represent -- we
6 have bylaws that stipulate that we basically are
7 making, you know, decisions for the coalition for
8 all the tenants in the units when, you know, we
9 have a quorum and we're able to take a vote and
10 able to have quorum. Our decision is for the
11 entirety of the three buildings.

12 If we get to a situation where TOPA is
13 involved, each --

14 MR. MAY: Maybe I need to make my
15 question more simple.

16 MR. MERRIFIELD: Sure. Sure. How many
17 people show up at our meetings?

18 MR. MAY: All I want to know is -- no.
19 What I want to know is, I mean, you were
20 representing this group of tenants who live there
21 right now.

22 MR. MERRIFIELD: Um-hm.

23 MR. MAY: I want to know, how many of the
24 38 are actually participating in supporting this
25 group in any form? I mean, do you have a list of

1 the people who are --

2 MR. MERRIFIELD: We do. We submitted a
3 membership list on our party status application.

4 MR. MAY: Right. Yeah, and I saw a long
5 list. But it's not easy to determine from that
6 how many of the 38 units are represented. So, how
7 many of the 38 housing units are actually
8 represented within that? Is it 100 percent of the
9 38?

10 MR. MERRIFIELD: No. We don't get 100
11 percent of the 38 units at every meeting, because
12 people work.

13 MR. MAY: It's not even at every meeting.
14 I mean, how many of the -- what percentage of them
15 do you support --

16 MR. MERRIFIELD: Let's say we have a
17 consistent 15 people at our meetings.

18 MR. MAY: Again, you're not -- I mean,
19 out of the 38, are 50 percent of the people of the
20 38 supportive of your efforts? Are 75 percent
21 supportive of your efforts? Are 100 percent?

22 I mean, do you have some sense of what
23 percentage of the people who live there are
24 actually supporting your efforts?

25 MR. MERRIFIELD: I don't have a sense of

1 that.

2 MR. MAY: Okay.

3 MR. MERRIFIELD: I'm sorry. I can't
4 answer that question honestly.

5 MR. MAY: And if you can't, that's okay.

6 MR. MERRIFIELD: Yeah.

7 MS. MEACHAM: It's about 50 or 30.

8 (Laughter.)

9 MR. MAY: Okay. That's okay. If you
10 can't answer it, that's fine. I'm was just trying
11 to understand --

12 MR. MERRIFIELD: I can't give you a --

13 MR. MAY: Okay. I'm just trying to
14 answer -- please. I'm asking him questions. It's
15 hard enough to hear him answer.

16 So, if you can't answer it, that's fine.
17 I'm just trying to get a sense of it.

18 Okay. You referred to TOPA, which I
19 assume has to do with the tenant right to
20 purchase.

21 MR. MERRIFIELD: It does.

22 MR. MAY: Okay. And TOPA is not a term
23 we deal with regularly. So I don't know what it
24 actually stands for.

25 MR. MERRIFIELD: Sure.

1 MR. MAY: What does it stand for?

2 MR. MERRIFIELD: The Tenant Opportunity
3 to Purchase Act.

4 MR. MAY: Okay.

5 MR. MERRIFIELD: And I could talk more
6 about when that's triggered, if it would be
7 helpful.

8 MR. MAY: Not really. It's not really
9 that relevant to our decision-making, ultimately,
10 I don't believe.

11 And then the last thing I wanted to
12 mention is, Mr. Puryear, thank you for your
13 detailed analysis. I do think that there's a
14 fundamental misunderstanding about the relevancy
15 of affordable housing as a benefit.

16 And I'm glad you bring up the issue,
17 because it is something where I think the
18 applicant needs to respond and demonstrate how
19 what they're proposing to do is actually -- there
20 is a differential between what's allowed as a
21 matter of right versus what's being proposed into
22 the PUD.

23 But your comparison is what's allowed
24 under the PUD versus what's allowed under the zone
25 designation that's proposed in the PUD. That is

1 not the correct comparison. It is between the
2 existing zone. So whatever that is. And the
3 applicant needs to demonstrate that.

4 It may well be that your point still
5 applies. It's just, you know, what can they do
6 now as a matter of right versus what can they do
7 under the PUD? So.

8 I appreciate your bringing that up, and
9 the applicant is taking notes. So they'll
10 demonstrate or give the analysis that shows or
11 doesn't show the extent to which that's really a
12 benefit. Thank you.

13 MS. COHEN: Mr. Merrifield, you were
14 discussing certain covenants that exist on this
15 project. Can you just share with me what section
16 of the Housing Act this may require those
17 covenants?

18 MR. MERRIFIELD: The covenants that I
19 referred to, Ms. Cohen, are attached to our motion
20 to postpone. There was a covenant attached to
21 3200 13th Street --

22 MS. COHEN: Yeah, I saw that.

23 MR. MERRIFIELD: -- for zero to 30
24 percent, you know, affordability. That covenant,
25 that loan -- in exchange for complying with that

1 covenant, there was a \$920,000 loan given to the
2 owner of that property.

3 MS. COHEN: From whom?

4 MR. MERRIFIELD: From the Department of
5 Housing and Community Development.

6 MS. COHEN: And is that a forgivable
7 loan, a cash flow loan, or is it a hard loan?

8 MR. MERRIFIELD: There's a -- you'd have
9 to ask DHCD that. There's a covenant on the
10 property.

11 MS. COHEN: I think you should know that,
12 too, though.

13 MR. MERRIFIELD: Yeah. It's a hard loan.

14 MS. COHEN: It's a hard loan.

15 MR. MERRIFIELD: I mean, it's a covenant
16 that's on the property. So --

17 MS. COHEN: That doesn't mean anything.
18 There may be a covenant for other reasons. So,
19 could you look into that?

20 MR. MERRIFIELD: I surely will.

21 MS. COHEN: How do you extinguish that?
22 Because it may be the applicant can help. There
23 may be opportunities to extinguish it. That's all
24 I'm saying.

25 MR. MERRIFIELD: Thank you.

1 MS. COHEN: Has DHCD sent a letter of
2 delinquency or have they asked to push this into
3 foreclosure? What is that status?

4 MR. MERRIFIELD: There are notices of
5 delinquency that are, again, attached to our
6 motion to postpone.

7 MS. COHEN: Yeah, I saw those.

8 MR. MERRIFIELD: Yeah. So it's my
9 understanding -- I FOIA'd the information from
10 DHCD. So we haven't been able to sit down and
11 have a conversation with the applicant and DHCD in
12 the same room to sort of hash out these issues to
13 understand how we're going to gain site control
14 and understand how this works with the general
15 affordability.

16 But in the information that I received
17 from the FOIA request, there is an outstanding
18 loan that's never been paid on. There's
19 outstanding property taxes in the amount of
20 \$72,000. There is water and sewer liens.

21 The reason that that makes me nervous is
22 that, if I'm entering my tenants into a relocation
23 agreement with a right to return, I want to make
24 sure that this project is viable and that this
25 project has the things it's going to need to make

1 it move swiftly through the process. Because I
2 want them off the site for as little as possible
3 if we're going to enter into, you know, a
4 relocation agreement.

5 As an affordable housing attorney in the
6 City, and I know you all are aware, too often
7 these relocation agreements are entered into and
8 the tenants never have the meaningful right to
9 return.

10 So I'm trying to prevent that happening
11 in this case. I believe, in order to prevent that
12 from happening, we need clarity around the site
13 control. Because if we don't have clarity around
14 the site control aspect of this, which is 3200
15 13th Street, I can't tell my tenants in good
16 faith, "Hey, go ahead. Enter into this relocation
17 agreement," because who knows, you know, what's
18 going to happen with this property? There's not
19 an owner to the property right --

20 MS. COHEN: Do you think any of your
21 residents would benefit from getting out of these
22 issues that are related to this particular
23 property? Because they do -- if they do have a
24 right of return, which apparently has been
25 asserted to several times by the applicant -- I

1 don't think I misunderstood the testimony.

2 I mean, again, you need to understand
3 more about the timetable. I understand that. And
4 certain things are obstacles which I think -- I
5 hate to say this. But you need to do additional
6 due diligence as well. For example, right now, I
7 think their health is at risk. Their security,
8 they all said, was at risk. They've got to get
9 somewhere sooner than later.

10 MR. MERRIFIELD: Well, Ms. Cohen, we've
11 reached out to Howard University and Catholic
12 University, and they were very good to take the
13 Sanford Capital to court. I don't think it's our
14 responsibility to do due diligence to allow our
15 people to live in safe and sanitary conditions. I
16 believe that that is the responsibility of the
17 owner of this property.

18 MS. COHEN: Of course. But if --

19 MR. MERRIFIELD: So, until they get their
20 things in order, until they get their PUD
21 approved, until they get their demolition notices
22 done, they have to provide a safe and habitable
23 place for people to live. If we leave --

24 MS. COHEN: It's called going to court,
25 which --

1 MR. MERRIFIELD: And that's what we've
2 done. And that's unfortunate that we have to do
3 that. We can't have a relationship where people
4 are upholding their end of a contract, which a
5 lease is a contract to provide a safe and
6 habitable unit. So if they're not upholding that
7 contract, how should I tell my tenants, "You
8 should trust them to uphold a relocation
9 agreement"?

10 MS. COHEN: No, I'm not asking that
11 question. I'm just suggesting to you that, you
12 know, the DHCD, there are certain things that I
13 think would tighten your information.

14 MR. MERRIFIELD: Okay.

15 MS. COHEN: I also want to mention, how
16 old are these buildings?

17 MR. MERRIFIELD: I'm not sure how old
18 they are. You probably -- the applicant would
19 probably have better information on that than I
20 do.

21 MS. COHEN: And then, my other question
22 is -- let's see.

23 (Pause.)

24 MS. COHEN: Well, one of the things I
25 just want to mention to Mr. Puryear. The way I

1 understood what is intended to happen is not only
2 to have the IZ units, but the IZ units would be
3 counted towards the 36 units that are necessary.
4 So you would have, in addition to the 8 percent,
5 several, you know, other units. If it's 16, then
6 it would be, you know, another 22 units.

7 That's what I think is being asked for as
8 affordable housing credit if the returning tenants
9 will not be paying market rate rents. So that's
10 why I think you end up having additional units in
11 the particular building. So there is an
12 affordability element that exceeds the IZ
13 requirement.

14 And again, I think, you know, that will
15 be elaborated more, because there seems to be a
16 tremendous amount of misunderstanding.

17 MR. PURYEAR: Can I quickly respond to
18 that, Commissioner? Because I think that was sort
19 of the heart of my testimony is that we're lacking
20 significant clarity around the public benefit on
21 housing.

22 MS. COHEN: Yeah. Yeah.

23 The other thing I wanted to mention, Mr.
24 Merrifield is -- and I don't know if this has been
25 discussed. But it seems to me -- and this should

1 be a question. But have you considered asking
2 that TOPA be -- you know, people be released at a
3 certain point in time when things are going ahead
4 instead of just immediately at the beginning? Has
5 there been any type of negotiation as to pushing
6 it back?

7 MR. MERRIFIELD: TOPA, it's a
8 precondition for any -- to this point, it's been a
9 precondition for any relocation agreement, that
10 the tenants give up their TOPA rights.

11 The reason why that's significant to us
12 is that TOPA essentially would allow us to either
13 be able to collectively purchase the building
14 ourselves or pick a partner that we feel more
15 comfortable with if we could get that partner to
16 adopt the PUD. So that's why it's important. So
17 --

18 MS. COHEN: But what you're saying is
19 that it's in the law of TOPA that you have to give
20 up your rights?

21 MR. MERRIFIELD: No. This is -- they
22 will not relocate people unless --

23 MS. COHEN: No. I'm saying, can't you
24 negotiate that point? Have you tried?

25 MR. MERRIFIELD: Yes! That's our main

1 point of contention.

2 MS. COHEN: Okay. Is not to give up the
3 right, but at a later point in time, say, at the
4 point that they've identified relocation
5 resources. That's my point to you.

6 MR. MERRIFIELD: Oh, I'm sorry. I
7 misunderstood your point.

8 MS. COHEN: Yeah.

9 MR. MERRIFIELD: No. They have
10 identified relocation units for us. Our people
11 have looked at relocation units. Our people
12 aren't crazy about living in Sanford properties
13 anymore, because the issues that are in these
14 properties, they believe will happen at their
15 other property.

16 So, what we feel is that we're in a
17 better position to exercise our right, TOPA, which
18 allows us to possibly be able to explore
19 opportunities for ourselves to purchase or, in the
20 alternative, assign that right to somebody else
21 who we believe would be a more trusted partner in
22 a redevelopment like this.

23 MS. COHEN: Thank you.

24 MR. MERRIFIELD: Which is why that right
25 is so powerful and why D.C. gave that right to

1 tenants. We don't think that this process should
2 be relocate with a gun to our heads, giving up
3 TOPA rights. It shouldn't be one or other for us.
4 But we're in a position where it is one or the
5 other, which means we have to stay put, which
6 means we have to take people to court to get
7 repairs made because the way these properties have
8 been managed for so long. And that, like I said,
9 we feel that that's unfortunate.

10 MS. COHEN: Somebody said that -- how
11 long has Sanford owned these properties? I
12 forgot.

13 MS. BARNWELL: Since 2010.

14 MS. COHEN: Okay.

15 MS. BARNWELL: At the unit I live in.

16 MS. COHEN: Okay. All right. Thank you
17 very much.

18 MR. MERRIFIELD: Thank you.

19 CHAIRPERSON HOOD: Any other questions?
20 Commissioner Miller.

21 MR. MILLER: Thank you, Mr. Chairman.

22 I appreciate all of your testimony, and
23 it's really very awful that you've had to suffer
24 through the conditions that you've suffered
25 through. No one should have to suffer under those

1 circumstances.

2 Ms. Barnwell, you included 10 questions
3 of concern at the end of your testimony.

4 MS. BARNWELL: Yes.

5 MR. MILLER: Now, we've asked
6 collectively as a commission for the applicant to
7 provide much more details on the relocation plan
8 that they have offered and will offer. And as
9 part of that, I would expect them to answer each
10 of these questions that you've asked to our
11 satisfaction.

12 And, Mr. Puryear, I do agree with, and
13 Commissioner May and Commissioner Cohen pointed
14 out that -- and the applicant, I think, is
15 recognizing that they have to provide a net
16 benefit analysis in order to be -- for that
17 affordable housing proffer to be considered a
18 public benefit.

19 And that's why I was encouraging them to
20 proffer a deeper affordability level or greater
21 amounts since the returning tenants -- it would
22 show some assurance to the returning tenants that
23 there actually are spaces set aside for them. And
24 it would be a true public benefit.

25 So, I have no questions. I just thank

1 you for your testimony.

2 CHAIRPERSON HOOD: Mr. Merrifield, let me
3 just ask this. And I don't know what all the
4 process was, as has already been mentioned. We
5 don't deal with a whole lot of TOPA and those
6 issues.

7 But actually, I'm very appalled at some
8 of the testimony that I've heard, that people are
9 living in those conditions. And this is stepping
10 outside of the zoning. But I am appalled that
11 people come down in front of anybody, whether it's
12 the Zoning Commission, City Council, or wherever,
13 and have to deal.

14 I know that exists. And I know it
15 happens. But I'm appalled at the testimony that I
16 heard from the residents. And I'm going to put
17 that on the record. I have another word I want to
18 use, but I'm trying to be politically correct, and
19 I want to be polite. But I am very appalled to
20 hear the testimony and how people are having to
21 live.

22 But let me ask you this. Because I'm
23 getting ready to go on a tangent. The tenant
24 office, tenant advocate, I mean, I know you've
25 been in court, probably. I mean, it's a shame

1 you've got to go to court to get a light fixed or
2 whatever the issues are. But have the residents
3 been to the Tenant Advocate's Office?

4 MR. MERRIFIELD: Yeah. We've explored
5 all avenues with respect to addressing these
6 issues. I mean, as Mr. Griffis testified, they've
7 been out to the property to meet with tenants and
8 talk about these issues. And we just weren't able
9 to get these things repaired and done in the way
10 that we thought was committed to at that meeting.

11 This is why it makes us so hesitant to
12 enter into a relocation agreement, because when
13 there is this level of distrust. And don't get me
14 wrong. We are negotiating right now. We are
15 continuing to negotiate. So we're not trying to,
16 you know, close off the process.

17 But what I'm telling the commission is,
18 you know, I heard you earlier when you said, "No.
19 Come back with a relocation agreement." I heard
20 that, and I understand your position. Our
21 position is, man, I can't promise I can deliver
22 that because there's a deep distrust between the
23 tenants and the applicant right now.

24 And I am not going to enter my people
25 into a relocation agreement that I do not think

1 will be complied with or that I think you would
2 have to sue to have complied with.

3 CHAIRPERSON HOOD: And see, that's where
4 the issue is. You have something on your
5 bailiwick on your plate. We have something that
6 we have to fall within the conformance of the law.

7 MR. MERRIFIELD: Um-hm.

8 CHAIRPERSON HOOD: And I have to stay
9 within -- and I will tell you. Anthony Hood has
10 stepped so many times outside. And luckily, the
11 people have not sued the commission or took us to
12 court. So I guess what I'm saying is, we try to
13 make things work. The Zoning Commission is not
14 the fix-all. We get blamed.

15 I heard people say that we're on the
16 take, we get money. Guess what? I'm just as
17 broke as I was when I started down here.

18 (Laughter.)

19 CHAIRPERSON HOOD: So, understand that.
20 I mean, we work hard. But, you know, I'm not
21 going to even respond to those issues, because my
22 parents taught me that if it's nothing good, don't
23 even respond to it. I'm not going to respond to
24 it.

25 MR. MERRIFIELD: Right. Right.

1 CHAIRPERSON HOOD: I'm more concerned
2 about trying to see, work with this developer. He
3 said it was a partner. I don't think Mr. Griffis
4 is a part of this group that's doing that; that's
5 his partner.

6 I think sometime when you have another
7 partner come in, things may work out better. Who
8 knows?

9 But help me understand. And I'm talking
10 to the ladies here, Ms. Meacham, I believe?

11 MS. MEACHAM: Meacham.

12 CHAIRPERSON HOOD: Meacham; I'm sorry.
13 And others, help me understand.

14 Now, ya'll don't want to move forward
15 with this project. That's what I'm hearing. I've
16 heard.

17 MS. MEACHAM: No, you're not -- no.

18 CHAIRPERSON HOOD: Okay. Maybe I'm
19 wrong.

20 MS. MEACHAM: I don't mind them moving
21 forward with this program. I just want to be a
22 part. I want to be in with the program.

23 CHAIRPERSON HOOD: You want to make sure
24 --

25 MS. MEACHAM: I come back.

1 CHAIRPERSON HOOD: -- that you are able
2 to come back.

3 MS. MEACHAM: Yes.

4 CHAIRPERSON HOOD: Okay. I get that.

5 MS. MEACHAM: And I wanted to state one
6 thing. My place is not unlivable. I keep my
7 apartment up. Anything that has to be done, if I
8 can fix it, I fix it. Sanford fix it, fine.

9 But I'm saying, with all this coming, all
10 this development, this new development coming in,
11 just accept us, the ones, the handful that's
12 fighting to come back to this new development.

13 CHAIRPERSON HOOD: Let me just say this.
14 You don't have no arguments from me.

15 MS. MEACHAM: I mean, I know I don't have
16 no arguments.

17 CHAIRPERSON HOOD: I'm just saying. But
18 let me just say this. I agree. I agree with
19 that. Not in just this case, but I agree with
20 that in all cases. But I'm more concerned about
21 what I'm hearing about -- I understand it. It's
22 the hesitancy again with the relocation.

23 MS. MEACHAM: Right.

24 CHAIRPERSON HOOD: Okay. I think I got
25 that.

1 But anyway, I think it's something that
2 we need to work on. I think there's another
3 partner of Mr. Griffis, and I'm depending on that
4 to happen.

5 And the trust factor. I can't make the
6 trust factor here. But understand, Mr.
7 Merrifield, we have things within the law that we
8 have to go by. This is not the fix-all up here.
9 But I can tell you, I'm very appalled at the
10 testimony that I heard. I really am. And I sit
11 here and think about, what is the ask? What can
12 this commission do to try to deal with those
13 issues?

14 But I think that I'm going to really
15 depend on the applicant, and I'm going to depend
16 on your counsel. Okay?

17 Any other questions up here?

18 MR. TURNBULL: Yes, Mr. Chairman.

19 CHAIRPERSON HOOD: Mr. Turnbull.

20 MR. TURNBULL: I don't have any questions
21 for the panel, but just a comment, kind of
22 reinforcing what you had said. I think earlier we
23 had talked about how this is a very significant
24 project for the neighborhood. And I think it's
25 still going to be a significant project.

1 But I think, after hearing what we've
2 just heard, there are significant issues that need
3 to be addressed by the applicant. And I think
4 that, as you've often done before, we have to have
5 a meeting of the minds with the applicant and the
6 people in opposition, and come to an understanding
7 of what's really happening here.

8 And so, I think that, before this thing
9 goes any further, there are a lot of issues that
10 the applicant is going to have to address for us
11 to make a motion on this. So, just reinforcing
12 what you had said earlier.

13 CHAIRPERSON HOOD: Thank you very much,
14 Mr. Turnbull, for that support. Because as you
15 mentioned, we have done that before. But we try
16 to stay within the realm of legally what we're
17 bound by.

18 Any other questions up here?

19 (No audible response.)

20 CHAIRPERSON HOOD: Does the applicant
21 have any cross?

22 (No audible response.)

23 CHAIRPERSON HOOD: Does the ANC have any
24 cross?

25 MR. MUHAMMAD: Yes.

1 (Pause.)

2 MR. MUHAMMAD: Mr. Puryear, do you have a
3 definition of what "affordable" is in this area?

4 MR. PURYEAR: Well, the generally
5 accepted definition of "affordable" in all cases
6 is an individual or a household not paying more
7 than 30 percent of their income towards rent.
8 "Affordable" can also be described, if you choose,
9 within the range of zero to 80 percent of AMI,
10 area median income, which is often how these
11 projects are put forward. But I think certainly
12 that 30 percent standard stands.

13 MR. MUHAMMAD: Do you have the
14 government's definition of "affordable"?

15 MR. PURYEAR: The government does not
16 have one single definition of "affordable." They
17 have a range they set out as what is acceptable in
18 developments as to be considered affordable, but
19 there's no one single standard.

20 MR. MUHAMMAD: I think that they do have
21 one, which is the area median income. And it's a
22 number associated --

23 (Inaudible interjection.)

24 MR. MUHAMMAD: Can I?

25 MR. PURYEAR: This is testimony.

1 MR. MUHAMMAD: No. Can I -- I finished
2 with my question. I didn't come up here and
3 interrupt you.

4 (Pause.)

5 MR. MUHAMMAD: The definition of the area
6 medium income is a number. Do you know that?

7 MR. PURYEAR: Yes. You're absolutely
8 right, Chairman Muhammad. The number is 107,500.
9 And there's also another number by HUD, which is
10 called the D.C., which doesn't include the area,
11 that's \$87,000. And what is determined is a
12 range, as I was stating, of that \$107,500. So
13 it's not that number. It's a range of up to 80
14 percent of that number.

15 MR. MUHAMMAD: The government definition
16 is what they bound by the law to go by. And if
17 they went by that definition and called the
18 property 100 percent affordable, would that be the
19 going rate or market rate of the property?

20 MR. PURYEAR: No. The market rate would
21 be determined, essentially, by the owner of the
22 building based on --

23 MR. MUHAMMAD: They determined it being
24 100 percent affordable according to the government
25 definition.

1 MR. PURYEAR: If they wanted to, and I'm
2 going to actually bring the definition out so that
3 we can discuss this more specifically. And I have
4 here -- and I apologize; I only have one copy,
5 Commissioners. But it is a copy of the District
6 of Columbia mandatory inclusionary zoning maximum
7 household income limits.

8 And I'll just read these income limits
9 for D.C. law 16-275, D.C. official code 6-104.01.
10 "The Act and the inclusionary zoning regulations
11 adopted by the Zoning Commission for the District
12 of Columbia and codified in Chapter 26, Title 11,
13 of the District of Columbia Municipal
14 Regulations." The area median income, as you
15 state, is \$107,500.

16 And thus, 80 percent of that would be the
17 highest that -- anything that was 100 percent
18 affordable would have to be at 80 percent of AMI
19 or lower. And 80 percent for one person would be
20 \$60,200. For two people, \$68,800. For a
21 household of three, \$77,400. For a household of
22 four, which is usually the baseline standard, that
23 would be \$86,000. For a household of five,
24 \$94,600. For a household of six, \$103,200.

25 So, based on household size, it would

1 have to be at that level or below completely in
2 order to be 100 percent affordable.

3 MR. MUHAMMAD: So, even at that rate,
4 most who live in Ward 8 wouldn't be able to afford
5 the market rate. Would you agree with that?
6 Would you agree with that, sir?

7 MR. PURYEAR: It depends on the rate
8 you're talking about. If you're talking about --

9 MR. MUHAMMAD: Any of those rates, any of
10 those rates.

11 MR. PURYEAR: Well, as I stated in my
12 testimony --

13 MR. MUHAMMAD: From one down to four
14 members in the household --

15 CHAIRPERSON HOOD: Here's what we're
16 going to do. Here's what we're going to do.
17 We're going to ask a question. And we're going to
18 give the person, allow the person time to answer
19 it. Okay?

20 MR. PURYEAR: Well, as I stated in my
21 testimony, I believe that, no, in fact, a
22 significant portion of that range would not be
23 affordable. Hence why I felt the range of up to
24 80 percent AMI, stated by the applicant, was not
25 sufficient, because it did not speak to the

1 demographics of the neighborhood, which, again, I
2 was able to outline in my testimony.

3 But if you'd like for me to repeat that?

4 MR. MUHAMMAD: No. That's good. Thank
5 you.

6 Mr. Merrifield.

7 MR. MERRIFIELD: Yes.

8 MR. MUHAMMAD: Have any of the tenants
9 set up an escrow account in the court?

10 MR. MERRIFIELD: I'm not going to get
11 into our personal tenants' -- whether or not they
12 --

13 MR. MUHAMMAD: I didn't say ask for their
14 personal anything.

15 MR. MERRIFIELD: And I'm not --
16 (Cross-talk.)

17 MR. MERRIFIELD: I'm answering your
18 question.

19 MR. MUHAMMAD: Have they set up a escrow
20 account in the court?

21 CHAIRPERSON HOOD: I'm going to rule that
22 out of order. Next question.

23 MR. MUHAMMAD: Who is the vice president
24 of the coalition?

25 MR. MERRIFIELD: I don't know why that's

1 relevant.

2 MR. MUHAMMAD: You have a tenant
3 coalition, sir?

4 CHAIRPERSON HOOD: I think that you can
5 ask that, whoever the vice president is.

6 MR. MERRIFIELD: I believe it's Mr.
7 Taylor.

8 CHAIRPERSON HOOD: Okay. Mr. Taylor is
9 the vice president.

10 MR. MERRIFIELD: He's seated back there.

11 CHAIRPERSON HOOD: Mr. Taylor is the vice
12 president. Next question.

13 (Pause.)

14 MR. MUHAMMAD: Do you have a purchaser of
15 the property since you do not agree with the way
16 Sanford Capital is ruling, governing the property?
17 Do you have someone that you know that you want to
18 purchase the building?

19 MR. MERRIFIELD: Typically, it's
20 difficult to find a purchaser until a value has
21 been put on the PUD. At this point, a value has
22 not been put on the PUD. So we can't say to a
23 potential purchaser, "This is how much you would
24 have to pay to take on the PUD." So at this
25 point, no.

1 MR. MUHAMMAD: Do you have a partner that
2 you would like?

3 MR. MERRIFIELD: Do we have a partner
4 that we would like? I mean, not at this time.

5 MR. MUHAMMAD: Have you ever negotiated
6 any buying of property from and with the tenants?

7 MR. MERRIFIELD: I don't know if this is
8 relevant to the proceeding. But I'm a housing
9 attorney who represents a number of buildings that
10 are going through the TOPA process. So, yes.

11 MR. MUHAMMAD: So you have negotiated
12 buying property before?

13 MR. MERRIFIELD: Yes.

14 MR. MUHAMMAD: Okay. Thank you.

15 MR. MERRIFIELD: Thank you.

16 CHAIRPERSON HOOD: Okay. Thank you.

17 Any other questions up here?

18 (No audible response.)

19 CHAIRPERSON HOOD: Okay. We're good.

20 Thank you all for your presentations. I

21 appreciate it.

22 Let's go to, I have a list I'm going to
23 call. I think we can get eight. We can get eight
24 people up at one time.

25 David Schwartzman.

1 Jennifer Bryant.

2 Arkilah Womack.

3 Michael Delavont.

4 Matt Murray.

5 Briana Tyson.

6 Pete Rodrigue.

7 That should be eight. Oh, you're already
8 there. You knew you was coming up in the first
9 eight.

10 (Pause.)

11 CHAIRPERSON HOOD: Okay. We have some
12 more seats. Can I have two more people to call?
13 Let me see.

14 Cecil Omoore.

15 And Barry C. Ross.

16 Cecil Omoore and Barry C. Ross, they're
17 not here?

18 (Pause.)

19 CHAIRPERSON HOOD: Okay. Let's go to
20 Commissioner Armstead.

21 And Debbie Hinrand. Okay, you're not
22 testifying? Okay. We will have one more seat.

23 Clarence Taylor.

24 Is there anyone else here? Because I'd
25 call the whole list. Is there anyone else who

1 would like to testify besides Chris Otten?

2 (Inaudible interjection.)

3 CHAIRPERSON HOOD: Okay. Over here.

4 Okay. We'll get you all in the next. Okay, I
5 just wanted to see. We have three people who are
6 coming up.

7 Okay. Pete Rodrigue. You've been
8 sitting there for such a long time, we're going to
9 start with you.

10 MR. RODRIGUE: Hello. My name is Pete
11 Rodrigue. I have a difficult-to-pronounce last
12 name; sorry for that. And I am a Northwest
13 resident. I live at 2000 Connecticut Avenue. But
14 those folks are my neighbors, and that's why I'm
15 here. And they're your neighbors, too.

16 So, the architect and the developer kept
17 using the word "context." And that struck me in a
18 number of ways. Because there is context.
19 Developer's track record for providing affordable
20 units rarely does justice to the dignity of the
21 people who already live here. There is context.
22 People who live there now are skeptical, we're all
23 skeptical that this plan is fair to them.

24 And that hurts because, like I said, they
25 are my neighbors and they're your neighbors, too.

1 So my question is, how will we do right
2 by our neighbors? And I'd like to think that if
3 you can dictate the color of the brick on the
4 building, you can give these folks a fair shake.
5 So, how will you do right by our neighbors?
6 That's my question. Thank you.

7 CHAIRPERSON HOOD: Thank you.

8 Next.

9 MS. ARMSTEAD: Hi. My name is
10 Commissioner K. Armstead, but it's Karlene, and
11 they call me K. I'm in 8E. My Single Member
12 District is 8E06. And I come in opposition
13 because Mr. Muhammad testified that there was
14 proper notification. We have not notified the
15 community about this project or any project that
16 goes on in our commission.

17 Therefore, when this project came for the
18 agenda, there was nothing mentioned about the CBA
19 or that they were going to mention or that the
20 community knew that Sanford and Capital was coming
21 to even do a presentation. So, when we met at our
22 ANC meeting, which was January, the tenants or the
23 community was not informed.

24 Not only is this a problem, but we also
25 have several problems. The other problem that I

1 have with the commission is, not only
2 notification, the tenants have not been
3 represented properly. Because the Single Member
4 District Commissioner -- well, not resigned, but
5 she vacated the commission a long time ago. There
6 was an opposition, or problems, between her and
7 Mr. Muhammad, so she stopped coming to the
8 meetings. She stopped informing the community.
9 They did not have any representation.

10 I have been there from day one to support
11 and give them any kind of information that I
12 could.

13 We had the Office of Tenant Advocate come
14 in. The Office of the Tenant Advocate, for some
15 reason, decided that they were not going to stay.
16 But then, they had the Housing Counseling
17 Services. We have made and then formulated our
18 tenant association. So when Mr. Muhammad said
19 come, behind the scenes, no. I've been there at
20 the beginning of the scenes. So the tenants have
21 not been informed properly.

22 The second in the representation is that
23 this accord that they have formulated that is
24 going around underhandedly making deals with the
25 community being informed or with some of the ANC's

1 -- so in this accord that has represented the
2 community, it's not even representing the people
3 who are going to be greatly affected.

4 So, I still ask the question: When does
5 and how does your accord supersede the role of the
6 ANC? Because that seems to be the proper sphere.
7 When the community benefit package agreement was
8 made, the tenants were not informed. And some of
9 the commissioners were not informed, as well.

10 People who are getting thousands of
11 dollars for 15 years of agreement, they're saying
12 that it's legal. But there's got to be some kind
13 of illegality that's going on.

14 My other problem is that the lies,
15 deceit, and deception that continue to go on in
16 the cloak-and-dagger manner which is happening.
17 Mr. Griffis said that he met with anybody that
18 would meet with him that would hear him to get
19 this project approved, and that's exactly what
20 they're doing. Tenants are not informed.
21 Commissioners are not informed. It's all being
22 done underhanded in the back in the booth in the
23 dark. And it has to stop.

24 Because at the end of the day, we are the
25 ones who are being left out in the cold. The

1 community is not informed. And then projects
2 continue to go on, and people are being paid.

3 My other concern is -- I told you about
4 the fair notices of the tenants. There's no fair
5 notifications going out. Mr. Muhammad says also
6 that we are in publications. We haven't been in a
7 publication for the last two years, not with East
8 of the River, nor with -- what's the other one?
9 The Informer, none of those publications list
10 where we meet and when we meet.

11 We moved from the Tenants Center to Eagle
12 Academy two years ago. So, tenants are not
13 informed, because they don't pick up those
14 publications. That publication is not being made
15 aware of giving that information.

16 The relocation plan, there has been no
17 relocation plan from the very beginning.

18 CHAIRPERSON HOOD: Ms. Armstead, Ms.
19 Armstead, can you give us your closing thought?

20 MS. ARMSTEAD: Okay. My closing thought
21 is that when you were talking about the tenants
22 being able to return, my question is, to what?
23 And to where? If they're going to be able to
24 return, there has been nothing in and said what
25 they're going to return to. Are they going to

1 have the same luxuries and amenities as those who
2 are going to pay market-rate rent? Or are they
3 going to give them cardboard boxes and laminated
4 tabletops?

5 If the tenants who want to come back are
6 supposed to be able to come back in their
7 affordability, then where are they actually being
8 given that amount of money or that 30 percent that
9 they will be able to return in an affordable unit?

10 CHAIRPERSON HOOD: Okay. Thank you.

11 Next.

12 MR. TAYLOR: Yes. My name is Clarence
13 Taylor. And everything that she said is true. So
14 the only thing I want is just more security for
15 the people at the buildings and everything else
16 she said. Thank you.

17 CHAIRPERSON HOOD: Okay. Thank you.

18 Next.

19 MS. TYSON: Good evening, honorable
20 commission members. My name is Briana Tyson, and
21 I'm a student attorney at Howard University School
22 of Law Fair Housing Clinic.

23 Through the Fair Housing Clinic, I have
24 worked with a number of tenants at Sanford Capital
25 buildings on Alabama Avenue. My testimony relates

1 to the frequently occurring and severe housing
2 code violations at Sanford Capital's properties
3 and Sanford Capital's inaction in response to
4 tenant requests to correct such violations even
5 when they relate to health and safety of their
6 tenants.

7 For months, the tenants in the Alabama
8 Avenue buildings made Sanford Capital aware of
9 housing code violations in their units and in the
10 common areas of the buildings.

11 These violations included, but were not
12 limited to, severe flooding in the basement,
13 infestations of flies and gnats throughout the
14 common areas and in the units, mold resulting from
15 the prolonged and severe flooding, frequent
16 failures of the heating system related to the
17 flooding in the boiler room, rodent and roach
18 infestations, missing fire extinguishers, exposed
19 and unsafe lighting fixtures, and severe security
20 issues, including a lack of exterior lighting and
21 broken locks on the doors.

22 While Sanford Capital occasionally fixed
23 minor violations, the company refused to remedy
24 the most severe violations. Because Sanford
25 Capital was not responsive to the tenants'

1 requests to remedy the severe housing code
2 violations, the tenants eventually engaged two law
3 schools, the Columbus School of Law at Catholic
4 University, and Howard University School of Law.

5 On behalf of the represented tenants, the
6 Law Clinic sent Sanford Capital a letter on
7 October 17th, 2014, which listed the numerous
8 housing code violations. Sanford Capital did not
9 respond to the letter, and they did not fix the
10 housing code violations listed. The owners simply
11 let the conditions deteriorate, perhaps with the
12 hope that the tenants would be forced to leave.

13 Because Sanford Capital was not
14 responsive to our letter, the Legal Clinic filed
15 numerous lawsuits on behalf of the tenants on
16 November of 2014. The court ordered a DCRA
17 housing inspector to visit the premises. And the
18 housing inspector found 44 violations in the three
19 buildings that they inspected.

20 Sanford Capital did not remedy the severe
21 housing code violations when the tenants made
22 requests. Sanford Capital did not remedy the
23 severe housing code violations when the student
24 attorneys reiterated the requests made by the
25 tenants via a formal letter.

1 Instead, Sanford Capital only addressed
2 the severe housing code violations when required
3 to do so by a court.

4 We're glad that Sanford Capital has now,
5 after being required by a court, remedied the many
6 housing code violations. That said, even though I
7 am a law student, I do not think that it should
8 take a lawsuit to get a landowner to abide by the
9 clear requirements of the D.C. Housing Code.
10 Thank you.

11 CHAIRPERSON HOOD: Thank you.

12 Next.

13 MR. SCHWARTZMAN: Good evening. My name
14 is David Schwartzman, and I'm actually a retired
15 professor at Howard University. I'm very proud
16 that we have a student here that is standing up
17 for the tenants. I'm actually testifying on
18 behalf of the D.C. Statehood Green Party. I'm not
19 going to take five minutes. You may not give me
20 five minutes anyway.

21 (Laughter.)

22 MR. SCHWARTZMAN: Our party stands in
23 solidarity with the tenants who are at risk of
24 losing their homes because of this development
25 project.

1 trend unless there are strong and enforceable
2 provisions that guarantee affordable units for all
3 the tenants involved. In particular, requirement
4 to give up their legal right for purchase for
5 tenants who want to continue to have a place to
6 live in a new development, this requirement should
7 be eliminated.

8 The right of tenants to collectively buy
9 their building is a critical provision of our
10 housing law. As Jenny Reed, of the D.C. Fiscal
11 Policy Institute, pointed out, this D.C.'s first
12 right to purchase program helps to preserve
13 affordable housing and is one of D.C.'s key anti-
14 displacement tools.

15 Jenny Reed goes on to say that "it is a
16 tremendous tool to prevent displacement as
17 neighborhoods develop and to preserve affordable
18 housing in those neighborhoods for a significant
19 amount of time. The first right to purchase
20 program offers many low- and moderate-income
21 residents their first opportunity for home
22 ownership and provides them with control over
23 their living conditions and gives them the ability
24 to address neglected repairs to the buildings they
25 live in," and so on.

1 The tenants should have the opportunity
2 to explore partnership with a nonprofit or
3 private-sector developer to renovate and redevelop
4 their parcel and become owners of the property.

5 Further, to prevent the erosion of
6 affordable units and to protect the tenants, the
7 District Government could use the District
8 Opportunity to Purchase Act to buy the building
9 with its own funds, precisely why DOPA, which is
10 the acronym for what I just said, was created as a
11 mechanism to block the negative impacts of
12 gentrification on existing residents. Thank you
13 for your attention.

14 CHAIRPERSON HOOD: Thank you.

15 Next.

16 MS. WOMACK: Good evening. My name is
17 Arkilah Womack. I've come to you tonight as a
18 multi-generational D.C. native and a concerned
19 five-year resident of Congress Heights in Ward 8.

20 I am concerned because I have lived in
21 communities all over D.C., including Columbia
22 Heights, Carver Terrace, and Mayfair, and I'm
23 tired of seeing my neighbors systematically priced
24 out and uprooted and displaced, leading to further
25 community instability during these times of

1 transition.

2 I know there is a huge push to quote-
3 unquote "improve" communities all over D.C. And I
4 myself want to see improvements. But can we truly
5 improve by throwing money at the feet of slumlord
6 developers while they continue to operate in the
7 lowest of ethics by exploiting tax-paying
8 residents?

9 Developers must be held to standards of
10 social responsibility. As someone who works in
11 the mental health field, the living situation is
12 one of the first criteria examined to assess the
13 quality of someone's health and wellness.
14 Allowing these units to go into disrepair so they
15 would fail inspection, and denying tenants'
16 requests for badly needed repairs in their units
17 is not only acting in the worst interests of
18 fellow members of the human family, but further
19 exploiting citizens who reside in an already
20 colonized territory.

21 Not only this, but Sanford has not stated
22 in sufficient detail their five-year plan on how
23 they plan to establish and maintain affordable
24 housing units, including the building with the 40-
25 year affordable housing covenant, which would

1 allow these tenants to return.

2 True community development would allow
3 already existing tenants to establish their own
4 destinies. This is why I ask, respectfully, that
5 the Zoning Commission get on the side of the
6 people of D.C., and history, and not allow
7 Sanford to force these tenants to sign an
8 agreement that would require them to give up their
9 legal rights to purchase the very place they call
10 home, a right that has been granted per the Tenant
11 Opportunity to Purchase Act.

12 According to the law, third-party
13 purchasers are presumed to act with full knowledge
14 of tenant rights. Not allowing tenants to decide
15 whether or not they want to buy the property first
16 is simply not demonstrating full knowledge of
17 tenant rights.

18 We can have true change and improvement
19 in D.C. But I think we can argue that conducting
20 this business lawfully and with the highest of
21 ethics, we can all win. Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you.

23 Next.

24 MS. BRYANT: Hi. My name is Jennifer
25 Bryant. And I live at 3401 15th Street,

1 Southeast, a few blocks from the buildings on 13th
2 and Alabama Avenue. I'm here to testify in
3 support of my neighbors and voice my strong
4 opposition to this development project as it
5 stands.

6 I first attended a meeting of the tenants
7 association last summer and witnessed firsthand
8 the slum-like conditions my neighbors are
9 subjected to. It's shameful that retired elders,
10 women, and children are living in buildings with
11 flooded basements, mold, and units with no heat.
12 Our elders and children are a valuable asset to
13 our community, and they should not have to live in
14 slums.

15 I would like to see coffee shops, retail,
16 and commercial development in Congress Heights,
17 but not like this. Sanford Capital is a
18 documented slumlord. The City Paper published an
19 article today that not only detailed the slum-like
20 conditions at 13th and Alabama Avenue, but also
21 Terrace Manor, another Sanford property in Ward 8.

22 I ask that the Zoning Commission hold off
23 on approving the PUD as it was presented today.
24 There doesn't appear to be a clear relocation plan
25 in place for existing residents. And Sanford, as

1 has been mentioned, is also pressuring residents
2 to give up their TOPA rights as a condition of
3 relocation.

4 As you all know, there's a homelessness
5 crisis going on in D.C. right now. And my fear is
6 that many of these residents, especially the
7 elders, will end up at D.C. General, like so many
8 others have.

9 Also, if the Zoning Commission allows
10 this, it will set a harmful precedent for other
11 renters, like myself, who view TOPA as a viable
12 alternative to purchase our buildings should our
13 landlords or building owners decide to sell. My
14 neighbors at 13th and Alabama deserve the same
15 right.

16 As I mentioned, we all want new
17 development in Congress Heights, but not like
18 this. These are the alternatives that I'd like to
19 see: I'd like to see the tenants association have
20 the right to purchase their building through TOPA,
21 and I'd like to see these buildings converted to
22 low-equity housing co-ops to preserve permanent
23 affordability.

24 D.C. has the second-highest numbers of
25 housing co-ops in the country. They exist here

1 already, and they work. So I think that these are
2 achievable alternatives.

3 In regards to the community benefits
4 agreement, I wanted to be very clear that it does
5 not represent the dominant view of the Congress
6 Heights community regarding this project. The ANC
7 representative that was present here does not
8 represent me or our community, and the CBA should
9 be voided.

10 Lastly, as Mr. Green stated, this whole
11 process feels like a sham. I read that the Zoning
12 Commission has never rejected a PUD, ever, so it
13 kind of feels like we're wasting our time being
14 here. I hope that -- I think that, with all of
15 the controversial development projects, displacing
16 low-income, mostly black residents all over this
17 City, I think it's ridiculous that no PUD has ever
18 been rejected.

19 My impression of this hearing is that you
20 seem to favor this new development no matter what
21 harm it would do to our community. There are more
22 than 70,000 on the public housing waiting list,
23 and it is irresponsible and inhumane to continue
24 to allow developers to tear down affordable
25 housing and replace it with units that are

1 financially out of reach for many of the residents
2 in our community.

3 This PUD should be postponed until
4 relocation plans have been solidified and the TOPA
5 rights of the tenants are protected. Thank you.

6 CHAIRPERSON HOOD: Thank you.

7 Next.

8 MR. MURRAY: My name is Matt Murray. I
9 live at 539 Mellon Street. I've lived there for
10 about two years. Prior to moving there, I lived
11 in Northwest D.C. just off of 14th Street in
12 Northwest in an area that has -- since 2000 when I
13 moved there, has seen, I think everyone would
14 agree, a massive gentrification project.

15 Many properties similar to what the
16 applicant is proposing have been built between P
17 Street all the way up into Columbia Heights. And
18 in that time, we've seen many -- I've seen many
19 people personally priced out and had to move out
20 because of that. Single units in some of those
21 properties cost as much as \$250,000 to \$500,000 to
22 \$750,000, none of which was affordable to the
23 historic community there.

24 Subsequently, property values rose, and
25 so did the property taxes. And so, people on

1 fixed incomes had to leave. Renters -- rent
2 incomes couldn't keep up with the rate of increase
3 in the rent, and they also had to leave. And I
4 also witnessed a similar phenomenon happen in
5 Capitol Hill east of 13th Street.

6 And now, with the proposal that the
7 applicants are making, it appears that the same
8 thing is poised to happen in Congress Heights.
9 And, as a concerned citizen and resident of that
10 community, I'm here to say I do not want to see
11 that happen.

12 CHAIRPERSON HOOD: Thank you.

13 I want to thank each and every one of you
14 for your presentation. But I will say this. And
15 I'm not trying to be harsh on anyone. But when
16 you talk about what the Zoning Commission does, do
17 me a favor. Make sure you do your homework. Make
18 sure you find out exactly what's going on. There
19 have been PUD's, and I'm just going to help you.
20 But the office is open from 8:30 -- what time we
21 open?

22 (Inaudible interjection.)

23 CHAIRPERSON HOOD: There's a whole lot of
24 case law in there for you to come down and review.

25 (Inaudible interjection.)

1 CHAIRPERSON HOOD: No, no. Let me just
2 say this. I'm just saying. Let me just say this.
3 There's a lot of stuff that goes on. And we also
4 stream. So if you don't have anything else to do
5 at night sometime, watch and see what goes on down
6 here. I think it's not fair to my colleagues and
7 myself.

8 And I'm not being defensive. I tell
9 people this all the time. If you come down here
10 enough, you hear me. One of the things I say do,
11 whether you agree with me or not, is do your
12 homework.

13 (Inaudible interjection.)

14 CHAIRPERSON HOOD: Okay. And I'll leave
15 it at that.

16 Are there any questions up here?

17 (No audible response.)

18 CHAIRPERSON HOOD: Okay. Do we have any
19 cross-examination? Does the ANC have any cross?
20 You need to find -- somebody's going to have to --
21 sir, if you can step up, and Chairman, if you can
22 sit right there.

23 MR. MUHAMMAD: The ANC, the ones who live
24 in Southeast, do you know your ANC number?

25 MS. BRYANT: I would like to respond

1 because I'm actually part of the ANC that Mr.
2 Muhammad chairs.

3 MR. MUHAMMAD: Do you know your ANC
4 number?

5 MS. BRYANT: Yes. It's 8E.

6 MR. MUHAMMAD: Do you know your ANC
7 number?

8 FEMALE SPEAKER: The Single Member
9 District.

10 MS. BRYANT: Yeah. I believe it's 04.
11 So it's 8E04.

12 But regardless, the ANC meeting is
13 chaotic. And it got to the point where there was
14 a physical altercation, which was all over the
15 news last year. So it's not a good environment
16 that community members want to be a part of. So,
17 yeah.

18 MR. MUHAMMAD: Have you been to an ANC
19 meeting?

20 MS. BRYANT: I have been to an ANC
21 meeting. I was at the ANC meeting right before
22 there was a physical altercation. And I actually
23 remember you getting into several arguments with
24 other ANC commissioners. I don't know you
25 personally. You might be a good person, but --

1 CHAIRPERSON HOOD: Let's do this. Let's
2 do this. Let's do this. Let's do this. Let's do
3 this. Let's just answer the question. We don't
4 need to get back and forth with that. Ya'll can
5 do that at the ANC meeting.

6 MR. MUHAMMAD: But -- exactly.

7 CHAIRPERSON HOOD: Okay.

8 MR. MUHAMMAD: It goes on at all of them.

9 MS. BRYANT: Which is why no one wants to
10 come.

11 MR. MUHAMMAD: Do you know your ANC
12 Single Member District?

13 MS. WOMACK: I do not.

14 MR. MUHAMMAD: Okay. Miss, do you know
15 your Single Member District, in the glasses?

16 MS. TYSON: Are you talking to me?

17 MR. MUHAMMAD: Yes, ma'am.

18 MS. TYSON: I don't live in Southeast.

19 MR. MUHAMMAD: Okay. Do you, sir?

20 MR. SCHWARTZMAN: No, I don't.

21 MR. MUHAMMAD: Okay. Thank you.

22 MS. BRYANT: Is this supposed to somehow
23 signify whether or not --

24 CHAIRPERSON HOOD: Let me say this.

25 MR. MUHAMMAD: No, it's --

1 (Cross-talk.)

2 CHAIRPERSON HOOD: Hold on a second.
3 Hold on a second. This is cross. Let me explain
4 to you. That's why it's good to watch us. This
5 is cross-examination. He has a right to come up
6 and ask questions. Either you --

7 MS. BRYANT: But the question doesn't
8 seem relevant.

9 CHAIRPERSON HOOD: Either you do or you
10 don't.

11 One thing that I do, if you watch us, I
12 allow a little time to go on and for him to get to
13 another point. He asked, did you live in the ANC
14 or did you know your ANC? You said you did. One
15 person didn't. So that was the question.

16 Next question, Mr. Muhammad.

17 MR. MUHAMMAD: When did you learn about
18 this project?

19 MS. BRYANT: I learned about this project
20 when I was invited to the tenant association's
21 meeting last summer. I learned about --

22 CHAIRPERSON HOOD: Is that question for
23 everybody, or just for a few people? Who is it
24 directed to?

25 MR. MUHAMMAD: All of them except the

1 lady with the gray hair.

2 CHAIRPERSON HOOD: Okay.

3 MS. WOMACK: I learned about this project
4 last year at the same meeting that Jennifer was
5 at.

6 MR. SCHWARTZMAN: I live in Ward 4. But
7 I learned about this several months ago, this
8 particular project.

9 MS. TYSON: I learned about this project
10 when I was called to be a sit-in attorney for the
11 tenants on Alabama Avenue.

12 MR. MUHAMMAD: When was that?

13 MS. TYSON: August 2014.

14 MR. TAYLOR: I learned about it in
15 August.

16 MS. ARMSTEAD: Do I need to respond?

17 MR. MUHAMMAD: No. You're a
18 commissioner. You get it in the mail.

19 MS. ARMSTEAD: Oh, no. I didn't get it
20 in the mail.

21 CHAIRPERSON HOOD: Okay. Here's what
22 we're not going to --

23 (Cross-talk.)

24 CHAIRPERSON HOOD: Hold on, Chairman
25 Muhammad. Here's what we're not going to do.

1 We're not going to go back and forth.
2 Commissioners, we'll save that for the next --
3 when is the next ANC meeting?

4 MR. MUHAMMAD: Why?

5 CHAIRPERSON HOOD: Can you announce when
6 the next ANC meeting so everybody will know?

7 MR. MUHAMMAD: First --

8 CHAIRPERSON HOOD: Monday.

9 MR. MUHAMMAD: -- Monday each month of
10 the year, every month. We don't have a summer
11 break.

12 CHAIRPERSON HOOD: Okay.

13 MR. MUHAMMAD: Every first Monday.

14 CHAIRPERSON HOOD: And where can we find
15 the agenda?

16 MR. MUHAMMAD: You can find it online.

17 CHAIRPERSON HOOD: Okay.

18 MR. MUHAMMAD: For those who know how to
19 access their email address.

20 CHAIRPERSON HOOD: Okay. Thank you.

21 MR. MUHAMMAD: Some of us don't. But 7
22 district listserv, you can find it on there.
23 Furlong listserv, you can find it on there.
24 Congress Heights listserv, you can find it on
25 there.

1 CHAIRPERSON HOOD: Okay. Next question.
2 That's enough. I think you gave us two or three
3 places. We'll be able to find it. I'm actually
4 going to look and see, too, myself. Next
5 question.

6 MR. MUHAMMAD: How many civic meetings do
7 you participate in?

8 CHAIRPERSON HOOD: Chairman Muhammad, let
9 me ask you a question.

10 Mr. Puryear, let me ask the question.

11 What does that have to do with this case?
12 Are we going somewhere down this line of
13 questioning?

14 MR. MUHAMMAD: I said where we're going.

15 CHAIRPERSON HOOD: How many civic
16 meetings? How many civic meetings?

17 MR. MUHAMMAD: It's because we have a lot
18 of -- as you said, do your homework. It's hard to
19 do your homework if you don't participate. If you
20 don't go to the class, you won't get homework. So
21 I'm asking these questions to see how much
22 participation we have in those who coming now --

23 CHAIRPERSON HOOD: Germane to this case.

24 MR. MUHAMMAD: Right. Because I'm coming
25 now --

1 CHAIRPERSON HOOD: Keep it focused to
2 this case.

3 MR. MUHAMMAD: Who alerted us? Who told
4 us about this meeting? How did you find out about
5 tonight's meeting?

6 MS. BRYANT: For the previous question, I
7 think that the only qualification that we need to
8 testify is that we're D.C. residents directly
9 affected by this new development. So, the line of
10 questioning is irrelevant. I'm not sure why it's
11 allowed.

12 CHAIRPERSON HOOD: Okay. Let me say
13 this. To testify, I don't think we have any
14 issues about whether we have -- we have people
15 from Florida that come and testify in front of us.

16 MS. BRYANT: So why are you allowing
17 these questions?

18 CHAIRPERSON HOOD: Let me just say this.
19 Again, let me handle it. Let me run this. Okay?
20 I've been doing this for 16 years. So let me do
21 this for tonight. And then when you run for ANC
22 or civic meetings, ya'll do that, or when you come
23 down here, then I will sit in the audience and let
24 you run it. But for tonight, let me run it.

25 Commissioner Muhammad, are you getting

1 somewhere germane to this topic tonight in front
2 of us?

3 MR. MUHAMMAD: Yes. I thought I gave the
4 answer where I was heading.

5 CHAIRPERSON HOOD: Okay. We went
6 through, do you know your ANC Single Member
7 District. Do you participate in your civic
8 association? Now, what are we talking about,
9 about density, land use, traffic? What are we
10 talking about?

11 MR. MUHAMMAD: Land use. Because --

12 CHAIRPERSON HOOD: Okay. That's the next
13 question. Go ahead.

14 MR. MUHAMMAD: Will the land be better
15 used in the condition that it's in or the new
16 project that's being proposed?

17 CHAIRPERSON HOOD: Is this specific to
18 anyone or everyone?

19 MR. MUHAMMAD: Everyone.

20 CHAIRPERSON HOOD: Okay. We'll start in
21 the same order.

22 MS. BRYANT: Yes. Several of us proposed
23 alternatives in our testimony. I, for example,
24 propose that the buildings be used, converted to
25 low-equity housing co-ops, which there are over

1 1,000 in D.C. existing currently.

2 MS. WOMACK: I feel, you know, what's
3 best for the tenants and what the tenants that
4 currently reside there, you know, what they want.
5 I stand in support of them.

6 MR. SCHWARTZMAN: I would say that, given
7 the severe crisis of the lack of affordable
8 housing in D.C., and the market is not providing
9 it, we need to have mechanisms such as Jennifer
10 just mentioned that address this crisis, which is
11 a human rights crisis, actually. So, that's my
12 answer.

13 And I'm not an expert in housing, but
14 there are others that are. And there are many
15 such as TOPA and many other mechanisms which
16 should be used. And our City Government should
17 play a more proactive role, given this crisis,
18 which actually has grown. It's not getting less;
19 it's grown, the crisis of the lack of affordable
20 housing.

21 And it's not only peculiar to D.C. It's
22 occurring in cities throughout the country. And
23 this has to be confronted in an aggressive way.
24 That's my answer.

25 MS. TYSON: My answer is that I believe

1 the tenants should be able to stay in their homes
2 if they would like to. They should not be forced
3 to relocate, and they should be able to exercise
4 their TOPA rights. This is their home, and they
5 should be able to stay there.

6 MR. TAYLOR: I would like for us to
7 purchase the building. You know, and turn them
8 into like co-ops like she said. Make them
9 affordable for everybody. That's all.

10 (Cross-talk.)

11 CHAIRPERSON HOOD: Okay.

12 MS. ARMSTEAD: You said everybody. No,
13 it's not going to be properly. You have two
14 buildings that are going to exist on one lot.
15 That's going to cause congestion. You're going to
16 cause other problems as far as clean air. You're
17 going to have traffic. You're going to have kids
18 that are going to have asthma and other conditions
19 that are going to go on. Are we looking at the
20 environment that it's going to have an impact on?

21 There is no parking. And the fact that
22 people -- you're talking about being in a safe
23 area, even though it's lit, you still have -- and
24 are you going to remove everybody so there will be
25 no crime?

1 CHAIRPERSON HOOD: I guess he said
2 everybody. So you --

3 (Laughter.)

4 MR. RODRIGUE: Thank you. Yes. I mean,
5 you mentioned is this the best or fairest use of
6 this land? And you, sir, mentioned, have we done
7 our homework? With all due respect, I mean, I'm
8 not sure how much homework we need to do to know
9 that like the vague outline of these promises
10 leaves open the possibility that, you know, people
11 won't get a fair shake.

12 CHAIRPERSON HOOD: I didn't say that we
13 do your homework on that. I was talking about
14 another issue with this young lady here.

15 MS. BRYANT: But, sir, you still haven't
16 addressed the PUD's you've rejected.

17 CHAIRPERSON HOOD: We've rejected 0119,
18 Trenton Terrace; 0526, Clark Realty; 0436,
19 Dorchester. Any other questions?

20 (No audible response.)

21 CHAIRPERSON HOOD: Next. Okay. Any
22 other questions?

23 MR. MUHAMMAD: That's it.

24 CHAIRPERSON HOOD: Okay. Thank you all
25 very much. We appreciate it.

1 (Inaudible interjections.)

2 CHAIRPERSON HOOD: 0119, Trenton Terrace;
3 0526, Clark Realty; 0436, Dorchester; filings LLP,
4 PUD at Square 158, denied; Dupont Circle, 7th
5 Street Adventist Church PUD, Square 5517, denied;
6 Correction Corporation of America, Ward 8, denied.
7 Okay.

8 MS. BRYANT: That's not what the
9 newspapers say.

10 CHAIRPERSON HOOD: That's why I said, do
11 your homework.

12 Okay. Let me say this. We have three
13 other people, I think, who have raised their hand
14 who have asked to come forward.

15 (Pause.)

16 CHAIRPERSON HOOD: And also, we do have a
17 letter of support from the late Mayor for Life in
18 the record. And I didn't acknowledge that
19 earlier.

20 Okay. So everyone else who is here in
21 opposition, if you can come forward. Anyone else?
22 So we will finish with this panel, and we will
23 start with the young lady first.

24 MS. MOORE: Okay. My name is Skylar
25 Poindexter-Moore. I live in the area. I live on

1 Willow Road. I live in the public housing in that
2 area. I don't have anything written or prepared,
3 but I came here because I'm, of course, concerned
4 about my community and where I live.

5 I've been in D.C. my whole life. I've
6 been in that area going into my eighth year. I'm
7 raising my family there.

8 First thing, I want to mostly address to
9 the Office of Planning. I want to address you,
10 but I want to address the Office of Planning
11 because, you know, I keep hearing you guys say up
12 there, "This is not in our purview. This is not
13 in our purview," when it comes to affordability
14 and gentrification and pushing out and
15 displacement and dislocation.

16 But I want to address the Office of
17 Planning that, you know, I really think that you
18 all need to have some type of anti-displacement
19 plan in place. I think you need to focus on
20 dislocation and displacement, because that is part
21 -- that is a major part of what you do.

22 And I've been here several times, and you
23 know, you say that -- you always say, "We promote
24 this. You know, go ahead and pass it. We support
25 this." But, you know, people are being displaced.

1 And I really think you need to look closer at the
2 displacement and dislocation when these
3 developments come your way.

4 I am concerned about displacement
5 pressures of the area. You know, we have Willow
6 Road development that's come before you. You have
7 this one coming before you. All these
8 developments don't benefit people like me. They
9 don't. You know, we have a homeless boom in D.C.

10 I mean, we know all of this. Everyone in
11 here knows what's happening. But, you know, it's
12 just, you know, ridiculous to me how these
13 developments come across your plate, and you named
14 one that you rejected. But I'm pretty sure that's
15 probably the only one, or maybe two.

16 I mean, I just sit here, and you guys
17 just approve development after development after
18 development after development regardless of the
19 outpour of the community, regardless of the
20 letters and the protesting and the opposition.
21 You just keep approving this.

22 And I just think that it needs to be
23 revisited. Maybe Chairman Mendelson needs to have
24 some more oversight over what you guys do. But,
25 you know, it's just not right what's happening to

1 people like myself here in Washington, D.C. You
2 know, they've gentrified all of the wards. Now
3 we're up to Ward 8, and they're trying to push us
4 out.

5 And these developers, these slumlords,
6 who are getting rewarded for keeping their tenants
7 in slumlord conditions -- it's just like DCHA.
8 It's just like DCHA! They keep us in slum
9 conditions and then get rewarded by displacing the
10 residents and then building some luxury condos.
11 And they make \$1 million, and people like me are
12 gone.

13 And I'm really scared that where I live
14 will look like Georgetown in the next, or
15 Bethesda, in the next probably five-ten years.
16 We're not even going to be there. We're going to
17 be some mural up on the wall just like U Street.
18 U Street is gentrified, and all you see mostly
19 black there now is a picture of a black woman on a
20 wall. I mean, where are we supposed to go?

21 So I'm just here to talk about my
22 concerns, and I just want to get this on the
23 record, you know, that people are really concerned
24 about being pushed out, being priced up. They
25 come back, they get a 4 percent increase every

1 year. Like you said, that's 20 percent over the
2 next five years. And then it's three bedrooms.
3 They won't get their bedroom sizes back.

4 So I just ask, listen to the residents.
5 Listen to the tenants. And Office of Planning,
6 please really think about people that you're
7 displacing and dislocating. You hear it over and
8 over again. I think that you all have gotten
9 immune to it. But this is serious! This is real!
10 We are people!

11 So that's all I have to say today. Thank
12 you.

13 CHAIRPERSON HOOD: Thank you.

14 Next.

15 MR. ROSS: Good evening. My name is
16 Darryl Ross. And I'm a resident in the area where
17 this development is proposed.

18 And when I first heard about this
19 development, I was concerned about the parking and
20 the impact that would have on the area. At that
21 point in time, it was said that there would be 76
22 parking spaces for 200 units. I thought it was
23 really ridiculous to hear a number like that.

24 When you're building developments for
25 this day and age, you need to step it up. If this

1 were in Alexandria or even in, you look at the
2 Ellington that was built up in Northwest or any
3 other condo development, they're making sure that
4 there's at least one parking space for a unit. So
5 it doesn't make any sense to me when you're going
6 to have 86 for 200 units.

7 And it's going to put all kinds of
8 pressure on the neighborhood where you already
9 have Maryland people parking to get to the subway.

10 So it's an issue that is really going to
11 have to be addressed for this. And it's, the
12 parking as it stands would not be sufficient for
13 the area. That's all I have to say.

14 CHAIRPERSON HOOD: Thank you.

15 Next.

16 MR. OTTEN: Good evening, commission. My
17 name is Chris Otten with D.C. for Reasonable
18 Development. Tonight we present the following
19 contested issues in this Zoning Commission case
20 1308, and we're asking this commission to not
21 grant significant public development entitlements
22 to a known slumlord, especially in light of the
23 poor, uncoordinated, and inappropriate design
24 review of this PUD application by the District of
25 Columbia Office of Planning, which seems to

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1 rubberstamp any corporate development that comes
2 down the lane.

3 And I'm going to presume OP has not even
4 stepped into the buildings that they're looking to
5 approve to displace. I looked at the June 2013
6 setdown report. There are mistakes in that
7 report, where it refers in one case where the
8 zoning is going from R-5-A to C-3-B. And then in
9 another paragraph, it's going from R-5-A to C-3-A.

10 We're seeing uncoordinated reporting from
11 various agencies that should be weighing in at
12 this point in time. But let me just start with
13 the height and density. You know, the surrounding
14 community, as OP has pointed out, are two- to
15 three-story duplexes and garden apartments.

16 We're looking at a project here that's
17 standing at 93 feet. Okay? Nine to ten stories
18 with an active rooftop. That's a significant,
19 significant contrast to the surrounding
20 neighborhood. The comp plan is clear that we need
21 to be cognizant of the adjacent lower-density
22 neighborhood when designing this.

23 Now, even presuming if this is a
24 cognizant decision to approve this by the Office
25 of Planning, you have to look at that stark

1 contrast in height and density, as well as
2 affordability levels. Because we're expecting the
3 D.C. Office of Planning to step up and look at the
4 prevailing neighborhood character and
5 affordability, and how that affects displacement
6 and destabilization of the land values, which is
7 at the heart of the zoning regulations.

8 And as the American Institute of
9 Certified Planners, which I believe, Ms.
10 Steingasser, you are, that's the number-one
11 protocol and ethic procedure and behavior, is to
12 look at making sure major projects do not displace
13 people.

14 There has been no infrastructure analysis
15 of what this project might put in terms of stress
16 on the surrounding impacted community. And OP has
17 not sought to use this PUD process to coordinate
18 commitments from the applicant to contribute to
19 the public infrastructure that will serve this
20 humongous building -- buildings, I should say.

21 And so, now is the time to do this
22 coordination so that it can be -- these
23 commitments can be put in the final order by you,
24 the zoning commissioners. And it's as required by
25 the Comprehensive Plan, as we've included in here.

1 The destabilization of land values is
2 real. This project will have 80 percent AMI units
3 as affordable. We know, through the zoning
4 rewrite process, that 80 percent AMI is not truly
5 affordable. In fact, it will be higher than the
6 market rates that are there right now in the
7 community.

8 So the applicant is proposing a project
9 that is -- and asking for public entitlements to
10 develop at heights and density nearly three times
11 that of the prevailing neighborhood, and do it at
12 the minimum affordability requirements.

13 Where is the reports and analysis by OP
14 with DHCD and other agencies throughout the
15 District to see how this type of project will put
16 pressure on surrounding landlords to do the same
17 thing and displace the people that are living in
18 the buildings around those communities right now?

19 And this terrible planning contravenes
20 not only the Comprehensive Plan, the future land
21 use map, and D.C. code.

22 We'd also like the commission to take a
23 closer look at the housing linkage with what's
24 required of the existing matter-of-right district.
25 We believe the office component of this requires a

1 housing linkage analysis. I want to put that on
2 the record.

3 But they're not building housing for
4 families. That's a policy in the comp plan. And
5 they're not retaining the affordability here. And
6 this all contravenes the Comprehensive Plan. And
7 we'd ask you to not approve this, and include it
8 in your list of six or seven PUD's that you have
9 denied. Thank you.

10 CHAIRPERSON HOOD: Okay. Thank you all
11 for your testimony. Let's see if there are any
12 questions up here.

13 (No audible response.)

14 CHAIRPERSON HOOD: Not seeing any, does
15 the applicant have any cross-examination?

16 (No audible response.)

17 CHAIRPERSON HOOD: Does the ANC?

18 (No audible response.)

19 CHAIRPERSON HOOD: Mr. Merrifield, do you
20 have any cross-examination?

21 (No audible response.)

22 CHAIRPERSON HOOD: Okay. Thank you all
23 very much.

24 Okay. Mr. Tummonds, let's do any
25 rebuttal and closing.

1 (Pause.)

2 CHAIRPERSON HOOD: I guess if you could
3 let me know how much rebuttal you have, if you
4 have any. If not, we'll accept your closing.

5 MR. TUMMONDS: I have no rebuttal and
6 just closing, basically.

7 Again, it's been a long night. We have a
8 lot of information to provide for you. We
9 appreciate your patience in hearing all of these
10 issues that are before you.

11 What I've submitted before, what I've
12 just submitted in the record and I've given to the
13 parties in opposition are letters in support of
14 Sanford Capital, including letters from Community
15 Partnership for Prevention of Homelessness,
16 Pathways to Housing D.C., and letters from tenants
17 in other Sanford Capital buildings.

18 When it goes to our closing statement, we
19 believe that this project does satisfy the
20 requirements of 11 DCMR, Chapter 24. We know that
21 this project has received the support of OP, DDOT,
22 and DDOE.

23 I think we will need probably more time
24 than we usually do for us to submit the
25 information we need, as well as allow time for the

1 applicant and the party in opposition to have
2 thorough discussions, but I also think discussions
3 in a manner such that we know that there is an end
4 date.

5 So with that regard, I'll leave it up to
6 you. But I would think we would need at least 30
7 days. But I wouldn't want to go too much more
8 than, say, 45. So then there is a distinct time
9 frame for all parties to work towards and move
10 forward to give you all the information you need
11 to make a proper and appropriate decision in this
12 application.

13 CHAIRPERSON HOOD: Okay. Thank you, Mr.
14 Tummonds. And when you say "all parties," you
15 mean the party in opposition and the applicant,
16 basically?

17 MR. TUMMONDS: Yes.

18 CHAIRPERSON HOOD: Include the ANC as
19 well, correct?

20 MR. TUMMONDS: That's right.

21 CHAIRPERSON HOOD: Okay. All right.

22 Commissioners, are there any other
23 follow-up questions?

24 (No audible response.)

25 CHAIRPERSON HOOD: Okay. Ms. Schellin,

1 do we have any dates and things that we may have
2 asked for?

3 MS. SCHELLIN: Yes.

4 CHAIRPERSON HOOD: Well, the opposite
5 order, things we've asked for and then maybe some
6 dates.

7 MS. SCHELLIN: Yes.

8 (Pause.)

9 MS. SCHELLIN: So, starting with the list
10 for the applicant, Commissioner Cohen would like
11 DDOE's issues responded to and thinks that they
12 should be certified by third party with regard to
13 LEED. The office building penthouse, thinks that
14 a lighter color for the -- would be better. I'm
15 sorry, a darker color would be better than the
16 light color that's currently being shown.

17 Commissioner May thinks that the 90-feet
18 seems tall. And I think he mentioned something
19 about the stepdowns on 13th Street are very
20 subtle. I don't know if he expected them to do
21 anything about that or not.

22 MR. MAY: Oh, no. They can --

23 MS. SCHELLIN: They can take a look at
24 it?

25 MR. MAY: They can take a look at it if

1 they'd like. But I'm not asking for anything in
2 particular.

3 MS. SCHELLIN: Okay. Commissioner May
4 also made mention of the fence in the back seems
5 very tall and thought it should be lowered. And
6 also, he wanted them to provide a close-up of the
7 fence to show the type of fence so that would be
8 in the record.

9 Commissioner May thought there was a lot
10 of asphalt on the property with regard to the
11 private alley. He wanted to know if there was a
12 way to reduce that to allow some green in the back
13 of the building. Commissioner May also agreed
14 that the penthouses should be darker, and he
15 suggested LEED certification.

16 Commissioner Turnbull brought up the
17 alley access. He'd like to see a better rendering
18 of what's going on back there, a perspective or a
19 rendering when you're in that space. Commissioner
20 Turnbull asked for more information on the tenants
21 returning and the cost of increases, since 4
22 percent a year has been suggested.

23 Commissioners Turnbull and Miller asked
24 for the contribution amount with regard to the
25 traffic light that's been mentioned.

1 (Pause.)

2 MS. SCHELLIN: I've got to get back to my
3 list.

4 (Pause.)

5 MS. COHEN: Ms. Schellin, I think overall
6 the relocation plan --

7 MS. SCHELLIN: No, I'm not finished.

8 MS. COHEN: Oh, I'm sorry.

9 MS. SCHELLIN: I was just trying to get
10 to page 2.

11 Commissioner Turnbull wanted more
12 explanation on the amenities, benefits, the
13 contributions, what is actually being spent, what
14 the money is actually being spent on, thought it
15 needed to be fleshed out more.

16 Commissioner Turnbull is still concerned
17 about the height next to the school. Commissioner
18 Turnbull, the 13th Street view as you turn the
19 corner, the charcoal brick looks strange. It
20 doesn't quite blend in.

21 Commissioner Miller wanted to know how
22 many units have already been located so far.
23 Commissioner Miller would -- asked if the
24 applicant would proffer less than the minimum IZ
25 AMI. Commissioner Miller asked for a fully

1 executed CBA to be entered into the record.
2 Commissioner Miller asked -- thought it would be
3 good to have something in the record from WMATA
4 stating they're in support of the concept, at
5 least.

6 Commissioner Hood asked for an agreement
7 with the tenants, that the applicant work further
8 with the tenants to try to come to an agreement.
9 Commissioner Hood asked for the truck radius into
10 the loading area, although -- the diagrams,
11 although I think that's in there.

12 CHAIRPERSON HOOD: I don't think I need
13 that. That's in the previous thing. So I can
14 look back and look. But on your first point, it
15 was about the relocation. I wanted to make sure -
16 - I think everybody understands where I am with
17 that.

18 MS. SCHELLIN: Right. And the
19 Commissioner Hood asked -- he said the circular
20 thing where the cafe is looks hidden. Maybe it
21 needs to be larger.

22 CHAIRPERSON HOOD: Well, not larger to
23 where it doesn't have the votes. But I just think
24 because it looks --

25 MALE SPEAKER: Prominent.

1 CHAIRPERSON HOOD: -- prominent, yeah.

2 MS. SCHELLIN: Right. Prominent.

3 CHAIRPERSON HOOD: Just look at it. It's
4 not a show-stopper.

5 MS. SCHELLIN: Commissioner Hood also
6 asked that the applicant look at the RPP issue,
7 possibly restricting residents in the building so
8 that they may not apply. It may not apply, but if
9 it does, give it some thought. Commissioner Hood
10 asked for a drawing that puts the building in
11 context with what is really in the neighborhood
12 currently.

13 Commissioner May asked that they
14 demonstrate what can be done as a matter of right
15 versus the PUD. Commissioner Miller asked that
16 they also answer the questions at the end of Ms.
17 Barnwell's testimony.

18 MR. TURNBULL: Can we go back to
19 Commissioner May? I think that was on the IZ
20 calculation. Right. So what we can do --

21 MS. SCHELLIN: Right.

22 MR. TURNBULL: What would be the IZ under
23 the existing R-5-A versus the IZ that is provided?

24 MS. SCHELLIN: I'm sorry, yes. Right.
25 Correct.

1 And that's all I have.

2 CHAIRPERSON HOOD: Okay. Anything else?
3 Corrections, Commissioners? Okay.

4 MS. SCHELLIN: So as far as dates.

5 CHAIRPERSON HOOD: Let's get some dates.

6 MS. SCHELLIN: What I wrote down, based
7 on the timing that Mr. Tummonds mentioned, was
8 that the applicant would make their submission.

9 And also, I'm sorry. The ANC needs to
10 submit their letter in order to be given great
11 weight, because only the written report, as
12 Commissioner Muhammad knows, gets great weight.
13 So we need the ANC report also.

14 So, the ANC report, as well as these
15 documents, would be due by three o'clock p.m. -- I
16 had that written down -- 2/23, February 23rd. And
17 then, the party in opposition and the ANC would be
18 able to respond to those submissions by three
19 o'clock p.m., March 2nd. And then we can place
20 this on the commission's March 9th agenda for
21 consideration.

22 And that's it. The record will be closed
23 otherwise.

24 CHAIRPERSON HOOD: Okay. Are we all on
25 the same page, everyone?

1 (No audible response.)

2 CHAIRPERSON HOOD: Okay. We have the
3 dates before us. Anything else, Ms. Schellin?

4 MS. SCHELLIN: No, sir. I'm sorry, one
5 other thing. Draft findings of facts and
6 conclusions of law, we'd like to have those on the
7 23rd of February also.

8 MR. MAY: Mr. Chairman?

9 CHAIRPERSON HOOD: Yes.

10 MR. MAY: You know, I think we heard a
11 lot of disturbing testimony today about the
12 condition of the existing property and the
13 treatment of the property by the current owner.
14 And it's not clear to me who owns what and who's
15 going to own what in the future.

16 But I think that we need something more
17 from the applicant explaining this and explaining
18 why this is, you know, a responsible, beneficial
19 project, given all of the things that are -- you
20 know, all the statements that have been made.

21 I mean, it's just a lot of really bad
22 things that have been said about the current owner
23 of the property. And, you know, it's very hard to
24 move forward on a project when we're hearing
25 testimony like that.

1 CHAIRPERSON HOOD: Okay. I would concur.
2 Anything else?

3 MS. SCHELLIN: No, sir.

4 CHAIRPERSON HOOD: All right. So with
5 that, I want to thank everyone for their
6 participation tonight. This hearing is adjourned.

7 (Whereupon, at 11:12 p.m., the hearing
8 was adjourned.)

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