

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

:

SQUARE 417, LLC : Case No.

: 19-28

:

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Tuesday,

July 14, 2020

Videoconference

The Public Hearing of Case No. 19-28 by the
District of Columbia Zoning Commission convened at 4:00
p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

DANIEL BASSETT, ESQ.

The transcript constitutes the minutes from
the Public Hearing held on July 14, 2020.

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

4:00 p.m.

1
2
3 CHAIRMAN HOOD: Good afternoon, ladies and
4 gentlemen. We are convening and broadcasting this public
5 hearing by videoconferencing. My name is Anthony Hood.
6 Today's date is July 14, 2020. This hearing is Zoning
7 Commission Case No. 19-28.

8 Joining me this evening soon will be Vice Chair
9 Miller, Commissioner Shapiro, Commissioner May, soon to be
10 Commissioner Turnbull. We are also joined by the Office of
11 Zoning staff, Ms. Sharon Schellin, who is our Secretary, and
12 Mr. Paul Young, who will be handling all of our virtual
13 operations.

14 Copies of today's virtual public hearing notice
15 are available on the Office of Zoning's website. Please be
16 advised that this proceeding is being reported by a court
17 reporter and is also webcast live, which includes Webex and
18 YouTube Live. The video will be available on the Office of
19 Zoning's website after the hearing.

20 Accordingly, all those listening on Webex or by
21 phone will be muted during the hearing until the appropriate
22 time. Please state your name and home address before
23 providing oral testimony on your presentation. When you are
24 finished speaking, please mute your audio so that your
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1 If you experience difficulty accessing Webex or
2 with your telephone call call-in, and please call our OZ
3 hotline number at 202-727-5471, to sign up or to receive
4 Webex login or call-in instructions.

5 All persons planning to testify either in favor,
6 opposition, or undeclared at this virtual hearing, we
7 encourage you to sign up in advance at the time of sign up.
8 All participants repeat the oath at Subtitle Z48.7. If you
9 wish to file written testimony or additional supporting
10 documents during the hearing, then please be prepared to
11 describe and discuss it at the time of your testimony, as we
12 have not had time to review the submissions.

13 This hearing will be conducted in accordance with
14 provisions of 11 DCMR Chapter 4 as follows: preliminary
15 matters, Applicant's case, report of the Office of Planning
16 and District Department of Transportation, report of other
17 government agencies, report of the ANC -- I believe this one
18 we have two reports, from 1B and 6E, I believe.

19 Testimony of organizations will have five minutes.
20 Testimony of individuals will have three minutes. We'll hear
21 in order from those in support, opposition, and undeclared,
22 and then we will have rebuttal and closing by the Applicant.

23 While the Commission reserves the right to change
24 the time limits of presentations, if necessary, it intends
25 to adhere to the time limits as strictly as possible, and

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1 notes that no time shall be ceded.

2 Again, the OZ Hotline number is 202-727-5471, for
3 any outstanding issues throughout this hearing.

4 And, as I mentioned earlier, we will be joined by
5 the Vice Chair and also Commissioner Turnbull, and we are
6 joined by both other members. As I mentioned before in my
7 opening statement, they will be here.

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

11 MS. SCHELLIN: There are two proffered expert
12 witnesses by the Applicant. Both have been previously
13 accepted by the Commission. Nicole White, from Symmetra
14 Design, in transportation engineering; and Shane Dettman,
15 from Holland & Knight, in land use and zoning.

16 CHAIRMAN HOOD: Okay. Unless I hear an objection,
17 we will continue that status. Not seeing or hearing any.
18 So, anything else, Ms. Schellin?

19 MS. SCHELLIN: No, sir. The Applicant is planning
20 a 20-minute presentation.

21 CHAIRMAN HOOD: Okay. I think that's fine. We'll
22 deal with that accordingly. Let's bring them up, Ms. Batties
23 and her team.

24 MS. BATTIES: Good afternoon. Can everybody hear
25 me okay?

1 CHAIRMAN HOOD: We are getting some feedback.

2 MS. BATTIES: We are going to fix that.

3 MS. SCHELLIN: It's because they have multiple
4 computers going at the same time.

5 MS. BATTIES: Okay.

6 MS. SCHELLIN: You are going to have to have
7 either earbuds or one computer.

8 MS. BATTIES: Okay. I think -- is this better?

9 CHAIRMAN HOOD: Yes, well, it's a little echo in
10 the back. Is somebody else there? You want to turn all of
11 them off except for one.

12 COMMISSIONER MAY: All they have to do is turn off
13 the volume, right? If you turn off the volume of the
14 computers and turn off the microphone.

15 MS. BATTIES: Okay, is this better?

16 CHAIRMAN HOOD: I'm still getting the echo.
17 That's what I'm saying, like we did last time, this is the
18 same firm, if we turn them all off except for one I think
19 that will take care of it.

20 MS. BATTIES: I have to turn mine off, okay, hold
21 on. Okay, this should work now.

22 CHAIRMAN HOOD: That works.

23 MS. BATTIES: Okay, great. Good afternoon. Leila
24 Batties and Shane Dettman with Holland & Knight, on behalf
25 of the Applicant, Square 417, LLC. Also, Ms. White is

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1 available to answer transportation-related questions. Derrek
2 Niec-Williams, Executive Director of Campus Planning,
3 Architecture, and Development for Howard University, will
4 also give brief remarks as part of the Applicant's
5 presentation.

6 The subject property is located on the west side
7 of 7th Street, Northwest, between S and P Street, and
8 consists of approximately 43,000 square feet of land area.

9 The Applicant seeks to rezone the property from
10 RF-1 to ARTS-3, which would entitle the property in a manner
11 that is consistent with the Comprehensive Plan Future Land
12 Use Map and the applicable small area plans, which Mr.
13 Dettman will speak to in detail. And those are the DUKE Plan
14 and the Convention Center Strategic Development Plan.

15 I just want to note, for my part of my opening
16 remarks, that the Applicant has done a considerable amount
17 of outreach with community stakeholders throughout the zoning
18 process for this application. We met with Ms. Maybelle
19 Bennett and the Howard Community Advisory Committee multiple
20 times in the fall of 2019, prior to her retirement. We met
21 with Commissioner Anita Norman, the Single Member District
22 representative for ANC 1B-01, and ANC 1B voted unanimously
23 in support of the application, as noted in Exhibit 11 of the
24 record.

25 We also met with Commissioner Alex Padro, whose

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1 Single Member District 6E01 is located across S Street, south
2 of the property. We presented to ANC 6E a couple of times
3 between November and May.

4 Overwhelmingly, the community stakeholders
5 supported the rezoning of the property to ARTS-3, in that it
6 would allow the property to be redeveloped with a higher
7 density mixed-use present.

8 The one request that the Howard TAC and both the
9 Single Member District representatives had in common was that
10 all three asked the Applicant to reach out to the leadership
11 at Cleveland Elementary School, which is immediately to the
12 left of the subject property.

13 The Applicant met with representatives from the
14 Cleveland Elementary PTA in March, and from that meeting we
15 heard concerns about safety of the students, especially
16 during any construction on the property. And, also, in order
17 to establish a rapport with the school, the Applicant has
18 agreed to contribute \$15,000 to the school PTA in order to
19 support technology and equipment upgrades for the school.
20 A letter memorializing that commitment was submitted into the
21 record last night and was marked as Exhibit 23 of the case
22 record.

23 I want to speak briefly to ANC 6E's report. The
24 report stated that, obviously, they objected to the
25 application. And the report stated a large part of its

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1 objection, the ANC's objection, was that the Applicant was
2 avoiding the PUD process to avoid the possibility of an
3 appeal or any delay, or expense associated with an appeal.

4 And that's absolutely not true. The Applicant did
5 not pursue a PUD for this site, because, quite frankly, there
6 is no additional height or density that can be achieved for
7 the ARTS-3 zone through the PUD process. Subtitle K, Section
8 809 of the regulation specifically states that, in the ARTS
9 zones, the bonus density and height permitted with the bonus
10 serves as the guidelines for the PUD.

11 The ANC 6B report also notes that the Applicant
12 refused to make any commitments in connection with the
13 rezoning of the property. That is correct. The commitments
14 requested -- specifically, the RPP restrictions and the
15 design of the alley -- assume a specific project and project
16 design for the subject property. And, Mr. Chairman, I've
17 heard you crossing applicants and objectors alike about
18 relating a rezoning to a specific development. So, we know
19 that there cannot be these type of conditions for rezoning
20 on the application.

21 And, that said, in order to adhere strictly to
22 these legal principles and not blur any lines, even as part
23 of the Zoning Commission's review, we felt very strongly
24 against entering into an agreement with the ANC.

25 As you know, the design of the alley, specifically

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1 referenced in the ANC report, will be part of DDOT's review
2 if and when the property -- the redevelopment of the property
3 goes through the permitting process. I'd like to note that
4 the Applicant met with DDOT and specifically discussed the
5 alley. Not during that meeting, nor in its report, did DDOT
6 raise concerns about the alley in connection with the
7 proposed rezoning.

8 As it relates to parking, another concern raised
9 in the ANC report, if the proposed future development does
10 not comply with the parking requirements, as you know, the
11 developer will be required to go to a public hearing asking
12 for relief, and that would be the appropriate process for
13 imposing any conditions related to parking impacts.

14 Lastly, I note that ANC 6E voted in -- their vote
15 in opposition to this application was 3 to 0 to 3. So, of
16 the numerous stakeholders we've met with since last fall,
17 including the Howard Community Advisory Committee, which is
18 made up of several organizations in the neighborhood, we've
19 met with them, we've met with several subcommittees, the full
20 bodies of both ANC 1E and 1B. Of all of those stakeholders,
21 only three people have expressed opposition to the rezoning
22 application. And their basis for the opposition is outside
23 of the legal standard of review for the rezoning request.

24 I did see the most recent letter from the civic
25 association to the west of the site. And, again, they have

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1 not participated in any of this public processes up until
2 this point, and their concern simply parrots those of ANC
3 6E's report.

4 And so, with that, I'm going to close my opening
5 remarks and turn the presentation over to Mr. Niec--Williams.

6 MR. NIEC-WILLIAMS: Hello. Good afternoon,
7 Commissioners, now that you can see me. My name is Derrek
8 Niec-Williams. I serve as the Executive Director of Campus
9 Planning, Architecture, and Development at my beloved alma
10 mater, Howard University. Howard University is the owner of
11 the subject property and supports the rezoning of this
12 property from the RF-1 zone to the ARTS-3 zone, as proposed.

13 The property is outside the boundaries of the
14 Central Campus Master Plan, and the approval of the
15 application would accomplish four things. First, it would
16 allow the property to be rezoned consistent with its
17 designation on the Future Land Use Map, which is mixed-use,
18 medium density commercial and medium density residential,
19 with respect to the D.C. Comprehensive Plan.

20 Second, it will allow the property to be
21 redeveloped in accordance with both the DUKE Small Area Plan,
22 and the Convention Center Strategic Development Plan, which
23 specifically identified this site for redevelopment with a
24 higher density mixed-use project.

25 Third, the redevelopment of this property, which

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1 is situated along the southern corridor to the campus, will
2 be consistent with and compatible with the ongoing
3 vitalization of the 7th Street/Georgia Avenue corridor.

4 And, lastly, that the development of the property
5 allows Howard the resources necessary to further its academic
6 mission.

7 That being said, we, the University, urge the
8 Zoning Commission's approval of this application. That
9 concludes my statement. I'll turn it over to Mr. Dettman to
10 carry on. Thank you.

11 MR. DETTMAN: Good afternoon, Commissioners. My
12 testimony today will summarize how the proposed map amendment
13 satisfies the standard of review as described under Subtitle
14 X of the 2016 Zoning Regulations.

15 Paul, if you wouldn't mind, could you please bring
16 up our slides? There you go. Thanks, Paul. And, if you
17 wouldn't mind moving on to slide number two. Thank you.

18 The site is located along 7th Street, Northwest,
19 between S and T Streets. To the north, is the U
20 Street/Florida Avenue corridor, which is zoned ARTS-2. To
21 the south, you will find a number of moderate medium-density
22 developments comprising a range of uses, which is also zoned
23 ARTS-2. Immediately east of the site is a 90-foot high,
24 mixed-use PUD that was approved back in 2007 and has been
25 since constructed. And to the west is Cleveland Elementary

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1 School and moderate-density uses, primarily rowhomes, which
2 is zoned RF-1. Next slide.

3 To approve this application, the Commission must
4 determine that the proposal is not inconsistent with the
5 Comprehensive Plan and other adopted policies and programs.
6 It must also weigh the proposal against the objectives of the
7 Zoning Act. Next slide.

8 The ARTS-3 zone provides for medium-density,
9 compact mixed-use development, up to 4.8 FAR, of which 2.5
10 may be devoted to non-residential uses. Through preferred
11 use bonuses, the maximum density can be increased to 5.3 FAR,
12 as shown on this chart. The ARTS-3 permits a maximum height
13 of 75 feet, with an additional 12 feet for a habitable
14 penthouse, 18.6 for a mechanical penthouse. And, notably,
15 the ARTS-3 zone imposes an absolute height limitation, which
16 is inclusive of the penthouse, of 83 feet six inches, and
17 requires a one-to-one setback above 50 feet when a site abuts
18 a residential zone, such as in this case. Next slide.

19 The subject property is located on the boundaries
20 of the DUKE and the Convention Center Small Area Plan. The
21 DUKE Plan identifies the site for potential redevelopment,
22 and specifically recommends demolition of the existing
23 building to allow mixed-use development consisting of
24 residential above retail that complements other use
25 development in the corridor and optimizes density. The

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1 heights FAR permitted in the ARTS-3 zone are completely in
2 line with the guidance provided in the DUKE Plan. Next
3 slide.

4 The Convention Center Plan identifies the subject
5 property as a priority redevelopment site, suitable for high
6 and medium density residential development. It describes the
7 existing building as not ideal for its location, and that the
8 existing zoning is not consistent with the surrounding
9 commercial zones. It goes on to recommend rezoning the site
10 to be compatible with the adjacent commercial zones, and to
11 include an ARTS overlay district. Next slide.

12 The recommendations of the DUKE and Convention
13 Center Small Area Plans supplement and are consistent with
14 the objectives and policies of the Comp Plan. As set forth
15 in our detailed Comp Plan analysis at Exhibit 2 of the
16 record, we believe the requested map amendment is not
17 inconsistent with the Comp Plan as a whole.

18 The site is within a neighborhood enhancement area
19 on the policy map. The guiding philosophy of these types of
20 areas is to ensure new development fits in and responds to
21 existing character and encourages new housing consistent with
22 the FLUM. The Comp Plan further states that new development
23 in neighborhood enhancement areas should attract
24 complementary uses that better serve residents' needs. Next
25 slide.

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1 As Mr. Williams mentioned, the FLUM designates
2 this site for medium-density mixed-use development. The FLUM
3 does not express a preference for residential or commercial
4 use, since both are designated as medium density. However,
5 the additional guidance provided in the area elements, as
6 well as the Small Area Plan, do tilt towards residential.

7 The proposed ARTS-3 zone is not inconsistent with
8 FLUM. First, the ARTS-3 was formerly the ARTS C-3-A zone,
9 and the C-3-A zone is expressly stated as being compatible
10 with medium-density commercial in the framework element. The
11 ARTS-3 zone also favors residential use, by allowing up to
12 5.3 FAR, but limiting non-residential density to 2.5.

13 I will note that yet while not in effect, from a
14 density perspective the ARTS-3 zone is within the 6.0 FAR
15 guidance that's provided in the recently adopted framework
16 element for medium-density commercial designation. Next
17 slide.

18 The site is located right on the boundary of the
19 Mid-City and the Near Northwest Planning Areas. And so, upon
20 evaluation, the proposed map amendment is not inconsistent
21 with the general policies of both of those elements, and,
22 specifically, those promoting transit-oriented development,
23 increased housing and affordable housing, and improvement of
24 neighborhood retail. Next slide.

25 The proposal is also not inconsistent with the

1 more targeted focus area policies that encourage mixed-use
2 development on an under-utilized sites, maximizing proximity
3 to Metro while transitioning through existing neighborhoods,
4 and providing ground floor retail along 7th Street. Next
5 slide.

6 As set forth in our written Comp Plan analysis,
7 the proposal is not inconsistent with the city-wide elements
8 overall.

9 I noted earlier that the area to the west is zoned
10 RF-1, and so we looked closely at the land use and urban
11 design policies relating to residential neighborhoods,
12 transition in building intensity, edge conditions around the
13 Metrorail stations, as well as scale in existing development
14 patterns. So these next couple of slides will demonstrate
15 how the proposed ARTS-3 is not inconsistent with those
16 policies.

17 Prior to setdown, OP asked why we were pursuing
18 ARTS-3 rather than ARTS-2, which already exists along the 7th
19 Street corridor, as you can see on this slide. In our
20 response, we noted that while other parts of the corridor
21 back up to RA zones, particularly to the southwest, and MU
22 zones, the subject property is adjacent to an RF-1 zone.
23 Next slide.

24 As you can see in this table, from a density
25 perspective, the ARTS-2 and the ARTS-3 zones are largely the

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1 same when you factor in maximum density with preferred uses.
2 However, the ARTS-3 becomes a better zone when you look at
3 the 83.5 foot height limit, which includes the penthouse, and
4 the one-to-one setback required when you are adjacent to an
5 R zone. And so, because of the adjacent RF-1 zone and the
6 policies that talk about transition around residential
7 neighborhoods, we feel the height limit and the setback
8 requirements of the ARTS-3 make this an ideal zone for the
9 site. Next slide.

10 This diagram shows the difference between ARTS-2
11 and ARTS-3 in terms of a general envelope. You can see how
12 the overall building height can actually be higher in the
13 ARTS-2 zone. You can also see how the one-to-one setback
14 applies above 50 feet, to the west of us, because of the
15 adjacent RF-1 zone.

16 So, this diagram also is effective at showing how
17 the ARTS-3 will help improve the urban design of the 7th
18 Street corridor, while being responsive to the neighborhood
19 to the west. Next slide.

20 In designing the Zoning Regulations, the Zoning
21 Act requires consideration be given for congestion, health,
22 safety, and welfare, light and air, overcrowding, and
23 distribution of uses. And so, as Leila mentioned, there's
24 no specific project that's proposed, but we know that the
25 Commission is generally interested in what potential impact

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1 a map amendment could have.

2 And so the slide before you provides an evaluation
3 of the proposed ARTS-3 zone against the purposes of the
4 Zoning Act. So, upon evaluation, I believe the proposal is
5 consistent with the Zoning Act, that it will not cause
6 substantial adverse impact, and in certain areas will have
7 favorable impact. Next slide.

8 Okay. Based on my testimony this afternoon and
9 the record in this case, I conclude that the proposal is not
10 inconsistent with the Comprehensive Plan and other adopted
11 policies and programs, and it's consistent with the stated
12 purposes of the Zoning Act. And, thus, satisfies the
13 standard of review necessary to obtain approval from the
14 Commission under Subtitle X of the Zoning Regulations.

15 That concludes my testimony, and I'm happy to
16 answer any questions.

17 MS. BATTIES: That concludes the Applicant's
18 presentation, Commissioner.

19 CHAIRMAN HOOD: Okay. Thank you, Ms. Batties, for
20 your presentation. Thank you again for the presentation.

21 Am I getting feedback? Okay. Is everybody on
22 mute, Ms. Batties?

23 MS. BATTIES: Yes, there's no feedback. We are
24 not hearing any. Am I on mute?

25 CHAIRMAN HOOD: Okay, if you'd just put yours on

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1 mute, so you may be alright. Alright. Again, I want to
2 thank you for your presentation. Let's see if we have any
3 questions or comments. I know I have a few, but I will start
4 in our regular order. Commissioner May?

5 COMMISSIONER MAY: Yeah. The only thing where I
6 was hoping for some clarity is on the alley issue. So, what
7 is the story with the alley? It is, currently, just a 10-
8 foot alley, and it's going to stay that way into the future?
9 I mean, because it looks like it's wider than that.

10 MS. BATTIES: Effectively, it's wider. There's
11 an easement, in addition to the actual alley, there's a ten-
12 foot easement that extends from Howard's property,
13 effectively widening the alley to 20 feet for the majority
14 of the alley. As you get closer, as you go further north, the
15 alley narrows again down to ten feet.

16 COMMISSIONER MAY: Okay. There's a public
17 easement which -- I'm sorry, you are going to have to mute,
18 thank you -- that's in the Howard University property, right?
19 Okay. She's nodding yes, so I'll take that as a yes.

20 MS. BATTIES: Yes.

21 COMMISSIONER MAY: So, yeah, and the issue is that
22 some people, or the ANC, wanted that widened alley to
23 continue all the way to the north.

24 MS. BATTIES: Correct.

25 COMMISSIONER MAY: Okay. Actually, there was a

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1 second question I had, which is I know it's not really
2 critical for a map amendment, but the issue of residential
3 parking permit availability. I mean, this is mostly
4 commercial streets, right?

5 MS. BATTIES: 7th Street is, which will be the
6 front address of the building, yes.

7 COMMISSIONER MAY: So, is that -- I mean, is it
8 possible for you to configure the property in such a way that
9 the address is on a residential street?

10 MS. BATTIES: Truthfully, I haven't seen any real
11 designs in terms of the site orientation and the project
12 orientation. So, what we have done, and what we've shown to
13 the community, is really kind of a building envelope based
14 on what would be permitted in the ARTS-3 zone.

15 COMMISSIONER MAY: Okay. But you are stating that
16 your intention is to have the door front on 7th, and
17 therefore it would be a commercial street, and therefore they
18 are not eligible for RPP.

19 MS. BATTIES: That seems kind of logical, yes.

20 COMMISSIONER MAY: I know this is not -- you know,
21 it's a map amendment, we don't get to specify that. I
22 understand that. I'm just trying to understand what the
23 intention is. Certainly, that would be desirable from the
24 neighbors' perspective, that there would not be a risk of
25 large numbers of RPP-eligible residents moving into the

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1 building.

2 So, all right, that's it for my questions. Thank
3 you.

4 CHAIRMAN HOOD: Okay, thank you, Commissioner May.
5 Let's go to Commissioner Shapiro.

6 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.
7 Yeah, a similar question, but I want to take it a little bit
8 farther. This is not project-specific, but if this rezoning
9 would allow for residential, it seems like it would be an
10 easy thing to say that, with that residential there, we will
11 not have RPP be part of the process. So, what's the downside
12 of the thing that? I don't quite get.

13 MS. BATTIES: There's the -- you cannot condition
14 a rezoning. We felt very strongly knowing that, as kind of
15 a basic legal principle, that cannot be the case. We felt
16 very strongly that we didn't want to blur the lines by
17 entering into agreements outside of the zoning process for
18 this application that were project-specific or specific to
19 a certain design.

20 And the Applicant is -- you know, they don't own
21 the property. I don't know where -- truthfully, I think they
22 are in their due diligence phase. So we didn't feel it was
23 appropriate to enter into any kind of longstanding or long-
24 term agreement with the ANC.

25 COMMISSIONER SHAPIRO: Okay, thank you for that

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1 additional information.

2 Thank you, Mr. Chair, that's all I have.

3 CHAIRMAN HOOD: Commissioner Shapiro, I don't
4 think your parakeet is agreeing with your comments. I heard
5 him, I actually can understand him a little bit, so I don't
6 think they agree with you.

7 Commissioner Turnbull.

8 COMMISSIONER TURNBULL: Thank you, Mr. Chair. Ms.
9 Batties, in your PowerPoint you showed like a building
10 profile section of -- you're basically saying the ARTS-2 and
11 the ARTS-3 are similar with the setbacks. You're basically
12 getting more height in the ARTS-3.

13 MS. BATTIES: No, that's not correct. Actually,
14 the ARTS-3 requires greater setback from the adjacent
15 residential zone than the ARTS-2. And the ARTS-3 actually
16 has, ultimately, a lower height, lower permitted height than
17 the ARTS-2. And, therefore, we believe, Shane testified,
18 that it would be more compatible, the ARTS-3 would be more
19 compatible with the existing residential development than the
20 ARTS-2.

21 COMMISSIONER TURNBULL: Well, I'm looking, maybe
22 you can explain to me better on that diagram. You've got the
23 ARTS C-2-C, which is, obviously, more blockier, doesn't have
24 the setbacks. The ARTS-2 and the ARTS-3, it looks like in
25 ARTS-2 you can get a bigger penthouse, is that it?

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1 MS. BATTIES: It does allow for slightly taller.

2 MR. DETTMAN: Commissioner Turnbull, I think I can
3 best describe it in terms of base building height and then
4 penthouse height. So, in the ARTS-3, which is what we're
5 pursuing, with the IZ bump you can go to 75 feet. I believe
6 the ARTS-2 allows 70 feet.

7 Both zones allow for up to, for a mechanical
8 penthouse, 18 foot 6. However, the ARTS-3 has a unique
9 provision that says, in the ARTS-3, the base building and the
10 penthouse combined cannot exceed 83 feet 6 inches. And so,
11 if you stay in a ARTS-3, the building and the penthouse can
12 only go to 83 feet 6 inches, whereas that special provision
13 doesn't apply in the ARTS-2, so in the ARTS-2 you can
14 actually get up to 88 feet 6 inches, if my math is correct.

15 COMMISSIONER TURNBULL: So, basically, you are
16 saying the ARTS-3 zone that you are proposing is a more
17 friendly zone to put with the RF-1 next door.

18 MR. DETTMAN: That's the argument, yes, because.
19 in addition to the absolute 83 feet 6 inch height limit,
20 which includes the penthouse, there's also that when you abut
21 an R zone, which we do, anything above 50 feet you have to
22 provide a one-to-one setback on the west side.

23 COMMISSIONER TURNBULL: All right. Okay. Thank
24 you. That's it for me, Mr. Chair.

25 CHAIRMAN HOOD: Okay, thank you. Vice Chair

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1 Miller?

2 VICE CHAIR MILLER: Thank you, Mr. Chairman, and
3 thank you, Ms. Batties, for your presentation. This is,
4 essentially, a Comprehensive Plan zoning consistency case,
5 and it's one of the more compelling zoning consistency cases
6 that I've seen that have come before us recently.

7 I was at the Council when we approved the DUKE
8 Greater Shaw/U Street Plan in 2005, I think it was, and the
9 Convention Center Strategic Plan in 2006. And the map
10 amendment for this site, from low density -- low and
11 moderate, I forget what was low and what was moderate, but
12 it then when to medium/medium. So, the RF-1 existing zoning
13 is actually inconsistent with the Comp Plan, as has been
14 stated by the Office of Planning and the Applicant in their
15 reports.

16 And the proposed rezoning to ARTS-3 would be much more
17 consistent with the Comprehensive Plan designations, which
18 were approved unanimously by the Council, both in the small
19 area plan and in the map amendment, land use map amendment.

20 So, on the parking, ANC 6E, which I think did
21 support -- no -- did support, 3 to 0 with 3 abstentions to
22 oppose. Okay, they opposed. Most of them it's a parking
23 issue and not getting other commitments. But they complain
24 about the extreme difficulty in finding RPP parking on the
25 streets adjacent to the site due to non-residents parking all

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1 day on streets which are limited to two-hour parking by non-
2 permitted RPP vehicles driven to the neighborhood by
3 commuters who use the Shaw/Howard University Green and Yellow
4 Line Metrorail station.

5 So the problem with parking, currently, that they
6 complain about, that they think is going to be exacerbated
7 by this development, is actually an enforcement issue, it
8 seems to me, with non-residents parking in RPP-designated
9 parking areas. That's how I read their 6E, paragraph five.

10 But, in any event, that's really not relevant to
11 our zoning consistency evaluation, which I think has clearly
12 been made in this case. So I am supportive of this project
13 going forward.

14 MS. BATTIES: Thank you.

15 CHAIRMAN HOOD: Okay. I want to talk about -- Ms.
16 Batties, I want to talk -- or, Mr. Dettman, you don't have
17 to put it back up, I'm trying to move it around. I want to
18 talk about the slide that Mr. Dettman told us about his
19 Zoning Act consistency, this is kind of in line with what the
20 Vice Chair just talked about, where Mr. -- and I hope you can
21 hear me -- where it says "purpose of congestion," and then
22 it has an assessment that says minor increase in trips
23 compared to existing zoning, transit-accessible locations,
24 walkable locations. And then it says it's determination,
25 minimal impact. Minimal, how do we get to minimal? Is there

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1 anything that gets me to that conclusion? And if it's in
2 here somewhere, I didn't see it, but is there anything that
3 gets me to minimal impact? If there's anything that gets me
4 to favorable.

5 MR. DETTMAN: Chairman Hood, thanks for the
6 question. So, it's just a rough analysis that we've prepared
7 in an attempt to look at things like potential
8 inconsistencies and consistency with the Zoning Act. In
9 those categories, congestion, light and air, those were just
10 sort of categories. We needed to ground our evaluation in
11 something, and so we looked to the Zoning Act.

12 In terms of congestion, the way that I arrived at
13 the determination of minimal impact is compared to a trip
14 generation analysis that our transportation consultant
15 prepared that was submitted to DDOT that showed that if you
16 were to take the existing building, which is a non-
17 residential building, and convert it to multi-family at 900
18 square foot of land area per unit, compare the number of
19 trips of that building to the number of trips that would be
20 generated through a redevelopment under ARTS-3, there's a
21 minimal increase in the number of trips.

22 And that was DDOT's report that actually
23 specifically notes that, in their opinion, there would be a
24 minimal impact to the transportation network for the proposed
25 map amendment. That's kind of how I arrived at my

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1 conclusion.

2 CHAIRMAN HOOD: Okay, so, actually -- put yours
3 on mute for a second. Okay, there we go.

4 Actually, thank you, Mr. Dettman. I want to say
5 that I really appreciate this sheet. I think we get there,
6 but just your analysis, I would add another column of where
7 I can find it for the record, where can I find your analysis
8 I think would be very beneficial for being able -- how you
9 arrived to your findings. And, okay, I got this out of the
10 transcript, on page 36 of the transportation report. And,
11 you know, and even if you have to write just one or two
12 lines, I would like to see that included in this slide. I
13 think this is very good, because it looks at the impacts and
14 it looks at the mitigation.

15 Okay. I want to ask Ms. Batties to come back up.
16 And I think you mentioned about the letter, you were talking
17 about the letter addressed to the mayor, which has Ms.
18 Hansen, the president of French Street Neighborhood
19 Association, is that -- okay. Alright. I understand their
20 issues, but let me ask again. I know this has overwhelming
21 support, and I think, as the Vice Chair mentioned, the
22 consistency of it is definitely favorable, at least my
23 favorable. I don't see anything to direct me another way.

24 I do understand the concerns of 6E, why they
25 didn't do a PUD, and I've heard that before, but we are --

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1 you all have the right to come in here in that format, but
2 I'll let them come up and expound more on their presentation.

3 But my question is, even though ANC 6E and the
4 French Street Neighborhood Association I believe have issues,
5 even though it's supposed to be about the map amendment, as
6 I've always said, not about a project. I don't even want to
7 talk about no project. So that's why I went to that sheet
8 with Mr. Dettman.

9 But I will say that some of those concerns we can
10 probably still look at and work through as you move further
11 down the line. I would just ask that the Applicant do that.
12 I'm not sure whether it's going to be voted up or down. I
13 think it merits my support. I'm not sure what others
14 believe. But I just want to make sure that we still continue
15 to listen to Ms. Hansen, and I'm sure, hopefully, they are
16 on, so they can continue to have a dialogue, and also
17 Commissioner Padro and others.

18 But it looks like the record is complete, for me.
19 It looks like you have overwhelming support. And I really
20 think what sums it up for me, and I want to make sure I put
21 this on the record, and I think the Vice Chair also alluded
22 to it, the Office of Planning report, page one, when I read
23 this, it talked about all the plans that were included, how
24 this rezoning and how this map amendment would apply, I
25 think, to me, that did it for me in this case.

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1 Anyway, I didn't have a question. I don't believe
2 I have any other questions. Okay, that's it. Any other
3 follow-up questions, comments? Not seeing any.

4 Alright. Let's go to ANC 1 -- do we have anybody
5 here, Chairman Turner from ANC 1B? I know we have a letter.
6 If nobody is here I will expound upon that later.

7 Do we have anyone here ANC 6E?

8 MS. SCHELLIN: Mr. Padro is here.

9 MR. PADRO: Yes, Mr. Chairman.

10 CHAIRMAN HOOD: Okay. Mr. Padro, do you have any
11 cross-examination?

12 MR. PADRO: Yes, I do.

13 CHAIRMAN HOOD: Okay. Go right ahead.

14 MR. PADRO: Ms. Batties, when you characterize ANC
15 6E's vote as having been a vote of three individuals out of
16 many in the community, is it not, in fact, the truth that
17 every ANC commissioner represents 2,000 constituents, as
18 defined in the previous census? Ms. Batties?

19 MS. BATTIES: Yes, that's correct.

20 MR. PADRO: All right. So, your suggestion that
21 because there were three members of the Commission that voted
22 to oppose and three had abstained, in reality, it is the ANC,
23 it is the body that has voted to oppose, you know, the
24 application for the reasons stated, just as it was ANC 1B's
25 collective determination, regardless of their vote, that they

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1 would support it. Is that not correct?

2 MS. BATTIES: I appreciate your comments.

3 MR. PADRO: Alright. So, Ms. Batties, you
4 indicated that there was no specific development planned for
5 this particular site, but isn't it true that, when you first
6 met with me last fall, with the representative from
7 Quadrangle, that you represented the project that would be
8 mixed-use development that would have ground floor retail and
9 residential above.

10 MS. BATTIES: When I spoke to that this evening,
11 I was saying I have not seen specific, like, plans, right,
12 the design of the building. We have a building envelope.
13 We know the uses that are permitted based on the zoning and
14 what's required under the DUKE Plan and the Convention Center
15 Strategic Plan, but I have not seen an architectural design.

16 MR. PADRO: But, nonetheless, your representation
17 was that it would be residential with ground floor retail.

18 MS. BATTIES: What we showed you is what the
19 maximum development potential is based on the proposed
20 rezoning, yes.

21 MR. PADRO: And, those were the specific uses?

22 MS. BATTIES: Yes, based on the zoning and the
23 land use designation, yes.

24 MR. PADRO: Thank you. And then, lastly, in the
25 response to a question from one of the Commissioners this

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1 afternoon, you had indicated that you had confirmed that the
2 understanding was that this would be in a commercial zone,
3 and that residential permit parking would not be allowed.
4 Is that not correct?

5 MS. BATTIES: No, I didn't confirm that. I said
6 7th Street is a commercial corridor. You know, we have our
7 traffic person here that could speak to what's -- you know,
8 where RPP permits can be issued or not, but I don't have that
9 expertise.

10 MR. PADRO: All right Well, no, I can confirm
11 that, you know, as it is my Single Member District, that
12 there are several buildings along 7th Street that do have
13 residential permit parking.

14 So, those are my questions, Mr. Chairman.

15 CHAIRMAN HOOD: Okay, thank you, Commissioner
16 Padro. Alright, we'll be calling you back up shortly.

17 Let's move right along. Any other questions or
18 comments, Commissioners? Not hearing any.

19 Okay. Let's go to the Office of Planning and
20 DDOT. I believe Ms. Brown-Roberts is doing OP. I'm not sure
21 who with DDOT.

22 MS. BROWN-ROBERTS: Good afternoon, Mr. Chairman
23 and members of the Commission. I'm Maxine Brown-Roberts for
24 Case No. 19-28.

25 The proposed zoning from the RF-1 to the ARTS-3

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1 zone would not be inconsistent with the Future Land Use Map,
2 which recommends medium-density residential and medium-
3 density commercial for the site. And the generalized policy
4 map designates the site as being within a neighborhood
5 enhancement area. It is also not inconsistent with many of
6 the city-wide elements of the Near Northeast area element,
7 and is identified as being within one of the Near Northeast
8 policy focus areas.

9 Both the DUKE Plan and the Convention Area
10 Strategic Development Plan recommends a mix of higher density
11 residential and retail uses than currently exist on the site
12 or permitted under the current RF-1 zone.

13 During the 2000 Comprehensive Plan Amendment, the
14 property designation of low-density commercial, moderate-
15 density residential, was changed to the mixed-use, medium-
16 density commercial, medium-density residential be reflective
17 of the recommendation of the two plans.

18 The Office of Planning, therefore, recommends
19 approval of the requested map amendment from the RF-1 zone
20 to the ARTS-3 zone. Thank you, Mr. Chairman, and I'm
21 available for questions.

22 CHAIRMAN HOOD: Okay. Ms. Schellin, do we have
23 anybody from DDOT? We don't? Okay. Alright. Let me find
24 the DDOT report. I know it's here. Oh, I see it.

25 I'm just going to read the report. It basically

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1 says DDOT has reviewed the Applicant's request and determined
2 that based on the information provided the proposed rezoning
3 would likely not lead to a significant increase in the number
4 of peak hour vehicle trips for the District's transportation
5 network if developed at the most intense matter of right use.
6 Therefore, DDOT has no objection.

7 But what they do continue to say, and this goes
8 to Commissioner Padro's comment, is that continued
9 coordination -- and that whole issue about RPP, I won't go
10 there right now. But I think they still say continue the
11 coordination for this map amendment. So they have a list and
12 that's codified and noted on their report, memorialized. So,
13 some of those actions still need to take place from the
14 transportation experts.

15 So, I didn't testify to DDOT; I'm just reading
16 what they had in their letter, since we don't have DDOT
17 present here tonight. So, don't cross-examine me.

18 All right. Let's go to the Office of Planning.
19 Let's see if we have any questions. DDOT, if I have to
20 answer questions, read the letter, but if we have any
21 questions of the Office of Planning.

22 Commissioner May?

23 Okay, Commissioner Shapiro?

24 Okay, and Commissioner Turnbull? Okay.

25 Vice Chair Miller? Okay.

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1 Ms. Brown-Roberts, I really appreciate your
2 report, especially how you summed it up. Normally, when we
3 have the DUKE Plan, the Comp Plan is always conflicting.
4 This is one time that I've ever seen it seems like they are
5 working together. So, I thought they never would, but it
6 seems like, for once, we got something working. I know we've
7 got to resolve some of the issues people have, but I think
8 that finally I see it working together. This time.

9 Okay, thank you very much.

10 Oh, I'm sorry, does the Applicant have any cross
11 of the Office of Planning? Okay.

12 Again, we don't have anybody here, Chairman
13 Turner, ANC 1B.

14 Mr. Padro, do you have any cross of Office of
15 Planning?

16 MR. PADRO: No.

17 CHAIRMAN HOOD: Okay. All right, thank you.

18 Let's move on to other Government reports.

19 Thank you again, Ms. Brown-Roberts.

20 Did anybody see any other reports? I didn't see
21 any reports, I saw more comments from the ANC and from the
22 associations. I think everything else is covered.

23 Okay. With that, let's go to, again, ANC -- well,
24 since we have Mr. Padro, I'm going to let ANC 6E go first,
25 and then I'll just read the letter from ANC 1B.

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1 So, Mr. Padro, you may begin.

2 MR. PADRO: Thank you, Mr. Chairman, and Members
3 of the Commission. I'm Alexander Padro, I'm the Advisory
4 Neighborhood Commissioner for Single Member District 6E 01
5 in Shaw. I'm in my 20th year representing the citizens in
6 Central Shaw.

7 And in those 20 years the Commissions that I've
8 represented, first ANC 2C and currently ANC 6E, has only on
9 one occasion had found it necessary to oppose a zoning
10 application, specifically, a matter coming before the Zoning
11 Commission and this BZA.

12 I personally was involved in one other matter that
13 was opposed by the community and a number of community
14 organizations, but the ANC did not take a position on that.
15 That was many years ago.

16 As a result of the fact that we've had about \$3.5
17 billion worth of development taking place in our community
18 of Central Shaw, along the 7th and 9th end corridor since
19 2002, and we have extensive experience in dealing with
20 developers on projects of like range and size.

21 And, we have been fortunate that in all other
22 instances, we have been able to reach an understanding with
23 the developers about issues of concern to our constituents.
24 Again, this has been the exception.

25 We began in good faith working with attorney --

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1 counsel for the Applicants, and the Applicants they made two
2 presentations to the ANC 6E Zoning and Planning Committee.
3 A number of issues were raised at those meetings. We thought
4 that we would come to an understanding and that what should
5 have been very simple issues to address, you know, could have
6 been addressed, just as other clients of this particular firm
7 have addressed in other rezonings in the one block radius of
8 this location.

9 We have never failed to get a letter documenting
10 the arrangements that were being made to address the
11 community's concerns. So, it was particularly disturbing to
12 us not to be able to achieve it with this developer as well.
13 No one wants to see the current Howard University Center for
14 Urban Progress building there forever. That is not the best
15 and highest use for that particular property.

16 But, our constituents have obvious and significant
17 concerns that are unaddressed. And, we have heard about them
18 already this evening, mostly dealing with transportation
19 issues. I won't get into, you know, whether or not what
20 decisions were made, for what reasons related to not pursuing
21 the PUD, but PUD has been the mechanism that in almost all
22 instances ANC 6E has used to be able to work with and
23 successfully negotiate with developers to ensure that the
24 concerns of the community have been addressed as related to
25 negative impacts from particular development, and where

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1 appropriate that there would be amenities that would be
2 provided that would compensate the community for negative
3 impacts associated with the said development.

4 All that having been said, it would have been very
5 simple for the Applicants to state that they were prepared
6 to -- if, in fact, the development results in residential
7 rather than commercial development, and they had expressed
8 to me that there would be no availability -- no allowability
9 for the residents of the building to apply for RPP.

10 The reality is that, you know, on-street parking
11 is extremely difficult to find in that neighborhood. Even
12 with a pandemic it's been extremely challenging to,
13 potentially, add scores of additional cars that might choose
14 to park on the street if there were insufficient spaces in
15 an on premise garage, or if those residents choose not to
16 avail themselves of that more expensive option, instead for
17 \$35, you know, acquire a residential parking permit and try
18 to compete for parking spaces with current residents. It's
19 just something that our Commission could not support, not
20 having an agreement -- an understanding with the developer
21 that they wouldn't make that restriction.

22 Agreeing to add ten feet to a portion of an alley
23 on property that, you know, is currently being negotiated for
24 the acquisition of for this particular development. Again,
25 with such -- we thought -- a modest request, and would be so

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1 helpful in terms of ensuring that that alley be more
2 functional for the residents that live on the west side of
3 the alley, which are a combination of row houses, in addition
4 to, you know, the elementary school -- Cleveland Elementary
5 -- because it's also on the west side of the street -- the
6 alley, but also for the uses that are going to be required
7 of that alley when the site is redeveloped. The combination
8 of loading, of press service, garage access, et cetera, are
9 going to bring significant burdens to a very narrow alley.

10 So, we thought that, you know, just an agreement
11 to say yes, we are going to make that alley consistently 20
12 feet, you know, from S Street to T Street, was an extremely
13 modest request. I don't believe -- and my colleagues do not
14 believe -- that what we were requesting was anything that
15 would be so onerous as to cause a developer to say, no, we'd
16 rather not deal with this Commission, not get your support,
17 than to make some extremely modest concessions.

18 So, in the end, you know, we felt that the
19 developer and the current property owner were not acting in
20 good faith with the community. They have not consulted with
21 other civic associations in our jurisdiction, although they
22 appear to have made the rounds of those in ANC 1B. And, you
23 know, we felt that it was appropriate for us to oppose this
24 particular application, although several of my colleagues
25 chose to abstain rather than to actually vote against it.

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1 So, again, we understand the standards that
2 typically need to be reviewed. We understand what we are
3 supposed to be analyzing, and what you, the Members of the
4 Commission, are charged with analyzing. You know, but from
5 the community's perspective -- at least from the part of the
6 community that is, you know, to the south of S Street, where
7 the site has a southern boundary -- you know, we cannot
8 support this application.

9 That concludes my remarks.

10 CHAIRMAN HOOD: Okay, thank you, Commissioner
11 Padro.

12 Let's see if we have any follow-up questions.

13 Commissioner May?

14 COMMISSIONER MAY: No, actually, I think that --
15 the one question I have is whether the prior projects that
16 have been where the developers have negotiated with the ANC,
17 were they all PUDs? And, I think the answer that you -- you
18 know, in your testimony was just that it was usually or
19 almost all, something like that, right.

20 Were there ever any map amendments where somebody
21 did an agreement outside of it?

22 MR. PADRO: Yes, Mr. May, specifically, the
23 project on the 600 block of S Street, that this particular
24 law firm was counsel of, and is one that the map amendment,
25 you know, was approved, and the agreement centered on the

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1 retention of, it's like historic facades that would be
2 incorporated into the development. And then, both were
3 memorialized.

4 COMMISSIONER MAY: And was there anything else
5 compelling that, like if there be approval or something like
6 that?

7 MR. PADRO: No. That was not located in a
8 historic district, so that was completely independent, that
9 was part of, again, a negotiation, you know, with the
10 developer that sought the Commission and the community
11 support. And, that was a condition that we requested and it
12 was granted.

13 COMMISSIONER MAY: Okay, well, I appreciate that
14 additional information. I don't know that really becomes a
15 factor in the end, because our decision about this is, you
16 know, there's a limited range of things that we should be
17 considering, and lack of an agreement, typically, is not one
18 of them.

19 So anyway, that's it for my questions, Mr.
20 Chairman.

21 CHAIRMAN HOOD: Okay, thank you.

22 Commissioner Shapiro?

23 COMMISSIONER SHAPIRO: No questions, Mr. Chair.

24 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

25 COMMISSIONER TURNBULL: No real questions for the

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1 Commissioner, but I do have, just how many -- the Department
2 of Transportation in their report said that there would be
3 no new curb cuts on 7th Street, and that the existing one
4 should be closed. And, it's very clear that all the
5 vehicular site access to the site, as well as loading
6 facilities and trash pickup must be via the existing rear
7 public alley network.

8 So, Mr. Padro is bringing up an extremely valid
9 point, that this 10 foot alley -- at least at the top and the
10 bottom -- are going to be well-used and could be a little bit
11 chaotic, and could be a problem in getting in and out.

12 So, just a point, that he does make a valid case
13 for what the Department of Transportation is requesting of
14 the Applicant.

15 That's all I have, Mr. Chair.

16 CHAIRMAN HOOD: Okay, thank you, Commissioner
17 Turnbull. So, I think in response to what you just -- I
18 didn't see that, I probably missed it trying to read over it,
19 but I will tell you that I think that we need to kick that
20 back to DDOT and explain to them exactly what Commissioner
21 Padro is saying, because, you know, even though -- oh, we are
22 doing a map amendment, but there is still impacts. And, we
23 need to be able to make sure -- even as we do this map
24 amendment -- there's a resolve there, or a mitigation method.

25 So, I am inclined -- and I hope the others agree

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1 -- that we still kick that back, as Commissioner Turnbull --
2 I appreciate you bringing that point up -- what Mr. Padro
3 mentioned you can find it in the report. But we need to kick
4 that back to DDOT. We need to have -- we just can't just
5 say, oh, okay, it's a map amendment, we need to look at that
6 impact. At least that's my -- but, we can talk about that
7 later, but I think that we need to kick it -- I would be in
8 favor of kicking it back and let them work it out and come
9 up with something better than what's going on here now. I
10 think that will at least try and pay some attention to what
11 Commissioner Padro and the people on that side, that team,
12 that ANC, is concerned -- or at least one, while not all, but
13 at least one, so let's just see how that goes.

14 Okay, Vice Chair Miller?

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

16 I have no questions or comments, just thank
17 Commissioner Padro for his testimony and his 20 years of
18 service.

19 CHAIRMAN HOOD: I, too, would like to thank
20 Commissioner Padro for all of his work and for a lot of
21 things happening in the Shaw neighborhood. I understand his
22 concerns. They've been in the trenches for a long time
23 getting things done, and all of us who live in the -- and
24 walk have been able to go down there and benefit, while we
25 try not to go down there and park our cars and add to the

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1 problems.

2 We used to try to catch Metro, I don't know how
3 to go -- I guess I have to start learning how to ride a bike
4 now to get down there. But, I appreciate all the work you've
5 done, Commissioner, and we appreciate your concerns.

6 And, and one of the ones I know we can definitely
7 do, the transportation issue, lowering that alley usage,
8 which we don't want to create a problem. We need to make
9 sure that we have that communication in place.

10 We appreciate everything and appreciate your
11 comments.

12 And also, I want to say that even though -- I know
13 where you are going with your first cross examination, Ms.
14 Batties, but the vote still was 3-0, so that will carry.
15 But, I am curious, the three abstentions, you said they just
16 didn't want to vote, or they didn't want to say no, they
17 didn't want to say yes, why did they abstain?

18 MR. PADRO: Mr. Chairman, yes, I mean we are a
19 very pro-development Commission, as demonstrated by the past
20 20 years of projects and, you know, and \$3.5 billion worth
21 of development having taken place in the neighborhood.

22 You know, there were members that were
23 uncomfortable with the idea of saying Howard University is
24 trying to do something bad, you know, to the community, that
25 wasn't something that they were comfortable with.

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1 You know, it could have ended up being, you know,
2 4-0-2, it ended up being 3-0-3.

3 CHAIRMAN HOOD: Okay, all right. We appreciate
4 it.

5 All right, let's see, does the Applicant have any
6 questions of Commissioner Padro? You're on mute.

7 MS. BATTIES: Hi. I would like to just make three
8 points in a response to Mr. Padro's testimony.

9 CHAIRMAN HOOD: So, these are questions to Mr.
10 Padro, when we do the rebuttal you can cover those points.

11 Do you have any questions for him?

12 MS. BATTIES: No.

13 CHAIRMAN HOOD: Okay. Again, ANC 1B, we don't
14 have anybody from ANC 1B.

15 Let me -- oh, thank you, Commissioner Padro.

16 Let me read ANC 1B, try to read it to myself
17 quickly. Does anybody know what exhibit that is? Oh, here
18 it is, Exhibit 11. Oh, okay, this just -- this is our Form
19 129, I thought I saw a report.

20 It says, ANC 1B Commission has voted its support
21 of the request of the proposed map amendment to the Zone
22 Square 417, Lots 53 and 54, from RF-1 to ARTS-3. And, that's
23 signed by Chairperson Turner, person who was the
24 representative call their name out.

25 So anyway, the vote was 10-0, and they voted in

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1 favor to support this.

2 Okay. Let's go to persons -- organizations or
3 persons who are here in support. I think we have one person.
4 Let me pull that name up. If that person is already here --

5 MS. SCHELLIN: Nicholas Smith.

6 CHAIRMAN HOOD: Okay, Mr. Smith. Do we have
7 anybody else, Ms. Schellin? Nobody else, just Mr. Smith?

8 MS. SCHELLIN: No one else signed up.

9 CHAIRMAN HOOD: Okay, so Mr. Smith, you want to
10 show yourself? If not -- oh, there you are. Okay, you may
11 begin.

12 We can't hear you, Mr. Smith.

13 MR. SMITH: Sorry, can you hear me now?

14 CHAIRMAN HOOD: Yes, we can hear you good.

15 MR. SMITH: Okay, sorry. I had my mic muted.

16 Hello, Commission Members. Thank you for the
17 opportunity to speak today.

18 My name is Nicholas Smith. I live at 711 S Street,
19 directly adjacent to the alley across from the property. I
20 support the ARTS-3 rezoning. In fact, I would, actually,
21 support an ARTS-4 rezoning, which is even more dense than the
22 current usage.

23 This neighborhood is incredibly well served by
24 transit, and it's pedestrian friendly, and there are many
25 bike lanes and commercial establishments. More residents

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1 will help support the current businesses and transit in the
2 area.

3 I should note that the property and my home are
4 both situated in SMD 1B01. ANC 1B unanimously supported this
5 rezoning. Opposition comes from ANC 6E and a neighborhood
6 association that does not represent this lot. Nevertheless,
7 I'd like to address some of those concerns.

8 First, the DDOT report predicting minimal change
9 in car trips. My household does not have a car, but we have
10 a temporary parking permit, and have rented cars on occasion,
11 and we've never had a problem finding parking within a block
12 of our home. And, many people in the area have parking in
13 the rear of their homes. Note that the dividing line between
14 the ANC is S Street. For street parking, our permit is only
15 valid in our ANC, which means we -- and any people who might
16 get such a permit in the subject property -- would not be
17 able to park on the south side of S Street, or to the south
18 anywhere in ANC 6E, other than the standard hourly limit
19 available to all.

20 If anything, parking is usually easier to find on
21 a street south of S, than it is north of S. So, it would be
22 easier to find parking in 6E, and this won't change that,
23 because the parking permits are not valid in that zone.

24 I can't imagine many people from ANC 6 are coming
25 north to park at this Metrorail station. In my experience

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1 since I've been here I have not seen that.

2 As well, DC's RPP program page says, quote, if you
3 live on a commercial block an RPP will not be issued. This
4 area is also well served by alternative transportation uses.
5 I expect many people will be avoiding the unnecessary expense
6 and inconvenience of purchasing automobiles.

7 Since our Metrorail station is directly across the
8 street and frequent bus lines are nearby, encourage the
9 Applicant to take advantage of reduced parking minimums as
10 per Subtitle K, Section 702.1A and C 1, 5 and 9, the priority
11 best corridors of 70, 79, 90, 92 and the G8, helps encourage
12 applying for using great minimum parking exemptions as listed
13 in Section 703. The area is well served by transit, as well
14 as bike lanes, and satisfies 703.2B, C and D, as well as
15 possibly E and F.

16 As for the alley, my biggest concern is feeding,
17 as vehicles zoom past my bedroom just a few feet from where
18 I rest my head at night. No other property is as close to
19 this property, as the other buildings have parking spots
20 behind their alleys. This alley is very wide compared to
21 many alleys in the neighborhood. I would support narrowing
22 the alley, actually, to what it is at the northern end,
23 whereas, if you are there you can see the cars are much
24 slower than they are on the southern end.

25 Choking or some other expungement of this easement

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1 would actually help improve the quality of life for people
2 who back up onto this alley.

3 Lastly, other concessions to residents who do not
4 represent this area just increase the cost of this
5 development and will make housing we desperately need in this
6 area more expensive.

7 Thank you for the opportunity to speak today, and
8 I hope you support the rezoning.

9 CHAIRMAN HOOD: Thank you, Mr. Smith.

10 Let me ask you, are we talking about the same
11 alley?

12 MR. SMITH: Yes. This is -- I live on S Street
13 directly on the west side of the alley, across from the
14 property. So, if you were to look at the map, you'll see
15 there's a parking lot at the corner of S and 7th on the
16 northwest corner that's fenced in, and then to the west
17 there's an alley. And then, directly west of that there are
18 a number of row houses. We are in a building that's newly
19 constructed by the people who have long owned this property.
20 And so, I'm a tenant here, and then there's also 713, 715 and
21 so on all the way to 8th Street.

22 CHAIRMAN HOOD: So, is it your testimony that you
23 believe that the narrowing of the alley would not cause a
24 problem for some future development.

25 MR. SMITH: I -- especially if there's reduced

1 parking, I don't imagine that narrowing of the alley would
2 be a bad thing. I think it would be a good thing.

3 Obviously, a ten foot alley would be difficult
4 because garbage trucks and other vehicles that might need to
5 access the property, that ten feet would be awfully narrow
6 for the entire alley. But, I think something like 12 or 14
7 feet, with maybe passing areas, would be fine. Cars are
8 usually about eight feet wide, so, you know, even if you are
9 going to have to pass two cars in the opposite direction
10 going slowly, I can't imagine more than 16 or even 17 feet.
11 I would leave that to the engineers to decide what it should
12 be, but no one needs to be speeding down the alley. If you
13 are going two miles an hour, just -- you can negotiate how
14 to pass, and people do that on S Street in front of my house
15 all the time, because there's parking on both sides of the
16 street. And, the roadway is probably only about 30, 25 feet
17 or so.

18 And so, actually, if there's cars parked on both
19 sides of the street, and cars driving both ways, you can't
20 actually fit cars, so they have to sort of one will go and
21 then the other will go. So, that, actually, slows down
22 traffic incredibly during the evening, which is nice because
23 during the rest of the day when there's less traffic cars
24 tend to zoom along my block.

25 So, I would -- it's, actually, cars go faster on

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1 the alley than they do on the street. So, that's why I would
2 support actually narrowing the alley.

3 CHAIRMAN HOOD: Okay. And, and Mr. Turnbull, we
4 can continue to talk, but I'm just thinking as we move -- as
5 a development, eventually, is proposed for that area, I know
6 there's some other permitting processes that DDOT will go
7 through. So, I may withdraw what I said, because I don't
8 even know if that's down our line right now. We all know
9 that it has to be approved by DDOT, and, hopefully, the ANC
10 will still stay engaged to make sure, because there's some
11 other fitting things that can go on even after us, but I'll
12 ask counsel and we'll see what we can do within our range.

13 Okay. Commissioners, any questions? Commissioner
14 May? Okay.

15 Commissioner Shapiro?

16 Commissioner Turnbull?

17 And, Vice Chair Miller?

18 VICE CHAIR MILLER: No questions, just a comment.
19 I appreciate Mr. Smith bringing up the additional housing
20 that will be provided due to this rezoning. I think the DDOT
21 report mentions the maximum build out at 195 dwelling units
22 versus -- under the new zoning versus 109 under the existing
23 zoning, so 84 more or something like that, and that housing
24 -- additional housing which will -- with our inclusionary
25 zoning and other policies -- include affordable housing,

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1 supports specific policies supportive of housing in both of
2 those small area plans and in the overall Comprehensive Plan.

3 So, thank you.

4 MR. SMITH: Thanks. If you'll just permit me one
5 quick procedural issue. So, I never actually got a notice
6 of this meeting, because it seems that it's the policy of the
7 City not to mail out notices of rezonings to renters, only
8 to landlords. So, I, actually, found out because the mail
9 person delivered the mail to our upstairs neighbor, who is
10 a landlord, but not -- who, it's a separate condo, so they
11 got a notice, but we did not get a notice. I just happened
12 to get it and I brought it upstairs, but I saw Zoning
13 Commission and I had to check the website to find this out.

14 And, if you look at who gets this, our landlord
15 in Maryland is not a resident of the District, gets Zoning
16 Commission notices for rezoning, but the tenants do not get
17 those notices.

18 And, if you think about it conceptually, tenants
19 might be more likely to support adding density, because the
20 increased supply of units will help decrease the cost of
21 renting, while landlords might, you know, in first principle
22 be opposed, because that would decrease the value of their
23 properties, given that there are more units.

24 So, you know, I think either way you want to go
25 about it, it seems unfair that tenants don't get the same

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1 notice that residents do. And, even if you don't know who
2 the tenants are, because it's not in the property records,
3 you could definitely send a letter to every address that, you
4 know, has a unit, but doesn't necessarily -- is not a
5 landlord or a property owner themselves, and just say to
6 current resident. And, that would help alert and get more
7 people, potentially, involved in this process who otherwise
8 might not be aware.

9 CHAIRMAN HOOD: So, Mr. Smith, while I really
10 appreciate your comments, that's not a comment that we have
11 not heard before.

12 MR. SMITH: Right.

13 CHAIRMAN HOOD: It's unfortunate the landlord does
14 not think enough to let everybody know what's going on.

15 We also -- the other way, if you look at our
16 placards, this should have been noticed. If sometimes you
17 are walking and you see -- I think they are light green now,
18 we have signs.

19 MR. SMITH: Yes, I saw the placards, and I saw all
20 that afterwards, so I would have found out about it
21 regardless. It just seems like a differential treatment
22 between whether you own property or whether you rent
23 property. And considering how many people in the District
24 rent properties, you know, it seems that this policy is sort
25 of losing out the potential for comments from a number of

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1 people who might be supportive of these kinds of things.

2 So, while it has nothing to do with this specific
3 property, and didn't, you know, inconvenience me in
4 particular, it might in the future, and I think it's
5 something the staff should look at as should counsel to
6 amending the appropriate laws and regulations.

7 CHAIRMAN HOOD: Okay, and I think that's a bigger
8 discussion than even our office.

9 MR. SMITH: That's fair. Thank you again.

10 CHAIRMAN HOOD: We appreciate your comments. I'm
11 glad you found out, but go back to your landlord and tell him
12 to put you on notice.

13 MR. SMITH: Will do.

14 CHAIRMAN HOOD: All right. Thank you very much.

15 All right. Let's see if we have anybody else out
16 there who would like to testify in support? Last call.

17 MR. PADRO: Mr. Chairman, can we have an
18 opportunity to cross examine Mr. White?

19 CHAIRMAN HOOD: Oh, I'm sorry, Mr. -- you are
20 right. Mr. Smith, will you come back?

21 MR. SMITH: Yes, I'm still here.

22 CHAIRMAN HOOD: Thank you, Mr. Padro. Okay, Ms.
23 Batties, do you have any cross examination? She said no.

24 Commissioner Padro, you obviously have some cross.

25 MR. PADRO: Yes, Mr. Smith, thank you for coming

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1 this afternoon.

2 You indicated that your household does not have
3 residential permit parking, but you do have a visitor parking
4 pass, is that right?

5 MR. SMITH: No. Well so, I do not have a
6 residential parking permit. I would be eligible to get one,
7 but since our household does not have a car we don't have
8 one. We just have the temporary one in case we have visitors
9 or if we get an occasional rental car.

10 MR. PADRO: So, are you aware -- or, perhaps,
11 you're not aware -- that while there are ANC restrictions for
12 visitor parking passes, there are no such restrictions for
13 residential parking permits?

14 MR. SMITH: Well, from what I understood, while
15 I just don't have a residential parking permit, from what I
16 understood on the website -- having just read it a few
17 minutes ago -- it says that you are only allowed to park
18 within your ANC, that the permits are only valid within
19 there.

20 Now, that may be incorrect information, and so
21 then I would ask the Residential Parking Permit Program's
22 website to be updated to reflect that. But, that was what
23 I looked at within the last hour.

24 MR. PADRO: So, in fact, residential permit
25 parking allows the holder to park a vehicle with such a

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1 permit anywhere within the indicated zone. And, in a
2 boundary zone like S Street, on the adjacent zone as well.
3 So, if you indeed have a zone 1 sticker, you would be able
4 to park anywhere within a one block radius of the boundary,
5 which would include in ANC 6E.

6 And, the residents of ANC 6E also are able to park
7 on your block and on the 1800 block of 8th Street, NW.

8 So also, another question for you. About that
9 same block that you live on, on the east side of the 1800
10 block of 8th Street, is it not true that the northern half
11 of the block does not have parking availability for anyone
12 during school hours?

13 MR. SMITH: I'm not exactly aware of that. So,
14 this is -- the 1800 block would be between R Street and S
15 Street, is that correct?

16 MR. PADRO: Between S and T.

17 MR. SMITH: So, that would be then -- would that
18 be the 1900 block?

19 (Simultaneous speaking.)

20 MR. PADRO: -- where the school is located.

21 MR. SMITH: Okay. Yes, up there, I know there are
22 some school restrictions in front of Cleveland Elementary
23 School.

24 MR. PADRO: Okay. Just wanted to also, you know,
25 confirm that there are many challenges to finding parking in

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1 that area, not merely, you know, the volume of parking.

2 That's all I have.

3 MR. SMITH: Thank you.

4 CHAIRMAN HOOD: Okay, thank you both. Thank you
5 again, Commissioner Padro and Mr. Smith, thank you for your
6 participation. We greatly appreciate it.

7 Commissioner Shapiro?

8 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.

9 When it's appropriate, I have a question for
10 Commissioner Padro.

11 CHAIRMAN HOOD: Go right ahead.

12 COMMISSIONER SHAPIRO: Okay. So, don't take this
13 related to the content of what you brought forward or your
14 commitment and passion around this issue, it's a procedural
15 question about Robert's Rules.

16 So the -- and so, you may have had an internal
17 conversation about this, but you are a seven-member
18 commission, and there were six members present, and the vote
19 was 3-0-3. So, was there some discussion around whether that
20 was considered a favorable vote?

21 MR. PADRO: There was some confusion expressed by
22 Ms. Batties, but we did confirm that with the Office of the
23 Advisory Neighborhood Commissions that, you know, a recusal,
24 you know, does not counterbalance the yeahs.

25 COMMISSIONER SHAPIRO: So, there -- so it's read

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1 as with a quorum present, that 3-0 vote was, essentially a
2 majority.

3 MR. PADRO: Correct.

4 COMMISSIONER SHAPIRO: But, there were only six
5 members present. So, only three of the six members voted in
6 favor, so how is that a majority?

7 MR. PADRO: It is a majority, because we -- three
8 of the Commissioners voted to abstain. So, as long as a
9 quorum is established, a quorum is established at the
10 beginning of the meeting, we had six, you know, Commissioners
11 present, so it could have been 1-0-6 and still passed.

12 COMMISSIONER SHAPIRO: That's interesting. I
13 mean, again, this is an intellectual discussion that is not
14 really germane to the case, but I'm curious about that,
15 because that's not in my reading of Robert's Rules. They say
16 you have to have a majority of those who are present, if
17 there's a quorum, you know, if a majority of those who were
18 present did vote. But, you've got a ruling -- well, not a
19 ruling -- but you've gathered information with the Office of
20 Attorney General as you said.

21 MR. PADRO: The Office of Advisory Neighborhood
22 Commissions.

23 COMMISSIONER SHAPIRO: Oh, I see, okay. All
24 right. Thank you. That's all I have, Mr. Padro. Thanks for
25 indulging me.

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1 MR. PADRO: Certainly.

2 CHAIRMAN HOOD: Okay. All right. Thank you.

3 Well, let's go to rebuttal, Ms. Batties, and any
4 closing? Well, let's go to rebuttal because there may be
5 cross on that as well.

6 MS. BATTIES: Yes, I just wanted to make three
7 points.

8 First, I think Commissioner Padro spoke about an
9 agreement that one of my partners entered into for the 600
10 block of S Street. That was -- I inquired about that, and
11 my understanding is that that application pertained to a
12 change in the plan, the Comp plan, and was part of the Comp
13 Plan Amendment process, where we had the client go to the
14 ANC.

15 And, in order to get the ANC's support for a
16 change to the future land use map, they entered into an
17 agreement with the ANC. And, as you know, that's a different
18 kind of procedural and standard than an application for a
19 rezoning. So, I just wanted to make that clarification.

20 The second thing, as it relates to the alley,
21 quite frankly, the Applicant has not stated one way or
22 another whether they are in agreement to widen the alley, not
23 widen the alley. What we said is that the appropriate
24 process for the design of the alley and the use of the alley
25 is through DDOT and the permitting process.

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1 We have not expressed any objection to what's
2 being requested. We just have not agreed to enter into an
3 agreement with the ANC, because we believe the appropriate
4 process for the loading, and access, and use of that alley
5 is through the DDOT's permitting process.

6 And, the last thing I want to point out, and I
7 have a tremendous amount of respect for Commissioner Padro,
8 but I do take exception to his comment that the Applicant has
9 not acted in good faith.

10 We have had numerous discussions about this
11 project, and I have been very clear that -- I've been very
12 clear with Commissioner Padro both privately and publicly
13 that I strongly believe that because of the nature of this
14 request, it is not appropriate for us to enter into an
15 agreement that would place conditions on the rezoning of this
16 property. And I have been consistent in that.

17 And so, being consistent, I take exception to the
18 comment of not acting in good faith.

19 Thank you.

20 CHAIRMAN HOOD: Okay. Are you finished, Ms.
21 Batties?

22 MS. BATTIES: Yes.

23 CHAIRMAN HOOD: Commissioners, any follow-up
24 questions to the rebuttal?

25 COMMISSIONER SHAPIRO: No, sir.

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1 CHAIRMAN HOOD: Mr. Padro, do you have any cross
2 or rebuttal?

3 MR. PADRO: I also have something of a great deal
4 of respect for Ms. Batties, we have successfully worked
5 through a great number of PUDs in the past, and I hope that
6 we will have opportunities to do so in the future. This is
7 an instance where we simply, you know, do not agree.

8 So, Ms. Batties, your statement that your firm did
9 work successfully with the ANC outside of the zoning process
10 to address the Commission's concerns in that project on the
11 600 block of S Street is a demonstration of the fact that
12 when so inclined, a client and their counsel can, in fact,
13 address issues outside of the zoning process.

14 So, unfortunately, your client chose not to do so
15 in this instance, so I would simply disagree with your
16 position.

17 MS. BATTIES: Well, it was at the suggestion of
18 counsel.

19 CHAIRMAN HOOD: Okay. All right. I, actually,
20 allowed that, because it's really a question on rebuttal, but
21 I allowed that because I think that helps foster
22 relationships as we continue. Because none of us are going
23 anywhere, so we continue to move forward.

24 Okay. Ms. Batties, do you have any closing?

25 MS. BATTIES: Just a few points in closing, that

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1 as stated, this application is a Comp Plan consistency case.
2 The proposed rezoning is consistent with the current land use
3 designation on the property. It simply entitles the property
4 for what would be allowed or recommended for the
5 redevelopment of the site under the DUKE Plan and the
6 Convention Center Strategic Development Plan.

7 We have -- the Applicant has reached out and
8 worked with a number of community stakeholders who are
9 overwhelmingly supportive of the proposed rezoning.

10 And with that, I'd just note the objections to the
11 application that are on the record are not a basis for
12 denying this application.

13 And so, with that, we respectfully request the
14 Commission to support.

15 Thank you.

16 CHAIRMAN HOOD: Okay. If everybody can mute.
17 There we go.

18 Commissioner Turnbull, the alley issue. I'm sure
19 Mr. Bassett has heard, I would rather be able to let counsel
20 -- I don't know where you are with it in going forward, but
21 I would like for counsel to let me know what the options are
22 in the map amendment. So, I'll wait to see if we need to go
23 back to DDOT or whatever.

24 So, I do know there is another chance for DDOT and
25 I guess community input, I believe, even after our process.

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1 But, I'm not sure where you are, Commissioner Turnbull. I
2 don't know if you want to opine now, or --

3 COMMISSIONER TURNBULL: No, I was just at a point
4 where -- since we did not have a representative from the
5 Department of Transportation -- I thought it was only fair
6 to bring out points that they had in their report.

7 I mean, they also talked about the 7th Street --
8 the sidewalk grills on the vaults on 7th Street should be
9 removed from the public space and put on the Applicant's
10 property.

11 So, I mean, I'm just pointing out some things that
12 were in the DDOT report, since nobody was here to report on
13 it, and since Mr. Padro had brought it out I just thought it
14 was worthwhile to bring in DDOT's comments at that time.

15 CHAIRMAN HOOD: Okay. Okay. I still will -- as
16 we get closer to whatever our action is going to be, I'll ask
17 Mr. Bassett to let me know about this, because he likes
18 overwhelming support, but I don't want to minimize the
19 impacts -- the negative impacts, and which I think the
20 community as a whole, whether -- you know, some of these
21 boundaries are so close together, we need to check those
22 boundaries out, because what affects a person across the
23 street from me is going to affect me, too. So, that's kind
24 of where we are with that.

25 All right. So, Ms. Schellin, you want to give us

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1 some dates?

2 I don't think anybody -- that transportation
3 issue, we'll hear that from our counsel.

4 MS. SCHELLIN: Right, and, actually, I think that
5 with that, there's a public space issue, so they wouldn't
6 come up, as you said, it's not something for the Zoning
7 Commission. It would be a matter of when the Applicant goes
8 to apply for permits, they would, as you said, DDOT would
9 have another bite at that, because there's a public space if
10 they need a curb cut, or those -- what did Mr. Turnbull say,
11 grates. So, that would come up when they went to do their
12 public space permitting issues.

13 So, DDOT would hit them at that time.

14 CHAIRMAN HOOD: Let me just say, we are going to
15 confirm -- I think you and I both are right, we are going to
16 confirm that, though.

17 MS. SCHELLIN: Yes.

18 CHAIRMAN HOOD: I want to make sure that
19 Commissioner Padro and that neighborhood still has a say.

20 MS. SCHELLIN: Right. So, this is a two vote
21 case. Were you guys planning to take action tonight, or do
22 you want to just put this off?

23 CHAIRMAN HOOD: Let me hear from others.

24 COMMISSIONER TURNBULL: Well, let me just repeat.
25 I was not -- or opine here, but I was not commenting that the

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1 DDOT comments would weigh in on this case. My only comment,
2 my only point of bringing this up was that, since DDOT was
3 not here, they did not give a report, I only wanted to make
4 sure that these comments were on the record, not saying that
5 they were going to be involved in deciding this case or not.

6 I'm not pushing for DDOT's point. I'm just taking
7 care -- making sure that everybody knows what DDOT said in
8 their report.

9 CHAIRMAN HOOD: Okay. Mr. Turnbull, let me help
10 you. I was pushing for it, so give it to me. I was pushing
11 for it, but I'm going to also make sure that I stay where we
12 need to be. But, the Supreme Court told us so many times
13 that we have a lot of jurisdiction. So, I'm getting ready
14 to start exercising it. I just want to make sure -- I just
15 want to make sure, though, that there is another chance for
16 that community -- ANC 6E or whomever -- to be able to have
17 a say so in trying to -- if a project comes, eventually, to
18 have a say so and to be able to opine and be able to have
19 some participation.

20 Because they are going to be the ones that's
21 going to be enduring whatever goes on there. That's just
22 mine --

23 COMMISSIONER TURNBULL: I would agree. I think
24 it's probably going to come up in the next phase of what
25 comes out of this.

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1 CHAIRMAN HOOD: Okay.

2 COMMISSIONER TURNBULL: If this goes ahead, and
3 is approved, then the next phase would be for the University
4 or the Applicant to come back and then develop this. And so,
5 those issues are going to play very much. I'm sure Mr. Padro
6 would repeat that again. And I'll --

7 CHAIRMAN HOOD: So, I think, though, that they
8 have overwhelming support. I'm, actually, in favor of it.
9 I just want to know if there's something we can tweak before
10 we get there, but I feel confident with what Ms. Schellin
11 said, I'm sure that OAG will confirm that at some point to
12 me. I'm sure they are listening. I'm sure they are going
13 to confirm it, I'm pretty sure.

14 So, let me hear from others. What is your
15 pleasure, colleagues?

16 COMMISSIONER SHAPIRO: I suggest we take proposed
17 action tonight, Mr. Chair.

18 CHAIRMAN HOOD: Okay. Vice Chair, I see -- okay,
19 and Commissioner May, okay. All right.

20 All right. So, Ms. Schellin -- so would somebody
21 like to make a motion?

22 COMMISSIONER SHAPIRO: Mr. Chair, I move that we
23 take proposed action on Case 19-28, Square 417 LLC map
24 amendment at Square 417, and look for a second.

25 VICE CHAIR MILLER: Second.

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1 CHAIRMAN HOOD: Okay. It's been moved and
2 properly seconded.

3 Ms. Schellin, can we do a roll call vote on
4 proposed action?

5 MS. SCHELLIN: Yes, sir.

6 Commissioner Shapiro?

7 COMMISSIONER SHAPIRO: I vote yes.

8 MS. SCHELLIN: Commissioner Miller?

9 VICE CHAIR MILLER: Yes.

10 MS. SCHELLIN: Commissioner Hood?

11 CHAIRMAN HOOD: Yes.

12 MS. SCHELLIN: Commissioner Turnbull?

13 COMMISSIONER TURNBULL: Yes.

14 MS. SCHELLIN: Commissioner May?

15 COMMISSIONER MAY: Yes.

16 MS. SCHELLIN: So, it's 5-0-0 to approve proposed
17 action in Zoning Commission Case No. 19-29. If we can have
18 the Applicant submit a --

19 VICE CHAIR MILLER: 19-28, Ms. Schellin?

20 MS. SCHELLIN: I'm sorry, 19-28, draft findings
21 of fact, conclusions of law, by July 28th. And, I didn't hear
22 that there was anything else to be brought up, other than
23 there was going to be some confirmation from OAG.

24 Is that correct?

25 CHAIRMAN HOOD: Yes, that's the only thing, the

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1 confirmation. If not, if there's something that we need to
2 do or can't do with that proposed before final, I think that
3 there's overwhelming support for this. And, as we stated to
4 Mr. Pablo and others that there will be another time to fine
5 tune it once the project is brought forward.

6 MS. SCHELLIN: Okay. So, the record would be
7 closed or furthered to NCPC, and we should be able to put
8 this on for final action at the September 14th public
9 meeting.

10 CHAIRMAN HOOD: Okay. Anybody have anything else
11 in this case?

12 All right. So, with that I want to thank everyone
13 for their participation tonight. And again, for those who
14 are watching, Zoning Commissioners, good news to the Zoning
15 Commission, you have tomorrow night off for those who are not
16 doing BZA, but we'll be back Thursday for Zoning Commission
17 Case No. 17-25A.

18 Again, this record in this case is closed, and
19 with that this hearing is adjourned. Good night.

20 MS. SCHELLIN: Thank you.

21 MS. BATTIES: Thank you very much.

22 (Whereupon, the above-entitled matter went off the
23 record at 5:32 p.m.)
24
25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 07-14-20

Place: teleconference

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