

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: :

:

Skyland Holdings, LLC - PUD :

Modification of Significance : Case No.

@ Square 5633, Lot 22 : 09-03F

(intersection of Good Hope :

Rd., Naylor Rd., and Alabama :

Ave., SE) :

:

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Thursday,

July 23, 2020

Video-Teleconference

The Public Hearing of Case No. 09-03F 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
- PETER MAY, Commissioner (NPS)
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- 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:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from
the Regular Hearing held on July 23, 2020.

CONTENTS

Preliminary matters	6
Applicant's case	8
Report of the Office of Planning	80
Report of the Department of Transportation	82
Report of other government agencies	84
Report of the ANC	n/a
Parties in Support	86
Parties in Opposition	n/a
Undeclared Parties	n/a
Applicant Rebuttal	97
Applicant Closing	99

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

4:00 p.m.

CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. We are convening broadcast of the DC Zoning Commission by video conferencing. My name is Anthony Hood.

Joining me soon will be Vice Chair Miller and soon Commissioner May will join us as well. We're also joined by Commissioner Shapiro and Commissioner Turnbull. We're also joined by Office of Zoning staff Ms. Sharon Schellin and also Mr. Paul Young, who is handling all of our virtual operations.

Tonight's hearing is Zoning Commission Case Number 09-03F. This is Skyland Holdings, LLC PUD Modification of Significance at Square 5633, Lot 22 and today's date is July 23, 2020.

Copies of today's virtual public hearing notice are available on the Office of Zoning website. Please be advised that this proceeding is being recorded by a court reporter. And it's also webcast live, which includes Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing or somewhere around about there too or somewhere there so after.

Accordingly, all those listening on Webex or by phone will be muted during the hearing until the appropriate time. Please state your name and home address before

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3 audio so that your microphone is no longer picking up sound
4 or background noise. Again mute and unmute is how these
5 things really go well.

6 If you're experiencing difficulty accessing Webex
7 or with your telephone call in, then please call our OZ
8 hotline number at 202-727-5471, and I'll repeat that at the
9 end of my statement, to sign up or receive Webex login or
10 call in instructions.

11 All persons planning to testify either in favor,
12 opposition or undeclared in virtual hearings, we encourage
13 you to sign-up in advance. At the time of sign-up, all
14 participants will complete the oath or affirmations required
15 by Subtitle Z, Section 4847.

16 If you wish to file written testimony or
17 additional supporting documents for the hearing, then please
18 be prepared to describe and discuss it at the time of your
19 testimony as we have not had time to review your documents.

20 This hearing will be conducted in accordance with
21 the provisions of 11-Z DCMR Chapter 4 as follows.

22 Preliminary matters, for the Applicant's case, the
23 Applicant has up 60 minutes, the report of the Office of
24 Planning and Department of Transportation, report of other
25 government agencies, report of the ANC and then we'll have

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1 testimony.

2 For the testimony of organizations, the
3 organizations will have five minutes, for testimony of
4 individuals, they will have three minutes, respectively. And
5 we will hear them in the order of support, opposition and
6 undeclared.

7 Then after all of that we'll have rebuttal and
8 closing by the Applicant. While the Commission reserves the
9 right to change the time limits for presentations if
10 necessary it intends to adhere to the time limits as strictly
11 at possible and no time shall ceded.

12 Again the OZ hotline number for any technical
13 issues, please call 202-727-5471. Again, 202-727-5471 for
14 any outstanding issues during this hearing.

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

18 MS. SCHELLIN: Yes, sir. The first thing is that
19 Exhibit 18, the Applicant is requesting a waiver from the
20 requirement to file a notarized attestation for the Affidavit
21 of Posting and Maintenance as many of the applicants have had
22 the same problem with. They are asking to file an
23 affirmation due to COVID-19 the issue of getting out and
24 getting to a notary.

25 So that's the first preliminary matter to see if

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1 the Commission will waive that.

2 CHAIRMAN HOOD: Commissioners, by a show of hands,
3 any objections? I don't see any objections. Okay. We'll
4 do that. Ms. Schellin, next.

5 MS. SCHELLIN: The next there are three proffered
6 expert witnesses, Cheryl O'Neil, previously accepted in
7 architecture. Dwight Fincher, he's previously accepted. I
8 had to look him up. He is being proffered in at architecture
9 also. And, of course, Erwin Andres, previously accepted in
10 transportation.

11 CHAIRMAN HOOD: Okay. Everyone has been accepted.
12 Any objections to continue that status? Not seeing any --
13 as I've already noted, and I'll just say this for the record,
14 Vice Chair Miller and Commissioner May, I said they would
15 joining shortly, but they are here. Anything else, Ms.
16 Schellin?

17 MS. SCHELLIN: That is all that staff has. If Mr.
18 Young wants to start bringing on the Applicant if the
19 Commission is ready.

20 CHAIRMAN HOOD: Okay. Mr. Tummonds, if we have --
21 I don't know if all of your team is up. I see Ms. O'Neil and
22 others. But anyway, we'll turn it over to you and let you
23 begin.

24 MR. TUMMONDS: Wonderful. So I think we will
25 first go to Mr. Young and have him pull up our PowerPoint

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1 presentation.

2 MS. SCHELLIN: You needed 45 minutes is that
3 correct?

4 MR. TUMMONDS: Yes. We're hopeful that we can,
5 you know, be a little under that. But I think putting 45 on
6 the clock works for us.

7 MS. SCHELLIN: Okay.

8 MR. TUMMONDS: Okay. Great. Excellent. Thank
9 you. Good afternoon, members of the Commission. I am Paul
10 Tummonds of Goulston & Storrs. Meghan Hottel-Cox, Goulston
11 & Storrs, is also here with me in support of this
12 Modification of Significance application.

13 We'll have five witnesses this afternoon who will
14 be presenting their testimony. Gary Rappaport and Brad
15 Fennell on behalf of the Applicant, Cheryl O'Neil, who is the
16 architect for the Town Center as a whole and also Blocks 3
17 and 4, and Dwight Fincher, architect for Block 1.

18 As noted, Erwin Andres is our traffic and
19 transportation expert in this case, and he will also be
20 presenting his testimony.

21 Our previous submission materials detail the
22 significant work that the Applicant's team has done in
23 response to the several set down comments that we received
24 from OP and the Zoning Commission.

25 In addition, we filed on the record yesterday a

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1 statement which addresses comments or issues that were raised
2 in OP and DDOT reports, which were filed in the record last
3 week.

4 Our comprehensive testimony this afternoon will
5 address all of these issues. We are pleased to note this
6 application has the support of the Office of Planning, the
7 Department of Transportation and the ANC 7B.

8 With that, I know we have a lot to cover in our
9 presentation, and I will now have Gary Rappaport present his
10 testimony.

11 MR. RAPPAPORT: All right. Can you all hear me,
12 please?

13 CHAIRMAN HOOD: Yes, we can.

14 MR. TUMMONDS: Go ahead, Gary.

15 CHAIRMAN HOOD: Yes, we can.

16 MR. RAPPAPORT: Okay. Thank you. I'd like to
17 clarify by giving a brief project history. In 2001, our team
18 of Marshall Heights CDO, Washington East Foundation, both
19 community nonprofits, Harrison Malone and Rappaport was
20 formed.

21 In May 2002, we were selected to develop Skyland.
22 When the development was expanded to include a residential
23 component, W.C. Smith shortly thereafter joined the Skyland
24 Development Team.

25 I'm proud to say the Skyland Development Team is

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1 the same development team for almost 20 years working with
2 the District, many community groups and a homeowner.

3 Skyland was initially approved by the Zoning
4 Commission in 2010 for a mixed use Town Center anchored by
5 Walmart with significant additional retail and approximately
6 500 residential units.

7 Walmart withdrew from the project in 2016, and we
8 have been actively pursuing a new anchor for the Skyland Town
9 Center for several years.

10 Rappaport oversees over 1,750 tenant leases and
11 is the largest retail leasing company in the Washington, D.C.
12 metropolitan area, with relationships with many retail
13 tenants.

14 We are very excited to have signed the lease with
15 Lidl, one the largest and most credit-worthy grocery stores
16 in the world. Lidl is very well-respected with a commitment
17 to quality products at a low price, which is an ideal match
18 for the Skyland community that needs quality grocery stores.

19 At the International Council of Shopping Centers'
20 annual conference in May 2019, Mayor Bowser and I were on
21 stage together when the Mayor announced that Lidl was joining
22 Skyland as a new anchor tenant. And I thank her and others
23 in her administration and in prior administrations for the
24 dedicated commitment that they have made to the development
25 of the Skyland Town Center over so many years.

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1 With regard to the medical office building use,
2 we have hired Cushman and Wakefield to market that space to
3 providers such as George Washington University Health System,
4 Unity, Mid-Star, Trinity School of Nursing, Kaiser Permanente
5 and Johns Hopkins University Health System.

6 The medical office building will provide much
7 needed medical services to the community around Skyland at
8 a centralized, easy accessible location.

9 It is also positioned to serve physicians
10 practicing at nearby United Medical Center.

11 With the addition of Lidl as an anchor, the
12 project will also include a Starbucks with a drive-thru, a
13 small inline retail building, a medical office building and
14 future additional residential units.

15 As the architectural team will discuss in more
16 detail, this application is for a modification of the entire
17 Skyland property except Block 2. The project is revised to
18 be a total of four blocks.

19 We believe the Town Center, as modified, will
20 allow the project to move forward with an exciting mix of
21 uses needed in the community. With that, I'll turn it over
22 to Cheryl, who will walk through Blocks 3 and 4 of the
23 project.

24 MR. TUMMONDS: So I've got a tech problem. Mr.
25 Young, could you let -- or Ms. Schellin, could you let Cheryl

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1 O'Neil back in?

2 Cheryl, I see you up there. I think you just need
3 to unmute yourself. Let's see here. Mr. Young, do you know
4 is she back in?

5 CHAIRMAN HOOD: She's in, Mr. Tummonds. But it's
6 showing on my screen that she's still muted.

7 MR. TUMMONDS: Yes, okay. Well, why don't we then
8 go to -- until we can do that what we can do is we can go to
9 Mr. Fincher's presentation.

10 CHAIRMAN HOOD: She's unmuted. Or she was
11 unmuted, Mr. Tummonds. I could be wrong. But she's unmuted.

12 MR. TUMMONDS: Cheryl, can you hear us?

13 CHAIRMAN HOOD: She's back muted. She's unmuted
14 now. Hold it right there.

15 MR. TUMMONDS: Right.

16 MS. O'NEIL: I'm on. Can you hear me?

17 MR. TUMMONDS: Yay. All right.

18 MS. O'NEIL: Okay. Sorry. One of the vagaries
19 of virtual. So good afternoon, Commissioners. Thank you for
20 the opportunity to present the updated, and we think very
21 exciting, transformation of the Skyland development site.

22 As many of you are familiar, this is an exhibit
23 that documents the kind of surrounding conditions. Skyland
24 is up at the edge of the District. This is a developing
25 center that's beginning a transformation from a service

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1 parking lot with a scattering of retail developments into a
2 vibrant Town Center.

3 It is surrounded on the outskirts with a variety
4 of different kinds of developments, several multifamily
5 apartment buildings as well as the Safeway parking lot across
6 the street, across Alabama Avenue.

7 Can I have the next, please? And the next slide,
8 please. Yes. And as you know, Block 2, which is the first
9 phase of this development, which is, we think one of the most
10 significant, is beginning the transformation of the
11 development into a mixed use Town Center.

12 You see on the right-hand side some of the
13 construction photographs of the existing development, which
14 is this is a mixed use building of just over 200 residential
15 units with ground floor retail on all of its sides.

16 What you're looking at on the right-hand side
17 there is the development of the Main Street Town Center Drive
18 of the development with its ground floor retail continuing
19 along the street and then three stories of residential above
20 in keeping with the kind of characteristic of the surrounding
21 development and in a very kind of traditional style that we
22 think will create a really wonderfully animated and
23 pedestrian traveling Town Center drive.

24 Can I have the next, please? And this shows you
25 the overall Master Plan of the development. Block 2, which

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1 we were just looking at, is not part of this application.
2 We are proposing adjustments to the Master Plan in keeping
3 with the Town Center concept for three of the other blocks.

4 Block 3 on the upper right-hand side of that
5 development proposes a number of new retail uses for the
6 development, complementing the ground floor retail in Block
7 2.

8 Block 4, just to the left of it, it's a stage one
9 PUD only, and I will talk about that at the end of my talk.

10 And then lastly Block 1, fronting directly onto
11 Naylor Road is a mixed use development with a new medical
12 office building and associated parking that Dwight Fincher
13 will talk about at the end of my talk.

14 Can I have the next, please? So I think all of
15 these various uses really complement and really support the
16 idea of this is a mixed use Town Center development. Most
17 significantly, and everything that has been accomplished to
18 date on the development, is the subdivision of this
19 previously service parking lot, you know, separated retail
20 uses into a retail Town Center by the creation of Town Center
21 Drive.

22 Obviously, Block 2 that you just saw previously
23 is really an important part of the transformation of this
24 site and the beginning of the development of Town Center
25 Drive as an animated public realm with a variety of uses.

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1 This is on Block 3, the new retail uses, will
2 complement those activities on the ground floor. Block 4 of
3 the stage one application will provide mixed use on the
4 ground floor as well as substantial residential uses.

5 And then Block 3 with its medical office building
6 will also be providing another complement to the other uses
7 within the Town Center. All of those were much needed within
8 this area of the District.

9 Next slide, please. And these drawings are a
10 little bit abstract. But we just did want to emphasize the
11 kind of transformation of this site that has happened over
12 the course of the development of this through the project as
13 well as through the implementation of Block 2.

14 On the left-hand side within the dotted line, you
15 see the layout of the area where it was previously prior to
16 the approval of the PUD, a bunch of freestanding retail
17 buildings separated from the streets surrounded by parking.

18 And on the right-hand side you see kind of in a
19 figure ground, kind of a technical term we call just the
20 footprint of the building, but just showing that new uses now
21 abut Naylor Road and Good Hope Road along the continuous
22 street frontage as well as the development of Town Center
23 Drive as a mixed use pedestrian animated street that we think
24 will really anchor the development and will establish a new
25 place, a new Town Center, for this area of the District.

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1 Can I have the next, please? So to talk more
2 specifically about the two blocks that I will talk about,
3 Block 3 and Block 4, Block 3 is part of the consolidated PUD.

4 And can I have the next slide, please? Block 3,
5 as you know, is comprised entirely of new retail uses. It
6 proposes a new approximately 30,000 square foot Lidl grocery
7 story anchored on the corner and fronting onto Town Center
8 Drive.

9 In addition to that, there will be a new 10,000
10 square foot retail building fronting onto Town Center Drive
11 supplying new neighborhood scaled retail uses as well as the
12 new Starbucks, yes, with a drive-thru, on the corner
13 anchoring the entrance into this development.

14 These uses are all one story. Yes, they will be
15 parked with service parking lots. But, again, we think we've
16 adequately screened those and provided for adequate measures
17 to really conserve the idea of this as a Town Center
18 community.

19 Next, please. This just shows you a little bit
20 of the loading of the new retail uses. And we've been very
21 careful to screen these from visibility from public right-of-
22 ways as well as from adjacent neighborhoods.

23 The drawing that you see on the right-hand side
24 is the idea of the Lidl service that is all contained within
25 a service court that is protected from visibility from the

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1 neighbors as well as from the service parking lot, all
2 enclosed within an enclosing exterior wall.

3 And then the inline retail and the Starbucks will
4 all have their own service bay within the service parking
5 lot. And, again, there are no exterior dumpsters or any of
6 the other kind of visible means of a service into and out of
7 these buildings.

8 And, again, all of the frontages, the major
9 frontages, are on Town Center Drive.

10 Can I have the next, please? This is just to talk
11 a little bit about the view and the screening of the
12 visibility of these, especially the service uses from
13 adjacent neighborhoods.

14 This is a view from the end of Akron Place, which
15 is the last house on the end of that short road. And just
16 to give you a sense of the visibility from those houses into
17 the service parking lot as well as to service businesses for
18 the Lidl, which are closest to where it needs to see, even
19 with the existing trees as well as in a supplemental planting
20 that we have provided in the parking lot, they are adequately
21 screened from any of those apartment buildings.

22 Can I have the next, please? This begins to show
23 you the elevation of the three new retail buildings in Block
24 3 along Town Center Drive. On the left-hand side you see the
25 end of the Lidl, the Lidl grocery store. And you can see

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1 there's a lot of transparency along that facade.

2 This is one of their more urban formats of that
3 store, which we think contributes a new kind of different
4 architecture to Town Center Drive. A lot of visibility with
5 an entrance to the building on the corner so again animating
6 and helping to activate Town Center Drive.

7 In the middle, we're proposing an approximately
8 10,000 square foot inline retail building, which will provide
9 a lot of smaller scale neighborhood retail uses, a lot of
10 primary frontage along Town Center Drive, a lot of possible
11 entries along that drive to animate the streetscape and then
12 on the right-hand side you can see the Starbucks. It faces
13 towards the inline retail building with potentially an
14 exterior patio, and, again, helping to animate a lot of the
15 activity along Town Center Drive.

16 Next one, please. This shows you some of the
17 inspiration for the inline retail building, a 10,000 square
18 retail building along Town Center Drive. Again, we were
19 looking towards for inspiration for some of the more
20 traditional architecture on Block 2 across the way as well
21 as some historic precedence within Anacostia.

22 Next, please. And this is a view kind of from the
23 end of Town Center Drive looking towards Block 4 toward Lidl.
24 You can see the inline retail building along the right-hand
25 side maintaining the character of the street, displaying

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1 additional kind of character but also the cadence and the
2 transparency helping to activate and animate the activity
3 along the street. Just to the right you see the Starbucks
4 and then further along you can see the Lidl in the
5 background.

6 Can I have the next, please? This is looking the
7 other way from the backend of the Lidl looking towards the
8 inline retail. You can also see that we have preserved all
9 of the previously approved designs for the streetscape along
10 Town Center Drive.

11 Can I have the next, please? And this is the very
12 end of the Lidl store looking towards Block 4, which we will
13 talk about a little bit more. But, again, the character of
14 Town Center Drive with its parallel parking is now a right-
15 of-way. Street trees and a lot of landscaping along the
16 street with a new building, which is preserved in this kind
17 of important pedestrian and activated road.

18 Can I have the next, please? And this next series
19 looks at the end of the street, which we think was of
20 particular importance to the Office of Planning and to
21 others. This is the view at the end of the street at Alabama
22 Avenue and the entrance to Town Center Drive.

23 At the end of the Starbuck's building there we
24 have created a small plaza which we think helps kind of
25 terminate the street and create a public gathering space.

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1 It works well, we think, with the Block 2 facade that's
2 across the way that creates a different kind of tower-like
3 element that serves as a kind of gateway into the
4 development.

5 On the right-hand side this kind of plaza will
6 create a kind of gathering place and a place of repose at the
7 intersection of these two very important streets. And then
8 the exterior views will look down Alabama Avenue kind of
9 showing you the characteristics of the landscape and the
10 streetscape characteristics along that street.

11 Can I have the next, please? So this is just
12 beyond the plaza and the trellis element at the corner that
13 creates that kind of signature element. You can see there's
14 a substantial amount of buffering in terms of landscaping and
15 the trees.

16 I should mention that the trees in these
17 photographs are shown at about 12 plus years beyond. These
18 are about 30 foot trees. They will be about 14 foot trees
19 at planting, so substantially less than shown here.

20 You can also see that we have also included
21 substantial landscaping along the parking lot side to really
22 screen the view of the cars from the Alabama Avenue Street
23 frontage.

24 Can I have the next, please? And this is a little
25 bit further down the street, moving further down Alabama

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1 Avenue.

2 Can I have the next, please? And this is at the
3 corner looking at the entrance directly into the primary
4 entrance into the service parking lot for the Lidl. You can
5 see in the background there the inline retail. The facades
6 of that building were wrapped completely around the parking
7 lot so you will not get the view of this at the back to the
8 building.

9 Can I have the next, please? A little bit more
10 closer view of the entrance into the parking lot.

11 Next, please. And just to give you a sense of
12 what it will look like with the leaves not on the trees, this
13 is a view of the winter view looking into the Lidl parking
14 lot where you can get a sense of the buffering that will be
15 maintained throughout the winter months.

16 And could I have the next, please? And then next,
17 we'll talk about the development of Block 4. Again, Block
18 4 is a stage one PUD. And so we are here for preliminary
19 approval of the massing idea of uses of that building.

20 Next, please. This is the ground floor of that
21 building. This is proposed as an approximately 250 unit
22 residential building, with about 7,000 square feet of retail
23 on the ground floor.

24 Obviously, the idea of the retail on the ground
25 floor complements and extends the idea of Town Center Drive.

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1 Really important to this building was that we would kind of
2 create with the inset there a kind of plaza at the end of
3 Town Center Drive that would terminate it.

4 We have located the retail and the amenity uses
5 for the building on that ground floor to really animate that
6 as an active space that's permanent to Town Center Drive.

7 And then you can see that the retail uses, and the
8 residential uses, you know, create a series of fingers and
9 really wonderful courtyards, we think, looking into the
10 ravine at the back of the site, creating we think a really
11 wonderful kind of massing and, you know, really capturing the
12 capacity of those units to look into that back ravine as well
13 as to make an appropriate relationship to the residential
14 uses, the existing residential uses way on the other side of
15 the ravine.

16 And next, please. This shows you a section of the
17 development where you can see that the parking for this
18 structure is partially buried below grade, providing adequate
19 parking for the four floors of residential uses above. Also
20 to note here, and because of this change in uses, we think
21 we've been able to substantially improve the relationship of
22 this building to the land.

23 On the left-hand side, you can see on the right
24 kind of diagram line there, that is the outline of the
25 previous retaining walls and the height of the wall mark in

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1 the original PUD approval.

2 And both because we've been able to push this
3 building substantially back as well as lower it relative to
4 its relationship to the grade, we've been able to reduce the
5 existing retaining walls from three large ones to two smaller
6 ones as well as adding a substantial slope with landscape
7 pushing the building back from the edge of the property line,
8 which we think will make a substantial improvement to its
9 relationship to the neighbors.

10 Next, please. And lastly this is a view looking
11 back towards Town Center Drive where you can see the idea of
12 this as a plaza element that terminates landscape with drive.
13 On the right-hand side you see Block 2 already on
14 construction nearly to be completed.

15 Immediately on the foreground on the right-hand
16 side is the medical office building and on the left-hand side
17 you see our proposed residential stage one building really
18 creating, you know, determinants of that in that wonderful
19 public space that terminates Town Center Drive.

20 I think that's the last one. Next, please. Yes.
21 And now I think I will turn it over to Dwight to talk about
22 the medical offices.

23 MR. FINCHER: Thank you very much, Cheryl. Good
24 afternoon, members of the Commission. For the record, my
25 name is Dwight Fincher. My address is 3915 Rickover Road,

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1 Silver Spring, Maryland. I am a principal with the firm of
2 Wilmot Sanz. We specialize in health care design nationally
3 and internationally. It's all we do.

4 And I want to say that one of our biggest joys is
5 the opportunity to bring health care into the community. And
6 we're very excited about this opportunity to bring health
7 care into an underserved community here in Ward 7.

8 The Block 1 as its shown here on the site just
9 gets you oriented. Again, it fronts onto Naylor Road
10 Southeast. It provides a prominent portal or corner or
11 intersection into the community itself.

12 And next slide, please. A more detailed site plan
13 starts to show some of the amenity spaces that are part of
14 the medical office building. We see the vegetative roof,
15 green roof.

16 We also see a roof deck, roof access, which is
17 designed specifically or intentionally for medical staff.
18 It's very important for those folks we find to have the
19 opportunity to break and decompress and kind of get out of
20 the high pressure situations they find themselves in quite
21 frequently.

22 It also starts to show or does show the commitment
23 to the sustainability for the project, with a PV solar array
24 on top of the garage. That's about 12,000 square feet of PV
25 solar array. And besides being an innovative sustainability

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1 product or development, it actually mitigates some of the
2 heat effect by covering the cars and the deck on the top
3 level of the garage.

4 One of the more important things, though, I think
5 you can see with this project is it's a four sided building.
6 There's architecture on every side that faces the community.
7 Everything is on stage, and there is no back of house to this
8 project. And that was our major focus and with a special
9 attention towards Naylor Road.

10 One of the keys to success of this will be the
11 access for patients and visibility for the project. We've
12 designed it with the through lobby that's accessed from the
13 pedestrian side from Naylor Road adjacent to, conveniently,
14 adjacent to the bus stop.

15 And on the back side is the patient drop off and
16 circulation point to the medical building. And what we've
17 done is internalized this space and taken this vehicle
18 activity off the street and internalized it within the auto
19 court with the least disruption and visual exposure to the
20 surrounding neighbors.

21 On the left-hand side you can see that the service
22 and loading is fully screened and enclosed two-thirds of
23 truck dock.

24 Next slide, please. The other key to the success
25 of this project and speaks to the uses that this brings to

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1 the community in terms of medical service, we've designed it
2 around what's called flexible chassis. It's a module we
3 developed to allow the greatest variety and flexibility in
4 terms of different modalities that can occupy the space.

5 So it's very flexible in terms -- it can run the
6 range from individual physician practices, multi-practices,
7 through academic and hospital-based clinics that take up full
8 floors. It's designed for structural flexibility to bring
9 in such modalities as imaging, for example, or urgent care.

10 What you see here is a hypothetical example of a
11 tentative layout plan. This happens to be 6 units that focus
12 on -- an example for exam and clinical layouts.

13 Next slide, please. Again we talk about one of
14 the keys to success is the contextual service and a
15 contextual spin. As we started to develop this project and
16 what's preliminary with preliminary designs with LP back and
17 forth, the idea was to create a project, the goal is twofold.
18 To create a project that fits within the community but also
19 distinguishes itself in terms of its purpose and its program
20 for what it does -- its position in the community.

21 So the way we did that is we had some traditional
22 forms that we utilized that you see that reflects back to
23 some of the more historic elements in existing communities,
24 and we locate those at significant points in the building
25 design.

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1 Most of the building itself, the base part of it
2 to make it, again, more distinct is we follow kind of a more
3 industrial standardized fenestration aesthetic to it. Again,
4 it was stylized with little ornamentation. But that's,
5 again, an effort to distinguish itself and its place in the
6 community.

7 And then finally we blend the use of modern and
8 conventional materials, such as brick or masonry with modern
9 materials, glass and aluminum. And that kind of conveys a
10 state of the art delivery of care that hospital providers or
11 clients like to -- that's the face they like to put forward.

12 The next slide, please. So this goes to show how
13 we incorporate all that into the elevations. We're going to
14 walk through the four elevations. But probably most
15 prominent or most important is the west elevation on the top.
16 This is the one facing Naylor Road.

17 Again, there was back and forth. We worked with
18 the OP on this. But the significant takeaways from this, I
19 think, are the prominent corner elements. The change in
20 materials obviously signifies that as a special feature. And
21 our intent is to design that as a way finding element for
22 patients into the community and to identify the front entry
23 or front door at a clear front door.

24 It also works as a kind of a portal into the
25 community from this section. And it anchors this urban

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1 corner with this corner porch as we develop it with the site
2 plan.

3 On the left-hand side with the west elevation you
4 see the garage. We spent a great deal of time and effort to
5 try to work with OP and make efforts to integrate this design
6 into the facade and into the neighborhood in a way that
7 creates a pleasing aesthetic. We borrowed some of the
8 architecture, the verticality of the base in the existing
9 building. Obviously, we borrowed similar materials.

10 We actually introduce metal grill work that
11 actually mimics the proportions of the windows in the
12 building and helps to break down the scale of the garage as
13 well as screening some of the precast features of the garage
14 behind it.

15 And so from the top you can see the solar array
16 starts to mimic the hierarchy of the attic story of the
17 medical building itself.

18 The lower level -- the east elevation is the back
19 side with the auto court approach. I think what this starts
20 to show, again, this is the back side of the building, but
21 the architecture goes all the way around it. It's consistent
22 so there's no drop off and, again, no back of house look to
23 the architecture.

24 Next slide, please. The south elevation, again,
25 cutting in off Naylor Road headed towards Town Center Drive,

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1 we actually punctuate this elevation with kind of a lower
2 case corner element at the end to kind of create, again, some
3 visual variety and to create that special corner or announce
4 that corner.

5 And then on the west elevation, this particular
6 elevation doesn't face the neighborhood to the public. This
7 actually faces green space. But we returned the Naylor Road
8 architectural design for the garage back two full bays from
9 the garage on this to have a more positive impact on the
10 corridors when you're coming down Naylor.

11 Next slide, please. Again, a little more detail,
12 exterior materials. It's pretty straightforward. It's
13 pretty simple. The conventional materials are two colors of
14 brick. A darker at the attic story and then the field brick
15 of a reddish warm buff color.

16 And then the introduction of aluminum, rain screen
17 materials and aluminum spandrels. To create some
18 differentiation on the lower floor, we've designed it to read
19 as a two story volume by introducing a metal spandrel at that
20 first floor line. And that helps increase the verticality
21 of the design we believe and adds, again, some more visual
22 interest.

23 The examples on the right are some examples of the
24 aluminum rain screen panel that we proposed for the corner
25 elements and the stairs.

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1 Next slide. Next slide, please. Excuse me. Can
2 we move on to the next slide, please?

3 COMMISSIONER SHAPIRO: It looks like Paul's off.
4 He's spinning for a second.

5 MR. FINCHER: Okay. Well, a little more
6 discussion, what we show here, too, you start to see the
7 painted aluminum -- the screen on top of the roof. This is
8 actually set 30 feet back. So I think when you look at this
9 in perspective, you will see that that is very visible, if
10 at all, for most of the views.

11 The storefront system and storefront windows are
12 all consistent in size. Again, that hovers back to that more
13 standardized kind of almost warehouse aesthetic that we're
14 trying to create there. Okay. Thank you very much.

15 Okay. So what we start to look at now is we
16 understood through working with OP how important, again, this
17 treatment of the garage was. So I think what we want -- we
18 went back and forth with several studies and, you know, how
19 do we animate this space at the ground level, I think was
20 everybody's concern. How do we create something besides just
21 a garage at the ground level?

22 So we went through several design studies. But
23 one of the things we committed to was pushing the major body
24 of the garage almost 24 feet back from the front and creating
25 a single story element out front on the lower level that you

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1 see on View A.

2 This is the view across the street on Naylor Road.
3 And what you see there is we developed our idea of -- what
4 we're proposing is an actual art amenity that is a displayed
5 window system where rotating or changing visual arts or
6 community installations or community art can be exhibited on
7 an ongoing basis to, again, provide visual interest and just
8 as a community function and purpose. And I think this has
9 some tremendous opportunity to add visual interest at that
10 lower level in the arts world.

11 In addition, we wanted to give a realistic view
12 of what the solar panels look like from the street level.
13 So two views on the right indicate looking up from the
14 sidewalk. We tried to give you an idea of where they sit in
15 relationship to the facade and actually the front face of the
16 building.

17 Next slide, please. Again, I wanted to go a
18 little bit further and we kind of sectioned the garage. A
19 big concern of ours was obviously how the garage impacted the
20 neighbors, especially across the street.

21 So our goal was to mitigate any problems with the
22 lighting and headlights of the vehicles. The lighting of the
23 garage as well, the lighting that's not hidden by the
24 structures itself will be hidden by full cutoff, shrouds
25 attached to the lighting.

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1 The exterior barrier wall for the garage is 42
2 inches high, plenty high enough to cut off the headlights
3 from the cars parking and circulating in the garage.

4 This section also shows you on the bottom side
5 essentially what that 36 inch D part display window looks
6 like and its relationship to the building services and the
7 building service corridor that we're hiding at the lower
8 level.

9 And, again, the views on the right show you,
10 again, the coverage of the solar panels from the top deck.
11 Again, we talked about reducing the heat idle effect there
12 as a plus and then the height of the barrier walls to shield
13 the headlights.

14 Next slide, please. Okay. The next three views
15 are perspectives that we're putting in here to again, as
16 illustrations to show the scale and the buildings fitting to
17 the community.

18 This is obviously the intersection of Naylor Road
19 and the entrance to the site, the major corner element,
20 again, an anchor porch, a corner anchor, an urban anchor as
21 well as a wayfinding element for patients to identify and
22 have a visual landmark of where this health care medical
23 facility is.

24 Next slide. This view is on Town Center Drive
25 looking north. So you're coming down from the access road

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1 into the site. You make a left turn and then you would drive
2 into the vehicle access courtyard for the medical office
3 building.

4 You see a little bit of view at the garage poking
5 out from beyond. But, again, most of that vehicle activity
6 is hidden from the neighborhoods. And they circulate from
7 the drop off directly back into the garage without having to
8 come back out on the street and go into the garage.

9 Next slide. And then finally this is a more
10 direct view, an elevated view of what that auto court looks
11 like. And so you get a clear idea of how deep that vehicle
12 activity takes place into the courtyard itself and then the
13 circulation back to the garage. This is the final view, but
14 it gives you an idea also that, again, the architecture
15 continues all the way around this four-sided building.

16 MR. TUMMONDS: Great. Thanks, Dwight. So, Erwin.

17 MR. ANDRES: Okay, great. Good afternoon,
18 Chairman Hood, members of the Commission. For the record,
19 Erwin Andres with Gorove Slade Associates.

20 We've been involved with the project since the
21 inception, and we've been involved over 10 years. So with
22 that, I'll go quickly through my slides to discuss the
23 transportation aspects of the project.

24 The site location is pretty self-explanatory.
25 There are some significant bus infrastructure that serves the

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1 site.

2 Next slide. This is just a summary of the
3 development program. In essence what's being swapped out is
4 the retail is being reduced and the inclusion of medical
5 office and the reduction in parking spaces, which is a
6 critical element of the plan.

7 Next slide. With respect to the program itself,
8 I believe Cheryl and Dwight did a good job of identifying
9 what's being proposed for all the individual blocks. This
10 shows it with respect to the internal circulation.

11 Next slide. And these are the specific elements.
12 I think what's pretty clear, especially in the yellow boxes,
13 is that there's been significant infrastructure improvements
14 that have been constructed and are currently under
15 construction to support the site.

16 And we've coordinated with all of those
17 improvements and mitigations in our coordination with DDOT.

18 Next slide. Again, this is similar to the slide
19 that Cheryl showed, which identifies the circulation and how
20 all of the individual entrances and the loading activity
21 takes place.

22 Next slide. And this is the trip generation. As
23 we had mentioned, based on the trips associated with the
24 previously approved PUD and this Modification of
25 Significance, essentially we are reducing the traffic

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1 significantly on both the weekends and the evenings because
2 we are reducing the re-scale, which peaks in the evenings and
3 on the weekends. And we are slightly increasing the traffic
4 during the morning peak hours.

5 Next slide. And then this is a breakdown of the
6 parking supply. As was presented earlier, as part of the
7 approved PUD, we were approved up to 1,406 spaces. By giving
8 the reconfiguration of the lots and the blocks and the change
9 in use, we are actually reducing the number of spaces onsite
10 by about 117 spaces.

11 Next slide. And as I mentioned earlier, there are
12 a significant number of improvements that have been
13 identified and that have been implemented and the value of
14 those are well over \$1 million. And it has improved the
15 access into the site in providing more porosity and
16 circulation through the site. And this is just a listing of
17 the approved PUD improvements. And if you have any
18 questions, I can go into this into a little bit more detail.

19 Next slide. And DDOT recommendations. So
20 essentially in DDOT's review letter, they identified several
21 mitigations, especially in the updating of TDM. We agreed
22 to all of them except for the second sub-bullet, which is
23 highlighted in blue.

24 And as of a few minutes leading up to this
25 hearing, actually that second sub-bullet has changed. We

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1 have worked out an agreement with DDOT to not only sort of
2 meet their initiatives with respect to TDM, but we've also
3 included many other elements as part of their enhanced tier
4 and their baseline tier of TDM elements, which I can go into
5 a little bit more detail if the Commission wants to ask
6 questions related to that. But our intention is to submit
7 a post-hearing list of TDM measures that we have agreed to
8 with DDOT, and they concur that those are appropriate for
9 this PUD modification.

10 So with that, I'm available for questions.

11 MR. TUMMONDS: Thank you. I think we will have
12 our last speaker. And that's Brad Fennell from W.C. Smith.

13 MR. FENNELL: Good afternoon, Commissioners. I'm
14 Brad Fennell, Executive Vice President of W.C. Smith, and I'm
15 happy to have the opportunity to appear before you at this
16 hearing.

17 My role this afternoon is to provide an update of
18 the project's community benefits and to summarize our
19 community outreach and support. I'd like to start by sharing
20 our performance on hiring District residents and businesses
21 through our first source and CBE commitment to this project.

22 To date we've generated 121 new jobs, 96 of which
23 are district residents with 56 of the 96 residing east of the
24 river.

25 We also received credit for employing 159

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1 transfers who are also district residents. As for CBEs, we
2 are on track to spend more than \$43 million with qualified
3 contractors and will exceed the 35 percent requirement
4 imposed by the District's CBE program.

5 With regard to community benefits and amenities,
6 this project has been ongoing for many years and with the
7 initial phase opening later this year, we have already
8 provided many of the benefits and amenities negotiated in the
9 project. It is important to note that while we are proposing
10 a reallocation of some line items that were anticipated but
11 not necessary from the original PUD, we are not reallocating
12 any money from schools and libraries or diminishing our
13 sponsorship of local community events and programs. We are
14 rebalancing three of the line items and reflecting an overall
15 increase of \$200,000 to our community benefits.

16 In addition, it's worth noting that we have also
17 completed significant infrastructure improvements in the area
18 around Skyland Town Center.

19 In particular, I would like to highlight the
20 contributions to and the work of the Skyland Workforce
21 Center, a work program of building bridges, a Ward 8
22 nonprofit.

23 This effort began in 2014 when the development
24 team, wanting to break the typical scenario of a construction
25 trailer opening onsite with a sign reading not hiring, we

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1 launched a collaborative initiative to open a transformative
2 job training center.

3 We secured retail leads across the street from
4 Skyland and outfitted it as a fully functioning training
5 center.

6 Building Bridges staff coordinated multiple
7 nonprofits to provide content and services focused on meeting
8 every individual where they are and assisting those
9 individuals with their goals to obtain or advance their
10 individual opportunities through life skills and job
11 training.

12 To date, we have contributed more than \$650,000
13 to the Skyland Workforce Center, which has gone way beyond
14 the \$75,000 we originally pledged in the benefits package.

15 The Center has produced impressive results. They
16 have served an average of 800 job seekers each year and
17 completed intakes for over 5,000 community members.

18 They have placed over 560 people in jobs and not
19 just construction jobs, although they have placed over 30
20 people at the Skyland's project.

21 And they continue to provide services remotely
22 during this pandemic, reaching vulnerable populations with
23 information, assessment and training during a very unstable
24 and critical time in our history.

25 For these reasons, we have requested to reallocate

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1 the funding of certain benefits and amenities that are no
2 longer relevant to this project.

3 First is the contractor loan fund of \$300,000,
4 which hasn't been necessary because of timely funding of
5 contractor invoices; and second is the home buying ownership
6 class of \$75,000, which we are no longer finding relevant to
7 the project given that there are no ownership units.

8 We propose to reallocate those dollars to the
9 Skyland Workforce Center, given the overwhelming success of
10 this program and the time and money invested in it. This is
11 the hallmark benefit of the Skyland Town Center and this re-
12 allocation appropriately recognizes that investment.

13 Lastly, I would like to address the community
14 outreach and support. The Skyland Task Force was formed as
15 a direct link to the community to provide regular updates
16 regarding the project. This is in coordination with the
17 community during the earlier years of the project.

18 Since that time, we've been meeting regularly for
19 years regarding the project status and providing information
20 to that outlet.

21 The Skyland Task Force recently submitted a letter
22 of support for this application.

23 In regards to ANC 7B, we met last summer to
24 provide an update on the project and present the application.
25 We appreciate the ongoing work of the ANC for the project,

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1 and we took their comments and presented again at a June
2 meeting. And the ANC recently submitted a letter of support
3 after that June meeting.

4 With the exception of a letter filed by a single
5 community member regarding our request for reallocation of
6 some of the community benefits, there are no known
7 oppositions to this modification application. And we stand
8 very proudly presenting it before you tonight and feel that
9 this is the future of the Skyland project.

10 The application we've presented this afternoon is
11 a culmination of a significant commitment in time, energy and
12 dollars on behalf of the entire Skyland Team. And, as Gary
13 opened earlier in this hearing, it's been a 20-year endeavor
14 to try to bring the fruition of Skyland to the community.

15 We stand as committed today as ever, and we're
16 very excited to be presenting this. And we all stand ready
17 to answer your questions. Thank you for your time.

18 MR. TUMMONDS: Thank you, Brad. That concludes
19 our presentation, and we thank you for your indulgence as we
20 went a little bit over. And as Brad said, we're available
21 to answer any questions you might have.

22 CHAIRMAN HOOD: Okay. Thank you. That's fine.
23 I really appreciate the testimony and letting us know what
24 the changes are and how we move forward.

25 Now this hearing in this particular case started

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1 off a lot better than what you went through the last time.
2 As soon as I heard your name, I have to be frankly honest,
3 I probably shouldn't say this, but I said I hope I don't hear
4 the same stock as I heard the last time. It really got me
5 depressed. So I really appreciate the forwardness that you
6 all are doing, especially on this project and even the other
7 one as well.

8 Let me open it up to my colleagues. Commissioner
9 May, do you have any questions or comments?

10 COMMISSIONER MAY: I do. First of all, my first
11 question is for Mr. Young. Mr. Young, are you hearing the
12 whistling of my fan on the microphone? Mr. Paul Young, can
13 you hear my fan?

14 CHAIRMAN HOOD: Just a little bit. We can hear
15 it just a little bit.

16 MR. YOUNG: A little bit.

17 CHAIRMAN HOOD: If you talk louder, if you talk
18 louder (Simultaneous speaking).

19 COMMISSIONER MAY: That's all very interesting.
20 But I was looking for Mr. Young's opinion.

21 CHAIRMAN HOOD: Oh, excuse me.

22 COMMISSIONER MAY: Sorry. Just want to make sure
23 I'm not in front whistling at everybody. Thank you.

24 So I do have a few questions. First of all, I
25 have seen the project, the drawings and the images that we've

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1 seen. It's all improved, I think, substantially from what
2 we saw at set down. But I do have a few questions.

3 So I see that you did resolve the loading and
4 trash issue in the parking area. But maybe you want to bring
5 up Slide 9 and sort of explain to me exactly where the
6 loading and trash went?

7 MR. YOUNG: I can pull it up, and I can also hear
8 the fan a little louder now. At first it wasn't that loud.

9 COMMISSIONER MAY: How's that?

10 MR. YOUNG: I can still hear it, but that sounds
11 better.

12 COMMISSIONER MAY: All right. I'll put it right
13 up to my face. Okay. Thank you. Sorry. The fan is
14 necessary to keep my computer from overheating. Okay. Slide
15 9.

16 MR. TUMMONDS: Cheryl?

17 MS. O'NEIL: Yes. So the trash and loading for
18 the Lidl is all in this service court, which is screened by
19 walls on all four sides at the access and entrance into it.
20 And so that all happens to remove it from the service parking
21 lot or from the neighbors.

22 This is the loading bay for both the inline retail
23 and the Starbucks. There is an internal location for the
24 dumpster in the inline retail, which is both for the inline
25 retail and the Starbucks. For the Starbucks there is a

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1 controlled path across -- you drive out here and into that
2 loading bay dumpster location towards (Simultaneous
3 speaking).

4 COMMISSIONER MAY: So the control path from the
5 inline retail -- from where to where?

6 MS. O'NEIL: From the Starbucks for the purpose
7 of trash, you know, they take it out of the service location
8 here. There's a path here that goes over to this island
9 here. All the way over to here. Then there's a crosswalk
10 here that gets them to inline retail.

11 COMMISSIONER MAY: We can't see the here and the
12 here and the here.

13 MS. O'NEIL: Oh, I'm sorry. Sorry, I'm showing
14 on my -- so the service space of the Starbucks is towards the
15 front of the building on Alabama Avenue. There's a door
16 there into a pathway, a sidewalk that gets them from the
17 front of the building across to the island that's on the
18 other side of the drive aisle to go left across that island,
19 across the drive aisle into the sidewalks in front of the
20 inline retail.

21 There is an enclosed dumpster inside of the inline
22 retail building in which the trash is placed. It will be
23 pulled out to be delivered to the loading bay that's
24 indicated there in the drawing for trash pickup. And that
25 is also the loading bay for both the inline retail and

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1 Starbucks.

2 MR. TUMMONDS: And, Cheryl, when we did the math,
3 how long was that walk for lack of a better term?

4 MS. O'NEIL: Can I say not far?

5 MR. TUMMONDS: I think, if I remember correctly,
6 we did the walk for the Starbucks employees to get it over
7 to the inline retail building was not that much further than
8 the walk we had them previously doing to put it in the
9 dumpster in the parking lot.

10 COMMISSIONER MAY: And so I'm less concerned about
11 that walk. I mean, having the trash and loading in the
12 middle of the parking lot was problematic.

13 MR. TUMMONDS: Right.

14 COMMISSIONER MAY: And here, I mean, I assume that
15 since you're already talking about Starbucks specifically,
16 they've seen the plans. They know what they're going to have
17 to grapple with in terms of trash generation and, you know,
18 so on. So I assume that's all more or less worked out. It's
19 mostly about kind of what it looks like.

20 Is there an image of what that side, the parking
21 lot side of the inline retail building, what that's like?
22 I didn't see that. Maybe I missed it in the plan.

23 MS. O'NEIL: Well, do you want to go way to the
24 end, end, end of the presentation?

25 COMMISSIONER MAY: Oh, yes. Thank you. There

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1 were those extra slides, weren't there?

2 MS. O'NEIL: Yes. Well, if you keep going --

3 COMMISSIONER MAY: Got it. Okay. I see it there
4 on Page 69.

5 MS. O'NEIL: I'll say the back of the building is
6 like this. It's just a wide screen view.

7 COMMISSIONER MAY: Yes. Okay.

8 MS. O'NEIL: It's screened bay.

9 COMMISSIONER MAY: Yes. It's just worked in at
10 the bay. Okay, good. Yes, I hadn't looked far enough. All
11 right. So that helps. You know, the loading for the Lidl,
12 I know you had started out with, like, measuring walls as
13 high as 18 feet. I mean, but now there's just a single wall
14 that's 13 feet and it's between there and the neighbors, that
15 makes more sense.

16 But is that just -- that's just to make sure that
17 the loading is not visible to neighbors across the way?

18 MS. O'NEIL: Yes. It's to screen the height of
19 the trucks.

20 COMMISSIONER MAY: Yes, okay. All right. So can
21 we go to Slide 24? Yes, so, and this is the one where we see
22 the section and I see, you know, it's a little bit less of
23 a wedding cake than it was before. And there were three
24 sections of retaining wall. Now there are two that are a
25 little bit taller. What is the material on that for those

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1 walls?

2 MS. O'NEIL: I'm sure there will be some kind of
3 faceted structure there. There will be planting that screens
4 those walls.

5 COMMISSIONER MAY: Okay. So, again, is it
6 essentially going to be like a laid up block thing or is it
7 going to be a cast wall?

8 MS. O'NEIL: It will not be cast. It will be some
9 kind of laid up block.

10 COMMISSIONER MAY: Okay. All right. And the
11 heights of any of those individual sections it looks to be,
12 what, 15 or 18 feet? Something like that?

13 MS. O'NEIL: Yes, I mean, if you wanted more
14 precise dimensions, we could provide those.

15 COMMISSIONER MAY: Yes. I mean, what I'm really
16 curious about is what it will look like from across the way.
17 Surprisingly, we don't have the neighborhoods from Fort Baker
18 Drive here in force or at least they haven't submitted
19 anything to the record, and they were very vocal in the
20 initial approval. And my concern was to understand what it
21 looked like from across the way.

22 You know, do you have anything that shows a view
23 from Fort Baker or from those houses?

24 MS. O'NEIL: We do not today. We can provide it
25 if you would like. It is gentler.

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1 COMMISSIONER MAY: Yes. I mean, I can see the
2 benefits of what you've done here. And certainly there's
3 more room for -- it looks like there's room for trees at the
4 top of that wall, which is a better circumstance. I guess
5 they are taller expanses of wall, which are not themselves
6 objectionable. It kind of depends on how visible they are.

7 So, all right. Let's see. Oh, on Block F, we
8 need to bring up the overall site plan. Block 4, sorry,
9 Block 4. Yes, okay, just that site -- actually we have it
10 right here. At the bottom there, there is a roadway running
11 all the way around the building.

12 MS. O'NEIL: Yes.

13 COMMISSIONER MAY: What is the purpose of that
14 roadway? Is that --

15 MS. O'NEIL: It's just a service drive and fire
16 access only.

17 COMMISSIONER MAY: Service drive and fire access.
18 And it is necessary for fire access? You can't just --

19 MS. O'NEIL: It is. It is. The building is too
20 long.

21 COMMISSIONER MAY: Yes, okay. And there won't be
22 any parking back there?

23 MS. O'NEIL: No. It is strictly utilitarian for
24 fire access and service for the courtyard and all of that.

25 COMMISSIONER MAY: And have you looked at the

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1 possibility of it being a reinforced turf or something like
2 that?

3 MS. O'NEIL: We can look into that. It does not
4 necessarily have to be a paved roadway.

5 COMMISSIONER MAY: Yes. I have seen that sort of
6 application done before. I know that there are some --

7 MS. O'NEIL: Yes.

8 COMMISSIONER MAY: -- government facilities where
9 we've done things like that just to be able to make sure we
10 have fire access. If that's the only purpose of it, it would
11 be better than asphalt. But there are trade-offs, I
12 understand. So if you could look at that that would be
13 great.

14 So I just had a couple of questions about the
15 medical office building and the parking garage.

16 So maybe we could go to -- well, this is a simple
17 one, Page 40. All right. So this is a little odd. But on
18 the right-hand side there where you see the floors of the
19 parking garage, I mean, the ones that's, like, closest to
20 your eye line, eyesight, it looks like it's crimped upwards
21 as it comes toward you. I assume that's just a glitch in the
22 drawing, right?

23 MR. FINCHER: Well, it's a sloped deck. Are you
24 talking about the fact that it --

25 COMMISSIONER MAY: Oh, so it's sloped on this

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1 side, too?

2 MR. FINCHER: Yes.

3 COMMISSIONER MAY: I thought it was sloped on the
4 other side.

5 MR. FINCHER: It slopes on both sides.

6 COMMISSIONER MAY: Oh, okay.

7 MR. FINCHER: We've got the helix garage so.

8 COMMISSIONER MAY: Yes. We don't actually have
9 a sort of section elevation that cuts right through, like,
10 and then looks at the parking garage, do we?

11 MR. FINCHER: A section through the garage or a
12 section to --

13 COMMISSIONER MAY: A section through the building
14 but then it captures the elevation of the garage there.

15 MR. FINCHER: Well, not in this particular
16 presentation, but I do have that view.

17 COMMISSIONER MAY: Yes. Is that in the drawings
18 here? Did I miss it?

19 MR. FINCHER: Yes, I believe it would be, but I'll
20 confirm that.

21 COMMISSIONER MAY: I mean, I'll look for it when
22 I'm done talking. And if I can't find it, we might need to
23 have that submitted.

24 And then, you know, this is sort of a deceptive
25 view because we're looking at it from a slightly aerial

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1 perspective, and it looks like the parking garage is just
2 kind of funky. It doesn't look like it's sloping.

3 Then if we could go to Page 38. Okay. And maybe
4 we could actually -- Paul, could you zoom in toward the top
5 of that corner piece? Yes, a little closer. So what are we
6 seeing there? Is there a -- I mean, it's sort of a layering
7 of these vertical metal panels?

8 MR. FINCHER: Yes. It's a layering of the rain
9 screen. So it's trying to pick up on kind of the vocabulary.
10 It's kind of a (telephonic interference) or vocabulary that's
11 kind of sprinkled throughout the half of their development.

12 And so it's an aluminum screen wall basically, an
13 architectural development in that sense.

14 COMMISSIONER MAY: Sure. And then at the very top
15 in the center sections there's something that's either a
16 lighter color or its translucent.

17 MR. FINCHER: No. It's actually just a lighter
18 color, not translucent. And it's really just to set the
19 contrast off for the kind of crenelation of the top piece.

20 COMMISSIONER MAY: Yes, yes. So, I don't know,
21 it feels a little awkward and odd and not very tower-like.
22 It feels sort of overly heavy compared to the relative
23 lightness of what's below it.

24 So I don't know what to suggest in particular.
25 But I think you might take another look at that and see if

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1 you can come up with a top that's a little bit -- I don't
2 know. That fits a little bit more, that is -- because I feel
3 like some of the layering is, you know, can get lost. And
4 having the tower pieces sort of recede like that, I'm not
5 sure is the best move.

6 I would just take another look at it and see if
7 there's -- I feel like it's not as good as it could be. I'm
8 not losing sleep over how this looks, but it just feels like
9 it's kind of awkward and not very well resolved.

10 MR. FINCHER: So the crown piece, specifically?

11 COMMISSIONER MAY: Yes. Just that piece. I mean,
12 I almost feel like if it doesn't need to be that tall may be
13 it shouldn't be that tall because part of the problem has to
14 do with the distance between the window openings and the sort
15 of quasi crenelation at the top

16 MR. FINCHER: Mm-hmm.

17 COMMISSIONER MAY: But, anyway, I mean, I would
18 encourage you to look at that a little bit more.

19 And I guess I have one last question, which goes
20 back to something I mentioned before, which is the neighbors
21 on Fort Baker Drive. And I'm wondering if there was explicit
22 outreach to those neighbors given their past interest in the
23 project.

24 MR. TUMMONDS: Yes. So we have submitted all the
25 materials to Ms. Harris. And what's interesting, too, for

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1 this project and also the last couple of times that we have
2 been before the Zoning Commission, two years ago, three years
3 ago on modifications to Block 2, there was just no real
4 response back from the Fort Baker Drive neighbors, the party
5 in the original application.

6 COMMISSIONER MAY: Okay. All right. Well, I
7 think it has happened over so many years that what sticks in
8 my mind is there initial concerns and they have not been as
9 concerned or at least not speaking up.

10 So thank you very much. I appreciate the fact
11 that you're doing the outreach. That's it, Mr. Chairman.

12 CHAIRMAN HOOD: Thank you. Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
14 have a few minor questions. And then, Mr. Chair, there's a
15 number of issues that were brought up in our advice from the
16 Office of Attorney General. I'm not sure what the best time
17 to bring that up is. Is that now or do we want to hear from
18 OP and then bring it up? How do you want to handle that?

19 CHAIRMAN HOOD: If you want to, you can bring that
20 up at this point. I'll wait until my turn to comment on all
21 of that. You can go ahead and do it.

22 COMMISSIONER SHAPIRO: Okay. Thanks. So the
23 minor ones I had, first of all, I don't remember which slide
24 it is, but the garage stairwell, the glass garage stairwell,
25 I'm just curious about what that spacing and how much light

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1 is going to be coming off that thing and are there houses
2 across the street from it? I just can't remember. I was
3 just noting the big glass lit stairwell.

4 MR. FINCHER: There are two stairwells at the
5 locations. Again, the glass, we feel provides an element of
6 security and visibility within the stairwell.

7 COMMISSIONER SHAPIRO: I agree with that. I'm
8 just wondering about if there's going to be any negative
9 impact on the neighbors from the light that comes from it.
10 I don't even know if it's even an issue because it wasn't
11 clear to me what it's facing. I'm not sure I'd want to be
12 living across from a brightly lit glass stairwell.

13 MR. FINCHER: Mm-hmm. Well, we can certainly look
14 into the level of illumination in terms of, you know, what
15 the minimum required is. The intent was not for it to be a
16 beacon or lantern in terms of that. But we can also address
17 that in terms of window coatings, specialized window
18 coatings, spandrel coatings, glass coatings would be useful
19 as well.

20 MR. TUMMONDS: Well, perhaps, Mr. Young, if you
21 could pull up the presentation and maybe thumb ahead. Was
22 it, perhaps, Slide 39?

23 COMMISSIONER SHAPIRO: Then again, if it's not
24 facing anything, then it's irrelevant and it doesn't matter.

25 MR. FINCHER: Right. But if we look at --

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1 MR. TUMMONDS: So maybe it was 40, sorry. So this
2 is a view from Block 4. So these would be the most impacted
3 folks. These would be, I would imagine, I'm going to ask
4 Cheryl, probably if you're on the third floor, probably, of
5 the Block 4, and you have a unit that faces onto Town Center
6 Drive.

7 MS. O'NEIL: Yes. That's about where this is
8 from.

9 COMMISSIONER SHAPIRO: So please look into that.
10 I don't know how much light that puts off. I don't know what
11 the impact would be from the housing across the street from
12 it. But I think it's at least worth looking into.

13 MR. FINCHER: I think you're right. I think we
14 can provide that element of security without opening up all
15 of the walls to the stairs, so.

16 COMMISSIONER SHAPIRO: But security is important
17 so, right. You'll find the balance.

18 So another question, by the way, thank you for the
19 PV array and the garage rooftop. It's protection for cars,
20 the DDOT and all of that, it looks great the way you've
21 designed it.

22 Another thing related to the garage, the art wall
23 that you have presented, which I think was a lovely idea, can
24 you pull up that slide real quick, that 36-inch wall on the
25 exterior of the garage. Tell Paul what slide it is. I don't

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1 remember. I'm sorry. I didn't take notes. Commissioner
2 May, I have to learn from you and take notes on the slides
3 I'm referring to.

4 COMMISSIONER MAY: I think it's probably 37.

5 MR. YOUNG: Okay.

6 COMMISSIONER SHAPIRO: So that's good enough. So
7 how are those accessed? Are they accessed from the front?

8 MR. FINCHER: No. They're accessed from the back
9 side. There will be a series of swing opening doors that
10 front to the service corridor itself that that service
11 corridor serves as a court spaces and mechanical rooms for
12 the project itself.

13 COMMISSIONER SHAPIRO: Okay. That's helpful to
14 hear. And also, how is it ventilated?

15 MR. FINCHER: Well, we haven't really got to that
16 point yet. But, I mean, that certainly will be a
17 consideration.

18 COMMISSIONER SHAPIRO: I would make it a pretty
19 significant consideration because if those things are not
20 ventilated well and it's hot out, they're going to steam up
21 or something bad is going to happen in there and it's going
22 to look very unattractive.

23 MR. FINCHER: It will be. Yes, we would propose
24 mechanical ventilation. I mean, it wouldn't be, you know,
25 just a relief vent for that space. And, you're right, it's

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1 a western exposure so that should be considered.

2 COMMISSIONER SHAPIRO: Okay. All right. So I
3 just wanted to flag that for those.

4 So then there's a number of issues, Mr. Tummonds,
5 a number of issues that come from our notes from OAG related
6 to how we should take up this case. And I don't know the
7 extent of the conversations that have been had already, but
8 let me lay out some of them.

9 But the key issue is that, you know, what is it
10 that we're looking to approve here? What is first stage and
11 what is second stage PUD? The key issue for us is to
12 determine which elements of this, if any, are first stage PUD
13 portions that we previously approved as consolidated PUD and
14 how we measure that. It's not clear to me from your
15 presentation how you're distinguishing between those two.
16 But we have to treat them differently.

17 So this is not to do with the type -- let me just
18 say. I love this project. I love the way it's designed.
19 I had some concerns even at set down about are we converting
20 this to more of a suburban style development? I think this
21 has been well integrated. But the legal issues, I want to
22 make sure we address those appropriately.

23 MR. TUMMONDS: Okay. So maybe if we go to -- Mr.
24 Young, if we go to, let's try Slide 3, which is the site
25 plan. Or early on in the process, maybe keep --

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1 COMMISSIONER SHAPIRO: Do you agree or disagree
2 that they're --

3 MR. TUMMONDS: Here we go.

4 COMMISSIONER SHAPIRO: -- that there are
5 substantial changes that appear to impact assets to the first
6 stage PUD approval?

7 MR. TUMMONDS: Well, maybe I'll say this. I think
8 because of, so -- I would sort of think -- I fully believe
9 this is a modification of consequence, right? We had a
10 consolidated PUD that had multiple blocks, including Block
11 2, but probably more importantly with that initial PUD
12 application, we established Town Center Drive. And we
13 established all of the, if you will, the mitigation impacts
14 of the infrastructure that we did along Alabama and Good Hope
15 and Naylor Road.

16 We worked with this new Modification of
17 Significance Application within that confine. Right, we
18 looked at and we established with that initial PUD these are
19 the major entry points into this project. Those have not
20 changed.

21 What has changed is how we've internally done
22 that. So I would say when we look at this slide, to us it
23 is we are modifying that original PUD, which we think is
24 valid. And that we are saying, okay, so with regards to
25 Block 3, we are treating this as a consolidated PUD in that

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1 we are seeking approval of, we've done the full architecture,
2 all of the elements that we would normally require in a
3 consolidated PUD, we have done those for Block 1 and for
4 Block 3.

5 With regards to Block 4, we are asking could that
6 just be the first stage PUD approval in that, as Ms. O'Neil
7 noted, we are looking for approval of the density uses with
8 the idea that we will come back for second stage approval for
9 Block 4 with the complete architecture, with the information
10 that Commissioner May talked about, what is the appearance
11 going to be of those retaining walls that are facing the Fort
12 Baker Drive? What is the landscape plan that is going to be
13 on the top of those retaining walls?

14 So that's why I believe that the way we've done
15 this is appropriate. Modification of Significance of an
16 existing PUD and then these two consolidated portions and a
17 stage one portion.

18 And, going back, is the question somehow that we
19 need to consider this to be a completely new PUD? That this
20 is not 09-03F, but it is 19-something? Was that the concern?

21 COMMISSIONER SHAPIRO: What I'm reading is not
22 that there's even a suggestion that you need to start over
23 as a brand new first stage PUD, no. But what we need to
24 evaluate as elements that are changes to the first stage PUD
25 and what we need to evaluate that are elements of changes to

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1 the second stage PUD and we have to treat them differently.

2 CHAIRMAN HOOD: So let me just interrupt. I think
3 the quickest way -- because when I think of the relief, I
4 think it's very simple. What I think what we can do is kind of
5 put like a cheat together for us so we'll know exactly what
6 I think Commissioner Shapiro is stating.

7 Like, okay, what do we include, like, Block 3?
8 And this is part of what we believe -- just kind of exactly
9 what you spoke about. And if you could do that in the format
10 of a cheat sheet, like a sound bite. I think it's not all
11 over the place in dribbles.

12 MR. TUMMONDS: Yes.

13 CHAIRMAN HOOD: I think it's one place that we can
14 sit down and put eyes on one sheet and understand exactly
15 what's going on.

16 MR. TUMMONDS: Perfect. We can do that in post-
17 hearing submission. Absolutely.

18 COMMISSIONER SHAPIRO: That's just a piece of it,
19 Mr. Chair. But then there are other issues that were brought
20 up, very specific issues that I want to make sure they come
21 before Mr. Tummonds so that we can get answers on it as well.

22 You know, for instance, looking at -- I just want
23 to make sure I'm covering all the bases here. Which block
24 is this? I think it's Block 4. So in Block 4, is there a
25 portion of this proposed building which is being built on the

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1 portion of the property that's designated as a neighborhood
2 conservation area and that the PUD designates for low density
3 residential. So exactly what is Block 4 sitting on?

4 MR. TUMMONDS: Right, right. Well, I would say,
5 again, if we were saying that this is again a previous --
6 maybe what we can do and answer that question is to say this
7 was previously a portion of Block 4 that included a Walmart,
8 right?

9 So in the initial PUD where we had, I would say,
10 the two leftmost, if you will, wings of the Block 4 building,
11 that was the Walmart. And so I think, you know, we have some
12 issues of are we going back to, you know, revisit what is
13 appropriate for development and where development is
14 occurring on this site?

15 And I think as we've shown, too, with the section
16 coming across, this building Block 4 is setback further from
17 the property line than the initial buildings that were
18 approved as a full consolidated PUD.

19 But I hear you. And I think that some of this is
20 going to be difficult for us, and as I said, me to do on the
21 fly without having these questions posed. So maybe, I know
22 it's a little awkward in this virtual setting, but it is in
23 a post-hearing submission if we can say the Applicant will
24 address the concerns raised by the Office of the Attorney
25 General.

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1 And then Mr. Ritting and I and Ms. Hottel-Cox, we
2 can understand all the questions that are raised and provide
3 answers to those questions.

4 COMMISSIONER SHAPIRO: That makes sense to me.
5 From Mr. Ritting, does that work for you or do we need to get
6 -- is it your sense that we need to get this on the record
7 now and get all these issues out there in this hearing before
8 that happens?

9 MR. RITTING: Hi. My name for the record is Jacob
10 Ritting. Given the complexity of these issues, I think maybe
11 a written submission would probably be the best way to deal
12 with them rather than try to do this at the hearing on the
13 fly as Mr. Tummonds suggested.

14 So I'm willing to have a conversation with Mr.
15 Tummonds at the close of the hearing to provide a fuller
16 explanation of what his responsive submission should be. And
17 I think that would be acceptable.

18 COMMISSIONER SHAPIRO: Thank you. Because they
19 will need to know what the written submission is responding
20 to. So that makes sense. And then there were other issues
21 that were brought up related to the PUD balancing test and
22 all the benefits. But I think all the elements that we have
23 in our notes, you'll be able to cover with Mr. Tummonds.

24 MR. RITTING: Yes. And just so there is a
25 discussion of it on the record at the hearing, I could

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1 summarize them very shortly.

2 The first is consistency of Block 4 with the
3 generalized policy map and lawn guidance for a portion of the
4 site.

5 The second has to do with the number of housing
6 units because there was a discrepancy between what was in the
7 OP report and in the Applicant submission. The OP report
8 said 420 units. The Applicant says 515.

9 The third has to do with the IZ commitment and
10 whether the Applicant intends Block 4 to comply with current
11 IZ requirements, whether the units will be homeownership or
12 rentals and that's it.

13 And I'm willing to expand on those in a
14 conversation with Mr. Tummonds. And I appreciate your
15 indulgence.

16 MR. TUMMONDS: Perfect. Yes. Those don't seem --
17 we can absolutely address those, particularly number two, in
18 our conversation with Ms. Roberts from the Office of
19 Planning. I think a number of units in the OP report will
20 be addressed then. Yes, the other two we can address.

21 COMMISSIONER SHAPIRO: Okay. And I think, you
22 know, I imagine you'll hear this from my colleagues because
23 as I was saying this has been a long time coming and this is
24 a project that we want to help move along. So the goal here
25 isn't to slow down the goal, it's to get it right.

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1 MR. TUMMONDS: Agreed.

2 COMMISSIONER SHAPIRO: That's all I have, Mr.
3 Chair.

4 CHAIRMAN HOOD: Thank you. Commissioner Turnbull.

5 COMMISSIONER TURNBULL: Thank you, Mr. Chair.
6 This project has been going on for a while. It seems to me
7 when we started, we talked about community a little while ago
8 and we talked about the Fort Baker people. And it seems to
9 me when we did this, I might be wrong, but didn't we end up
10 doing -- didn't we also have to do a balloon test? Didn't
11 we do a test where you had to confirm the height of the
12 building? So what they could see -- I seem to remember if
13 we did it once, we did it twice.

14 MR. TUMMONDS: Yes. The first one the balloons
15 were popping and there were all these balloons on the site,
16 and yes.

17 COMMISSIONER TURNBULL: Yes. We finally worked
18 that through, and I think we got satisfactory approval of the
19 residents. I think they felt comfortable with what they were
20 going to get.

21 I think this is going to be a very stimulating
22 project. I think it's got a lot going for it. I think it's
23 going to be a worthy investment in the community.

24 But let me go back and touch on the -- go back to
25 what Mr. Shapiro said about the garage and the stairway. And

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1 I would agree. It seems to me that this can all be addressed
2 with either the type of lighting, the style of lighting that
3 you're going to put in, whether it's down lighting, hidden
4 lighting, I think the glass and the material itself, I
5 definitely think that if you could address that and take a
6 look at some options as to what those stairwells would look
7 like, I think it can be dealt with in such a way that will
8 not be offensive. But I think it's an architectural issue
9 that needs to be carefully looked at. It's an electrical
10 lighting issue. So I think we can deal with that. And I
11 would follow-up on that.

12 One other thing that looks strange on -- if you
13 go back to, I guess, it's 40 which shows that -- the drawing
14 40 which shows the intersection of the -- it shows the
15 stairwell. I wonder if we can pull that up.

16 What looks a little -- when I saw this earlier and
17 Commissioner May was looking at it and talking about it, we
18 talked about the funny shape of the garage, the way it bends,
19 but also the way it meets the building. With the solar
20 panels, the roof of those and the corner of the building, it
21 just looks awkward. It looks like it doesn't want to meet
22 right. And it looks just like they're being forced together.
23 And maybe that's just the nature of the two types of
24 structures and maybe there's a better view of that.

25 But when we talk about lighting also, we worry

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1 about the people across the street. It's going to be
2 critical, I think, that the lighting that's placed underneath
3 those solar structures, those angled solar structures, is
4 going to have to be in such a way that it's going to be not
5 being able to spill out and direct it out too far.

6 So I think if we could have -- if you could
7 address that or talk about it or think about it and examine
8 what kind of lighting you're going to see because that's
9 about, what, a 15-foot height at least opening, 15 to 20 feet
10 up there? I'm not sure. So if there's a lot of room for
11 light to spill out and I think how you handle it is going to
12 have to be done very sensitively to the neighborhood and the
13 surrounding area.

14 So I'd like to see some thought put in as to how
15 you're going to address that. I'm just concerned that you're
16 going to see -- I mean, garages are not always the most
17 beautiful thing. I mean, you've dealt with the concerns of
18 the headlights coming out and I appreciate that. But I'm
19 just concerned about the overall spillage of light going into
20 the neighborhood. And I'd like to hear some comments on how
21 you're going to address that and make sure that this isn't
22 going to be a sore point for the neighborhood.

23 MR. FINCHER: I understand that is a very real
24 concern. And as we look into that, and we can look into
25 that, how is that eventually going to be screened? What kind

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1 of full cutoff features or full cutoff elements can be
2 applied to the lighting to mitigate that?

3 COMMISSIONER TURNBULL: Yes. I would appreciate
4 it. I mean, I'm sure you're going to do that. You've been
5 thinking about it anyways. But if you could maybe address
6 that and talk about it or show something, I would be
7 appreciative of that.

8 The other thing is going back to what Commissioner
9 May was talking about with the trash by the inline retail.
10 Maybe you could pull that up. That's slide -- by the
11 Starbucks.

12 MS. O'NEIL: You have to go way back to the site
13 plan, I think. A few more in. One more. A few more. More.
14 Next one. There you go.

15 COMMISSIONER TURNBULL: Is there a way that we
16 could -- can we get a blowup of what that really looks like?
17 Maybe a better plan of how that's actually going to work and
18 interfere with the parking aisles and maybe as an elevation
19 of what this thing is really -- how it's going to work, some
20 kind of a perspective?

21 I'm just concerned that it's such a -- you know,
22 it's one of those utilitarian stupid things you need. But
23 how you handle it and how it looks with the relationship of
24 people who are around there, it gets to be kind of an
25 important feature.

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1 It's one of those dumb things, it's, like, we need
2 it but how are we going to do it? And I'd really like to see
3 how you're going to handle that and make sure that really is
4 not an obtrusive sore thumb when you're done.

5 MS. O'NEIL: Yes. I mean, it's placed behind a
6 roll-up door here and it's inside the building, but we'll
7 provide a little bit more detail.

8 COMMISSIONER TURNBULL: Yes. And the actual
9 loading space and trash, if we could get a better view or a
10 better picture or a blow-up of what that looks like out
11 there. That whole section in there would be good to see as
12 blown up.

13 MS. O'NEIL: Okay. But the trash is internal to
14 the building and it gets pulled out. But we'll provide more
15 detail.

16 COMMISSIONER TURNBULL: The other thing I hope you
17 can talk about is in Building, what is it, 3, the residential
18 building next door, Block 3. Block 4, I guess it is. Could
19 you pull up that plan? I'm curious about there's loading at
20 the end of that building. And it's integrated on one plan,
21 but I'm not sure what that really means.

22 Because I think you're asking for flexibility not
23 to have actually a loading dock. And I think at that far end
24 there's something that was marked by the amenity terrace.
25 It's just for the bottom of that, somewhere around there

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1 there's something that's called loading. And I'm, like,
2 well, isn't that residential? And I'm just curious as to
3 what that really showed on that other drawing.

4 MS. O'NEIL: Yes. On this drawing you'll see on
5 the right-hand side there is loading there for the retail and
6 also for the residential uses. We don't have the lower level
7 plan here, but also in the garage there's an additional
8 loading that comes in off of the other side of the building.
9 So if you need clarification of the loading, the way the
10 loading works for this building, we can certainly provide
11 that.

12 COMMISSIONER TURNBULL: Where was the entrance to
13 the garage then, how you get into the garage?

14 MS. O'NEIL: You go down -- I can't indicate,
15 unfortunately. But you go down Town Center Drive and come
16 in around the corner and you go in a level below this level.

17 COMMISSIONER TURNBULL: At the far left of the
18 (Simultaneous speaking). All I see --

19 MS. O'NEIL: At the far left.

20 COMMISSIONER TURNBULL: I see a curb head on the
21 right where it looks to be a loading dock.

22 MS. O'NEIL: Right.

23 COMMISSIONER TURNBULL: But I don't see a curb
24 head going in for a garage.

25 MS. O'NEIL: It's because it's a level below this

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1 level, that's why. So we can provide more detail on the way
2 the entrance is (Simultaneous speaking).

3 COMMISSIONER TURNBULL: If you could, I would
4 appreciate it.

5 MS. O'NEIL: Yes.

6 COMMISSIONER TURNBULL: I was worried because if
7 you've only got the one loading dock, you've got to go all
8 the way from one end of the building to the other.

9 MS. O'NEIL: Right. No. There's loading docks
10 on both ends of the building because of the length of the
11 building.

12 COMMISSIONER TURNBULL: And where does the trash
13 go out?

14 MS. O'NEIL: The entrance to the parking garage
15 is a level below this level. And we'll provide additional
16 detail to make that clear.

17 COMMISSIONER TURNBULL: Okay. And where does the
18 trash go out here?

19 MS. O'NEIL: It could go out either end. It can
20 either go on the right-hand side or it can go on the left-
21 hand side. The right-hand side might be more for the retail
22 there.

23 COMMISSIONER TURNBULL: Okay.

24 MS. O'NEIL: (Simultaneous speaking) the left-hand
25 side.

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1 COMMISSIONER TURNBULL: All right. I was just
2 confused. I didn't see enough information to tell me how
3 easy it is for residents to get trash or unloading or to get
4 in and out of their apartments when they're moving in and
5 out.

6 MS. O'NEIL: Right, right.

7 COMMISSIONER TURNBULL: So if you could explain
8 that or show something better, I would appreciate it.

9 MS. O'NEIL: Okay.

10 COMMISSIONER TURNBULL: And the only other thing
11 for Mr. Tummonds is on Page 2 of your Exhibit 22.
12 Flexibility for the project and just pointing out something
13 we always talk about. And Mr. Ritting, I'm sure, is
14 listening too. Item C, to vary the flexibility of the
15 exterior materials within the color ranges. It should be of
16 the material type selected. We don't grant flexibility to
17 change colors and the materials. We change the color of the
18 materials selected.

19 MR. TUMMONDS: Yes.

20 COMMISSIONER TURNBULL: Otherwise you've got to
21 come back for a modification.

22 MR. TUMMONDS: I'm sorry. Yes.

23 COMMISSIONER TURNBULL: That's okay. Mr. Chair,
24 those are my questions.

25 CHAIRMAN HOOD: Okay. Thank you, Commissioner

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1 Turnbull. Let's go to Vice Chair Miller.

2 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
3 thank you to the Applicant's team for sticking with this
4 project for 20 years, sticking together, long awaited, of
5 course, in the community and by yourselves. You've done a
6 lot of work on it. And you've got a new team member to deal
7 with to add the new component of a medical office building
8 serving yet another underserved need on the east end of the
9 city.

10 There are countless hours that so many of you, the
11 Applicant team and the community, ANC, the Fort Baker folks
12 and others, have put into trying to make this project a
13 reality.

14 I put my little share of time in working for the
15 Council chairman and the Mayor who was interested in that
16 area and lives nearby.

17 And I certainly don't want to do anything to
18 create any roadblock in moving this forward. But I generally
19 support all of the questions and issues that have been raised
20 by my colleagues, particularly those in the dialogue between
21 Commissioner Shapiro and OAG Attorney Jacob Ritting and
22 Applicant's counsel, Paul Tummonds.

23 I think that that dialogue, even though we don't
24 have a party at this point in opposition to this case, I
25 think the issues that have been raised by counsel with us on

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1 Comprehensive Plan consistency, on PUD balancing of public
2 benefits and amenities with whatever mitigations of adverse
3 impacts, needs to be further fleshed out, particularly in the
4 view of some of the adverse court decisions that this
5 Commission has been on the receiving end of, including the
6 most recent one in Park View where a portion of the site
7 similarly was designated for a conservation area and low
8 density residential. And I realize a Walmart was sitting on
9 it, on top of it, in this area the last time -- I mean, in
10 the first stage the last time.

11 But I think we need a better evaluation of why the
12 other comp plan policies would outweigh a potential
13 inconsistency with those low density residential and
14 neighborhood conservation portions designated for the site
15 where there's going to be multiple stories of buildings
16 there.

17 And this is pertaining mostly to Block 4 because
18 that's where you're going back to the -- you're changing the
19 configuration and you're going back to a first stage PUD
20 where we get to push back on whether new requirements apply
21 versus those in 2009, which didn't include any inclusionary
22 zoning requirements although I realize that the disposition
23 agreement negotiated and approved by the City and by the City
24 Council actually produces more total affordable, so-called
25 affordable, housing units than IZ currently requires but not

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1 more deeply affordable units than IZ currently requires,
2 which is a change because we've had a lot of experience with
3 that 80 percent AMI, which setting aside 80 percent median
4 family income, which is setting aside 20 percent as part of
5 the affordable housing proffer in the original case and then
6 an additional 10 percent up to 120 percent median family
7 income.

8 Our experience, and I think the City's experience,
9 and the new Mayor's policy on affordable house, I think make
10 a strong case, a compelling case, for revisiting those MFI
11 levels for at least the Block 4 residential units and getting
12 into more of the 60 percent and 80 percent level rather than
13 this 80 percent and 120 percent level, which isn't really
14 serving residents who need affordable housing in our city.

15 So I would strongly encourage the Applicant
16 without trying to do anything to setback this project more
17 than the 20 years that it's already been setback, although
18 there's been a lot of progress, a lot of setbacks, I do
19 appreciate you stuck with it through thick and thin.

20 But I encourage that dialogue with the OAG to
21 address these issues so we have an order that is reflective
22 of the types of decisions we need to make to respond to the
23 DC Court of Appeals' concerns, legitimate or otherwise. But
24 I would still strongly encourage you to revisit those IZ,
25 inclusionary zoning, well, not inclusionary zoning here, it's

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1 affordable housing commitments, to make those affordable
2 housing commitments more in line with -- at least on Block
3 4, which is going to be now first stage PUD, at this stage
4 make it more of a commitment to the current median family
5 income levels, which I think will serve better the needs not
6 only of the east end of the City but the entire City in terms
7 of affordable housing.

8 So I don't really have any other questions, Mr.
9 Chairman. But I just encourage that dialogue between the
10 Applicant's counsel, our counsel and look forward to this
11 case moving forward and more development on the site moving
12 forward. Thank you.

13 CHAIRMAN HOOD: Thank you, Vice Chair. Mr.
14 Tummonds, I want to pick back on my discussion when I chimed
15 in when Mr. Shapiro was speaking about what OAG has flagged
16 us on.

17 I really appreciate what Mr. Ritting has done.
18 I think he's done a great job -- and has been doing a great
19 job in addressing the so-called Courts. But really for me,
20 I'm not really concerned about the Courts. I want to do the
21 best we can for the -- in which our scope of our work is.
22 If the Courts want to overrule me, that's fine. I'm just
23 going to continue to do the best I can.

24 I'm not going to try to gear anything towards the
25 Court, the Court of Appeals. I'm not going to do that. If

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1 they want to trump me, fine. If they want me to answer
2 something else later on, I will. But I do think, and I said
3 this to Mr. Ritting in other cases, I do think his approach,
4 I think when we look at style and impacts, I think that's
5 something we left out.

6 At the end of the day, it's our decision. It's
7 not Mr. Ritting's decision. It's not the Applicant's
8 decision. It's the Zoning Commission's decision.

9 So what I've always implored and asked OAG to do
10 for me is to help me get there. And this is one of those
11 projects. I want to make sure we're within the legal
12 grounds. We're within the Code. But I also want to that we
13 understand what we're doing.

14 So for me, what I ask for was a sound bite, like
15 the new Block 1 is the western portion of the original Block
16 1. Just help me understand what's going on. And you may
17 have it there. And if you have it there, then just direct
18 me to it. I know it's there, but it's probably on one page
19 and then we can talk about the Block 4 emerging back. That's
20 probably another page. I just need to see it all in one
21 place. And I think it would be easier.

22 For those discussions with the OAG, I think are
23 going to be very helpful to help us get there. I don't
24 necessarily have any questions. I actually like everything
25 I saw. My colleagues, I think, did a great job.

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1 I think this record reflects -- and we talked
2 about the street behind and the balloon tests and what was
3 going on, I think this record, and I may be wrong, I think
4 Ward 7, 8, 6, 5, I think those Wards are ready for Lidl.

5 I think Lidl -- here's what I don't want to
6 happen. I don't want us to put so much red tape in the
7 process that Lidl packs their bags and goes. I don't know
8 what the tenant issue is. But I do know, one thing that I've
9 heard consistently across this city for years, I think I've
10 been around this the whole 20 years or so. And I know the
11 Vice Chair has probably been around even longer than that.

12 But I think it's time for Skyland, let's make it
13 work legally, Mr. Ritting and Mr. Tummonds, let's make it
14 work. Let's make sure that we put stuff in a legal format
15 within our regulations and let's get it done.

16 And I've heard all of my colleagues say we don't
17 want to add red tape. Look for 20 years, I think there's
18 been enough red tape. The last time we had this I think I
19 may have asked -- well, we talked about the Walmart, I think
20 I may have asked if we are going to get it done. So I'm
21 going to ask that again this time. And I hope 20 years from
22 now my successor doesn't come back and have to ask the same
23 question. Mr. Tummonds, are we going to get it done?

24 MR. TUMMONDS: I'm going to let Mr. Rappaport and
25 Mr. Fennell answer that question.

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1 CHAIRMAN HOOD: We can (Simultaneous speaking),
2 but I want to know if we're going to get it done.

3 MR. RAPPAPORT: Chairman Hood, yes, I'm telling
4 you this is the most important project in my entire career.
5 I've said that to so many people over 20 years. Yes, we're
6 going to get it done. But time does -- there are things
7 beyond all our control. And you're right. These are very
8 dangerous times for all of us. And we don't control the deal
9 except we have a time lease that we have to perform within
10 a certain period of time. We have that time now. And I
11 believe that we will get this done, and we will get this
12 entire project completed as we proposed.

13 CHAIRMAN HOOD: Okay. And, again the caveat for
14 me again is I want to make sure we're within the Code. We're
15 going to do things right. And I'm going to make sure as the
16 Vice Chair and others have mentioned, make sure our order is
17 sufficient. But I just believe that, you know, while we need
18 to do some legal sufficiency stuff, I just don't want to keep
19 adding stuff. You know, the architectural design, the
20 lighting, all that's great. We can work that out and get
21 that done.

22 But I think -- I've got my ear to the ground. And
23 I think the residents of that area, not just of Ward 7 but
24 of Ward 8 as well, we want to make sure that they get the
25 necessary fresh groceries and whatever they need there. So

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1 that's the bottom line. That's where I am.

2 As long as we've got the legal sufficiency, and
3 I appreciate Mr. Ritting flagging us for some of those issues
4 because I think, like I said previously, and I may sound
5 redundant, but that's just how I do it. I really appreciate
6 that, getting that done, flagging it. And I appreciate
7 Commissioner Shapiro for bringing those up.

8 But, anyway, that sound bite is all I need. I
9 don't have any questions or comments. I think everybody
10 else's questions -- I mean, they've already covered all of
11 the architectural issues. And I think of all of what I've
12 heard, I think Ward 7 and Ward 8 and even the city, because
13 I plan on going over there as well. Hopefully that's what
14 I'm saying. I plan on going over there as well to see
15 exactly what's been done after this. I think this will be
16 a good piece for the City.

17 So I'm definitely in support of it. Let's just
18 get there, where we need to be. Let's tie up all the loose
19 ends and let's move forward. Commissioner Shapiro.

20 COMMISSIONER SHAPIRO: Sorry. After all of that.
21 I'm thrilled with the theories that you've conveying, and I
22 have a very technical question for the Applicant. Did you
23 design this as a six level garage. Is that right?

24 MR. FINCHER: Five levels.

25 COMMISSIONER SHAPIRO: Five level garage. Then

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1 the circulation pattern, you've designed where you sort of
2 climb up each ramp?

3 MR. FINCHER: Right.

4 COMMISSIONER SHAPIRO: Did you order a speed ramp
5 at the end? Or was it cost prohibitive or?

6 MR. FINCHER: We actually tried a speed ramp
7 centrally in an initial study. And we actually didn't have
8 the real estate for it was basically the reason.

9 COMMISSIONER SHAPIRO: Okay. That's fine. That's
10 all I have, Mr. Chair.

11 CHAIRMAN HOOD: There was a letter, Ms. Marlin.
12 But, you know, I can ask that when you come up if we have any
13 rebuttal. I think she may be on the line. I'll let her do
14 her testimony. If not, I'll bring it -- I'll bring up some
15 her concerns up afterwards. But I'll let her bring them up
16 to us and then we'll get to that later.

17 Okay. Any other follow-up questions? Colleagues?
18 Vice Chair Miller?

19 VICE CHAIR MILLER: I think its referenced in
20 something I read but on the medical office building, I guess
21 to the Applicant, do you have some kind of letter of intent
22 or commitment, preliminary commitment from GW Health or --

23 MR. TUMMONDS: I think, no, at this point we've
24 reached out to the various health care providers throughout
25 the City, G.W., Johns Hopkins, United Medical Center. I

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1 think we want to convey that those are the central tenants
2 we are looking for to come into this facility.

3 VICE CHAIR MILLER: Okay. So I heard Mr.
4 Rappaport's comment about time is important when you've got
5 certain preliminary commitments. And I certainly echo the
6 Chairman's and other's views that whatever momentum this
7 project has in moving forward needs to continue.

8 CHAIRMAN HOOD: Okay. Thank you, Vice Chair.
9 Okay. Any other comments, colleagues? Okay. Let's go to
10 any cross-examination. I have ANC 7B and 8B. I know 8B, I
11 didn't see it. I don't think they gave us anything as of
12 yet. Ms. Schellin, do you know if we have a representative
13 that may want to do a cross-examination from either one of
14 those ANCs?

15 MS. SCHELLIN: Let me check. We had one that may
16 have, Ms. Brown. Let me see if she ended up showing up. She
17 was not sure. I do not see her on here.

18 CHAIRMAN HOOD: Okay. All right. So we have no
19 one at least yet from ANC 7B and 8B so let's move on to the
20 Office of Planning and transportation. I believe Ms. Brown-
21 Roberts, I think Mr. Zimmerman or I think Ms. -- I may have
22 their names wrong so correct me. Can we bring them up and
23 we'll have the Office of Planning report?

24 MS. BROWN-ROBERTS: Good afternoon, Mr. Chairman
25 and members of the Commission. This is Maxine Brown-Roberts.

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1 I'm from the Office of Planning on Zoning Commission Case 08-
2 03F.

3 OP recognizes that the redevelopment of Skyland
4 has had many modifications to bring the redevelopment to
5 fruition. And although lacking in some of the original
6 elements of the Town Center, the proposed modification
7 represents a great opportunity for the location of a new
8 grocery store, a medical office building, a coffee shop and
9 other retail uses.

10 The Applicant has addressed many of the issues
11 identified by the Office of Planning and the Zoning
12 Commission at set down and has provided additional
13 information regarding the signage which OP requested.

14 The number of residential units in the overall
15 development would be slightly increased and not decreased as
16 we mistakenly stated in our report.

17 Regarding the IZ units, which I heard some of the
18 Commissioners mention, the original Order required 20 percent
19 of the units to be reserved household at 80 percent of MFI
20 and 10 percent of households earnings 120 percent of MFI
21 across the entire project.

22 As a requirement, this is consistent with the
23 disposition agreement, which governs the property. This
24 requirement would be maintained on Block 4.

25 The application, which we submitted to DFCC to be

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1 reviewed, and they stated that the number of units that would
2 be generated would be greater than the ZR 16 requirements.
3 However, they are still recommending and will work with the
4 Applicant to provide units at lower MFI and they will provide
5 a report for the residential building at second stage review.

6 OP is supportive of the areas of flexibility that
7 is requested. We believe that Blocks 1 and 2 are not
8 inconsistent with the future line use map and generalized
9 policy map and policy which accompanies the plan and
10 specifically for the Skyland neighborhood center.

11 As was stated, I think what we will do is go back
12 and look at the area for Block 4 for compatibility and to
13 address any areas that the Zoning Commission may want us to
14 look at.

15 In summary, the Office of Planning recommends that
16 the request for a Modification of Significance and the first
17 PUD be approved.

18 Thank you, Mr. Chairman, and I'm available for
19 questions.

20 CHAIRMAN HOOD: We'll ask questions of you both
21 at the same time. Mr. Zimmerman?

22 MR. ZIMMERMAN: Good evening, Chairman Hood and
23 members of the Commission. For the record, I'm Aaron
24 Zimmerman with the District Department of Transportation.

25 DDOT is supportive of the revisions proposed in

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1 this application. The changes in uses are projected to
2 result in fewer vehicle trips generated during the weekday
3 evening and Saturday peak hours as compared to the previous
4 approval. And the revised project includes 117 fewer parking
5 spaces.

6 The Applicant has already constructed substantial
7 roadway improvements based on the higher trip generating
8 buyer development that was approved and these facilities will
9 be adequate to facilitate ingress and egress to the site.

10 These improvements included several traffic
11 signals at the site entrances, closure of the Naylor Road
12 slip lane adjacent to Block 2 and intersection
13 reconfigurations around the site.

14 We did request a couple conditions in our report.
15 The first is a Loading Management Plan to address the loading
16 relief with Block 3 and the second is to strengthen the TDM
17 Plan to encourage more usage of non-auto travel. As you
18 heard in Mr. Andres' presentation, the Applicant has agreed
19 to those conditions.

20 Regarding the TDM Plan, we are working out the
21 final language with the Applicant and expect that to be
22 completed shortly after this hearing. The updated TDM plan
23 will include the original Transportation Management Plan plus
24 other items such as the expansion of the existing Bike Share
25 station on Alabama Avenue, providing bike share passes to

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1 employees, unbundling parking and lots of other strategies.

2 So with the Loading Management Plan and the
3 finalized TDM Plan both included in the Final Zoning Order,
4 DDOT has no objection to the approval of this Modification
5 of Significance. Thank you.

6 CHAIRMAN HOOD: Thank you. Commissioners, does
7 anyone have any questions? We'll go to Commissioner May, of
8 either OP or DDOT?

9 COMMISSIONER MAY: I do not have any questions.

10 CHAIRMAN HOOD: Okay. Commissioner Shapiro?
11 Commissioner Turnbull?

12 COMMISSIONER TURNBULL: I'm good. Thank you.

13 CHAIRMAN HOOD: Okay. And Vice Chair Miller.

14 VICE CHAIR MILLER: No questions, Mr. Chairman.
15 Thank you for your reports.

16 CHAIRMAN HOOD: Okay. Thank you, Ms. Brown-
17 Roberts and Mr. Zimmerman. We appreciate your reports.
18 Let's see before you go though, does Applicant have any
19 questions?

20 MR. TUMMONDS: No questions.

21 CHAIRMAN HOOD: Okay. I don't have anyone from
22 the ANC as of yet. So we thank you both. We appreciate it.
23 Thank you.

24 Do we have any other business reports? You know,
25 there were comments from DOEE that may have been covered by

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1 the Office of Planning or maybe it was counsel who mentioned
2 it. But I'm sure that will be worked on as well.

3 MS. SCHELLIN: That was Exhibit 21 from DOEE and
4 no others.

5 CHAIRMAN HOOD: Okay. What exhibit was that, Ms.
6 Schellin, Exhibit 21?

7 MS. SCHELLIN: 21 for DOEE.

8 CHAIRMAN HOOD: Okay. Anyway. Yes, I'll let the
9 Applicant work -- I'm sure all of that will be worked out.
10 Whatever is in there, there's quite a bit of action there.

11 Now the ANC -- we'll go to their report, Exhibit
12 23. And what I liked about what I saw with the ANC did on
13 this sheet. This is our regular sheet. But I guess
14 Commissioner Brown, I'm not sure if she's the chairperson or
15 the vice chair. I don't see it. But either way, she's
16 either the chair or the vice chair. Forgive me for not
17 knowing which one.

18 But I really appreciated how they notified. ANC
19 7B provides notice of its public meeting on the following
20 platforms, East of the River Community Newspaper, Hillcrest
21 listserv, Penn Branch listserv, Fairfax listserv, Randall
22 Island listserv, Ward 7 listserv, www.anc7b.com, ANC 7B
23 Twitter account, Next Door and the DC Calendar. I really
24 appreciate what ANC 7B does to get the word out. They, too,
25 have said they have no issues. They voted on the quorum with

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1 four leaders present at the meeting. The ANC has no issues
2 or concerns as it relates to the standards of the zoning
3 regulations in this case. The ANC supports the Modification
4 of Significance as filed.

5 All right. Let's go to -- do we have any
6 organizations or persons who are here -- oh, wait a minute.
7 Let me announce this other letter that I saw who I think the
8 Applicant does some business with him. Let's see. I don't
9 know what exhibit it was here. All right. I'll come back
10 to it.

11 Also, well, let me see who is there first and then
12 I'll mention who we have letters of support from because I
13 want to make sure if people take time to write us a letter
14 or write us where they standing on, I want to make sure we
15 acknowledge it.

16 Let me go to -- do we have any organizations or
17 persons who are in support who are on the line, Ms. Schellin
18 or no?

19 MS. SCHELLIN: Yes. Ms. Marlin, Robin Marlin.

20 CHAIRMAN HOOD: Ms. Robin Marlin. Do we have
21 anyone else?

22 MS. SCHELLIN: She's the only one I believe that
23 was -- let me double-check.

24 CHAIRMAN HOOD: Why don't we bring everybody up
25 if we get the platform who support or are in opposition.

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1 MS. SCHELLIN: There was nobody signed up in
2 opposition and everybody else was part of the Applicant's
3 team except for the ANC person, and she only tentatively was
4 accepting. So the only person we have tonight is Ms. Marlin,
5 who is a proponent.

6 CHAIRMAN HOOD: Let's bring Ms. Marlin up.

7 MR. TUMMONDS: Ms. Schellin, is Earl Williams --
8 he conveyed to us that he --

9 MS. SCHELLIN: Oh, yes. Earl Williams, he is on.
10 I thought he was part of the Applicant's team. So, yes, Earl
11 Williams would be the other one.

12 CHAIRMAN HOOD: Okay. Let's bring both Ms. Marlin
13 and Mr. Williams, up.

14 MS. SCHELLIN: I'm sorry. I thought he was part
15 of your team, Mr. Tummonds.

16 MR. TUMMONDS: He is with the Skyland Task Force.

17 CHAIRMAN HOOD: So if you wish to, you can turn
18 your cameras on. If not, we respect that. If you want to
19 leave them off, you can.

20 MS. MARLIN: Can you hear me?

21 CHAIRMAN HOOD: I can you hear, Ms. Marlin. I
22 haven't seen you in a while. If you want to let me see you
23 --

24 MS. MARLIN: You know, I apologize. So, you know,
25 Mr. -- I was talking to Mr. Tummonds, Paul, and I'm not

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1 familiar with this format so let me just see -- oh, that's
2 not the right thing.

3 CHAIRMAN HOOD: Yes, there you go. Raise it up
4 a little bit so I can see you. I haven't seen you in a
5 while. How have you been?

6 MS. MARLIN: Fine. I borrowed this computer to
7 participate in this. As I said, I was talking with Paul
8 about my concerns, and he's been very kind to communicate
9 back and forth with me. So that's fine.

10 But I am supportive of the Skyland project because
11 I've been with the project 20 years at least. However, my
12 concern was with the reallocation of community benefits.

13 As you know, Commissioner Hood, I served on the
14 ANC for 14 years. In that role, I was the chair for over
15 five years, the vice chair, secretary. We started this
16 process long before I became a Commissioner. I was active
17 on actually the task force that selected Rappaport for the
18 development.

19 But I had to deviate a little bit from my
20 testimony because I wanted to address something that Mr.
21 Fennell, I'm not familiar with who he is, Mr. Fennell. I was
22 sort of taken aback with his characterization of me as being
23 a lone sole, I think he said oppositioner, or something to
24 that nature. And that's not the intent of my appearance
25 before the Zoning Commission.

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1 My intent is to basically -- because the study was
2 not read at the ANC meeting, it did note the Zoning
3 Commission also was aware was the, I guess, the developer is
4 asking that the remaining amount of the community benefits
5 be reallocated to the Skyland Workforce Development Center
6 on Alabama Avenue.

7 So I had read the file. I've done my due
8 diligence, and I looked at Exhibit Number 22B as it relates
9 to the benefits. And I'm very active in my community so I'm
10 also part of the Francis Gregory Library.

11 So I'm not aware of any funds coming to -- I'll
12 just as an example the Francis Gregory Library. So I was
13 wondering if there is some way that the contributions can be
14 publicly disclosed so that the community is aware that the
15 Rappaport has indeed been very generous. And they have been
16 very generous to our community. I have no opposition to
17 that.

18 But I do think that a letter coming from a non-
19 funded task force, a task force that really has not been
20 functioning in our community and asking for a negotiated
21 contract to be revised, to be changed, needed some further
22 discussion if I can say it that way.

23 I think there needs to be communication with the
24 community. And one of the Commissioners asked if the
25 residents on Fort Baker Drive have been part of the

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1 discussion.

2 And I think the respondent said maybe they reached
3 or something. I think Mr. Fennell said that. But he doesn't
4 appear to me -- he's busy. He's talking about the fact that
5 I'm the only one inquiring about this. But out of respect
6 for Paul and Gary, I didn't make my concerns known publicly.

7 I didn't go out and publicize that well, you know,
8 Mr. Williams has sent a letter supporting the developer
9 reallocating the community benefit that we negotiated on
10 many, many years ago long before Mr. Williams became
11 involved, long before he lived in the community.

12 So I sort of take offense to Mr. Fennell. So I
13 don't think he can characterize -- my involvement in the
14 community is longstanding. Gary can attest to that. I've
15 been a part of this project. I've testified on behalf of the
16 Skyland task force.

17 Bob Rich and I testified before the City Council
18 in fact to make sure the financing came through, the
19 additional financing that Gary Rappaport needed.

20 So I don't want to be viewed by anybody on the
21 Rappaport team as I'm in opposition or I have a gripe with
22 the project. I have been waiting as long as anyone sitting
23 in this meeting for this project to come to completion.

24 But I am concerned that the community is not
25 really being updated, not by Rappaport, but by this pseudo

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1 task force that no one knows who the members are. There are
2 no documented minutes or agenda items or any type of way to
3 substantiate that the community has been a part of the
4 decision-making highlights if I can call -- highlight this
5 reallocation because it's really being highlighted separate
6 from the development project itself.

7 So that's the only thing -- I think that's all I
8 wanted to say. But I do want to make sure that Mr. Fennell
9 understands that I am not a lone sole and in fact, if I
10 wanted to get support for this particular matter, I could get
11 that. But I felt like it's best to try to find out what's
12 going on first with the monetary contribution so we can get
13 clarification on that. I mean, that would be very
14 satisfactory. So I'm available for any questions.

15 CHAIRMAN HOOD: Thank you, Ms. Marlin. I've known
16 your work around the City for a very long time. So I
17 appreciate all you do, all you have done and all you will
18 continue to do.

19 But let me just ask, I don't see a letter from --
20 unless I'm -- I can overlook stuff. I don't see a Mr.
21 Williams -- can somebody tell me what exhibit that is?

22 MS. MARLIN: It's dated June 16, 2020.

23 (Simultaneous speaking.)

24 CHAIRMAN HOOD: What exhibit is it, Ms. Marlin?
25 Do you know?

1 MS. MARLIN: Oh, I know the date. The date is
2 June 16, 2020. Mr. Tummonds, he may know. Oh, I guess he's
3 muted.

4 CHAIRMAN HOOD: Okay. I see one from Graylin
5 Presbury. And I see your letter.

6 VICE CHAIR MILLER: It's like in 1 point type.
7 I can't read it. I think it's 19, but I'm not sure. I don't
8 know. It's really tiny.

9 CHAIRMAN HOOD: Okay. I see it now. Okay. I was
10 actually looking for his name.

11 MS. SCHELLIN: 19 is correct.

12 CHAIRMAN HOOD: All right, okay. Yes, I see.
13 Okay. The Task Force, you did say Task Force. I saw that,
14 okay. We will let the Applicant respond. So thank you,
15 again, Ms. Marlin. Let's see if we have any questions.
16 Commissioner May?

17 COMMISSIONER MAY: Nothing.

18 CHAIRMAN HOOD: Okay, okay. Commissioner Shapiro?

19 COMMISSIONER SHAPIRO: I have no questions, Mr.
20 Chair.

21 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

22 COMMISSIONER TURNBULL: I have no questions.
23 Thank you for coming.

24 CHAIRMAN HOOD: And Vice Chair Miller.

25 VICE CHAIR MILLER: No questions. Thank you, Ms.

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1 Marlin.

2 MS. MARLIN: Thank you.

3 CHAIRMAN HOOD: So, Mr. Tummonds, did you have any
4 thoughts or questions for Ms. Marlin?

5 MR. TUMMONDS: No questions for Ms. Marlin.

6 CHAIRMAN HOOD: Okay. So I would like us to
7 respond to her question that she has been here from the start
8 of this project as many others understood it. So I would
9 like to know a little bit more about -- and I'm sure Mr.
10 Williams will come on as well.

11 So let again thank you, Ms. Marlin, for taking the
12 time to testify and still be responsive, like you've always
13 been and for your due diligence not just for the neighborhood
14 but for the City as well. So I really appreciate it.

15 MS. MARLIN: Thank you very much.

16 CHAIRMAN HOOD: It's always good to see you.

17 MS. MARLIN: Thank you very much.

18 CHAIRMAN HOOD: All right. Take care. Let's see.

19 Do we have anybody else, Ms. Schellin. Mr. Williams --

20 MS. SCHELLIN: That was it other than Mr.
21 Williams.

22 MR. YOUNG: Mr. Williams is calling in.

23 MS. SCHELLIN: He's calling in. Okay.

24 CHAIRMAN HOOD: Mr. Williams --

25 MR. WILLIAMS: Hello.

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1 CHAIRMAN HOOD: -- you may begin. You can begin
2 Mr. Williams.

3 MR. YOUNG: You keep unmuting yourself and muting
4 yourself. You just need to hit it one time. You should be
5 able to talk now.

6 MR. WILLIAMS: Can you hear me?

7 CHAIRMAN HOOD: Right.

8 MR. WILLIAMS: Can you hear me?

9 CHAIRMAN HOOD: Sure.

10 MR. WILLIAMS: You can hear me?

11 CHAIRMAN HOOD: Yes, we can hear you. Sure, we
12 can hear you.

13 MR. WILLIAMS: Okay. Thank you Commissioners and
14 Chairman Hood. Where to begin? First of all I appreciate
15 you and all of the other Commissioners stating that you
16 really want to move this project forward.

17 The Task Force that I chair has been in existence
18 for over five years. The members are listed. As a matter
19 of fact, Commissioner Brown is the vice chair of the Task
20 Force, and she is in constant contact with not only those
21 neighbors on Fort Baker but also on other streets that abut
22 the project.

23 We don't hold regular meetings. What we do is --
24 our purpose is to make sure that what has been promised to
25 the community by the developers is actually delivered. And

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1 the developers have done a wonderful job in communicating
2 everything that's going on in the project to us. And we in
3 turn communicate that to the community by putting it on the
4 Hillcrest listserv. We participate in the construction
5 meetings when we could before COVID-19 stopped them. We had
6 regular construction update meetings that the Task Force put
7 out information on and participated in.

8 There are some people in the community that aren't
9 happy with the way my Task Force was created but, again, my
10 vice chair is Commissioner Brown, 7B02 and we do represent
11 the vast majority of the community.

12 When it comes to the letter and our recommendation
13 that part of the money be reallocated from the community
14 benefit, as was stated earlier in testimony, that does not
15 impact monies allocated for schools, libraries or community
16 benefit. It is simply those monies that were set aside for
17 loans for companies working on the project and for subsidized
18 housing projects.

19 Those funds weren't coming to our community
20 anyway. And as long as those were needed, I have no problem
21 with those funds being reallocated. And that's basically my
22 statement.

23 CHAIRMAN HOOD: Okay. Thank you, Mr. Williams,
24 and I appreciate the work the Task Force does as well.
25 Regardless of how it got started, we appreciate it.

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1 One thing I will say is work isn't crowded. You
2 can always find people who want to say they agree or
3 disagree, but I appreciate the work that anybody does for
4 this City or just anything, anything that I'm involved --
5 when you see people trying to get engaged -- you're going to
6 have disagreements.

7 MR. WILLIAMS: As president of the citizens
8 association, you testified and have spoken to our group
9 several times over the years.

10 CHAIRMAN HOOD: I have?

11 MR. WILLIAMS: Yes.

12 CHAIRMAN HOOD: How did I do? No, I'm just
13 kidding.

14 MR. WILLIAMS: You were fine. We were hostile,
15 but you held your own.

16 CHAIRMAN HOOD: Okay. Okay. Oh, I remember that
17 one, yes.

18 MR. WILLIAMS: Okay.

19 CHAIRMAN HOOD: It's not like I could forget that.
20 So, again, we appreciate all the work. But let me see if my
21 Commissioners have any questions or comments. Commissioner
22 May? You know, if we don't have to unmute, you all shake
23 your heads, that will be good. Okay. Vice Chair?
24 Commissioner Shapiro? Commissioner Turnbull? Vice Chair
25 Miller? Mr. Tummonds, did you have any cross?

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1 MR. TUMMONDS: No cross.

2 CHAIRMAN HOOD: Okay. And I do want to follow-up
3 and ask you questions about that, Mr. Tummonds, as you do
4 your rebuttal. So thank you, Mr. Williams, and also thank
5 you, Ms. Marlin. We appreciate you both.

6 MS. MARLIN: Thank you.

7 MR. WILLIAMS: Thank you.

8 CHAIRMAN HOOD: So I think, I'm not sure, Mr.
9 Tummonds, how all that works with those benefits. And I'm
10 not sure after you all have that together, I don't know if
11 it transfers, if it can be a transfer and all of that. I'm
12 not sure how all of that works.

13 But I do know that there's some legal requirements
14 that we have to go by, and I'm sure that you and OAG will
15 have that if it's something that we need, do not need, the
16 request would come or have you already done that? I'm not
17 on that. So I mean, I'm not sure about that. So let's make
18 sure we fine tune that so we can satisfy both Mr. Williams
19 and Ms. Marlin in their comments because we appreciate them
20 taking the time to come down.

21 So let's do some rebuttal and then we'll do some
22 closing.

23 MR. TUMMONDS: Perfect. I think in rebuttal, I
24 think, we have Mr. Fennell to talk a little bit about the
25 reallocation of the benefits and amenities and his ability

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1 to reach out to Ms. Marlin.

2 MR. FENNELL: Thank you, Paul. There's three
3 things I would like to clarify. First, I want to thank Ms.
4 Marlin for her support and for her clarification.

5 For clarification purposes, I'd like to re-read
6 the sentence that I read earlier just so we're clear that I
7 wasn't trying to pick a fight with Ms. Marlin. I really was
8 trying to emphasize that there was no known opposition to the
9 modification. It was more a question about the expenditure
10 of community benefits.

11 And since I was asked to do the community benefits
12 and outreach update, I think Mr. Williams covered what I had
13 said and what we had presented to the community before, which
14 is that we are taking dollars that were originally set aside
15 under the original PUD for a contractor loan as well as for
16 home buyer training, and we're taking those funds and
17 reapplying them to the Skyland Workforce Center.

18 We are not changing any of our commitments nor
19 diminishing any of the dollars that were committed to schools
20 and libraries nor for the public.

21 And as far as hosting further meetings, I think
22 it's important to clarify that, you know, that Gary and Chris
23 and the Rappaport Companies and Smith Companies, I've lost
24 track over the years the number of meetings that they've
25 talked about that they've all attended. I certainly have

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1 been at some, not most, but some of those meetings. And we
2 would be happy to go to additional meetings where we could
3 zero in on this conversation and make sure that there's
4 clarity as to the entirety of the funds. That's my
5 statement.

6 MR. TUMMONDS: Thank you, Brad. So that concludes
7 our rebuttal. And if we want to have any discussion about
8 that and then we can do our brief conclusion and talk about
9 next steps.

10 CHAIRMAN HOOD: I think it would be good to maybe
11 have a virtual, not necessarily goals, but maybe Ms. Marlin
12 and Mr. Williams, let's have a virtual chat. I'd like to see
13 some closure to that. I think that's very beneficial.

14 Even though we may disagree, I think a
15 conversation, I would like to see it happen. So with that
16 we look forward to maybe doing a virtual. You don't have to
17 get together for coffee or nothing like that. I did not
18 suggest that. But probably a virtual meeting if you can set
19 that up.

20 Let me see if my colleagues have any follow-up
21 questions or comments before we hear closing. Commissioner
22 May? Commissioner Shapiro? I see your head, okay. All
23 right. I see your head. Okay. Great.

24 So, Mr. Tummonds, if you could close us out.

25 MR. TUMMONDS: Sure. Thank you for your time and

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1 effort. I especially want to thank Commissioner Marlin for
2 reaching out to us to bring this to our attention. Like you
3 said, I think she has spent a long time over the years
4 working on this project. And we want to make sure that
5 people who have been working on this project for a long time
6 feel that it is really meeting the goals and needs of the
7 community that was envisioned at the beginning and as now.

8 And certainly I would like to also thank Mr.
9 Williams for his significant commitment and help for this
10 project over the last five years and his stewardship of the
11 Task Force as well as we haven't talked as much, but Tiffany
12 Williams, our ANC 7B Commissioner, who has been a real
13 supporter of this project, and her community is aware of the
14 status of Skyland and of making sure that it is the project
15 that everyone hopes it will be.

16 With that, I share the excitement that our team
17 has and we think that we are on the path to making this
18 happen. I appreciate the comments. We appreciate the
19 comments of the Commissioners about wanting to make this
20 happen.

21 And we will work, myself, Ms. Hottel-Cox, Mr.
22 Ritting on making sure that we are, as I think Mr. Fennell
23 said, crossing our T's and dotting our I's so that, you know,
24 this is a project which we know is fully supportive,
25 supported, I should say, by the Comprehensive Plan and making

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1 sure that the Zoning Commission has the proper information
2 in front of it so that they can make a well-reasoned decision
3 in this case.

4 So with that, we will submit all of the
5 information that was requested in this meeting. Truly I
6 think with regards to the architectural materials, it's not
7 a -- you know a lot of this information we have. A lot of
8 this information we can prepare pretty readily similarly as
9 well with the Comprehensive Plan analysis.

10 But I think that it would be imminently reasonable
11 for us to be able to look at having this teed up for a
12 decision by the Zoning Commission in December.

13 CHAIRMAN HOOD: Thank you, Mr. Tummonds. Let me
14 note that, and I want to make sure when the community
15 especially write a letter, I wanted to go through this prior
16 to closing.

17 I also want to thank Delmar Freeman. Also we have
18 a letter in support from Graylin W. Presbury, who used to be
19 the president of the Federation. I know he's the president
20 of Fairlawn now. I think, and I hope I covered everyone.
21 Oh, I have one more 22A, oh, yes, 22A. I also appreciate the
22 support letter from -- I just had it open. Okay. The
23 president of the Building Bridges Across the River. So I
24 want to thank all of them for taking the time to write us a
25 letter and letting us know where their support lies on this

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1 project.

2 So with that, Commissioners, are there any follow-
3 up questions or comments? Commissioner May? I see all his
4 -- Vice Chair I didn't see your -- okay. All right. So, Ms.
5 Schellin, could we get some dates?

6 MS. SCHELLIN: Yes, sir. So I think that giving
7 the Applicant and OAG as much time as possible to work
8 together, if we could have the Applicant submit all of the
9 requested documents and draft Findings of Fact, Conclusions
10 of Law by 3:00 p.m. on September 1.

11 And giving the ANC as much time they need until
12 3:00 p.m. on September 11 if the Applicant would work with
13 them on that. And we can put this on for our September 14
14 public meeting, our only meeting for that month. And that
15 will be for 4 o'clock p.m.

16 CHAIRMAN HOOD: Okay. I want to thank you for
17 everything. This case is closed with exception of the things
18 that we asked for and the external dates. Mr. Tummonds, do
19 you have any other questions for Ms. Schellin?

20 MR. TUMMONDS: No, no questions. Thank you, sir.

21 CHAIRMAN HOOD: All right. I want to thank
22 everyone for their participation. Unless my colleagues have
23 anything else, but let me just note the Zoning Commission has
24 13 items on their agenda for July 27, this coming Monday at
25 4:00 p.m. So we'll back on this coming Monday, the Zoning

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1 Commission on July 27 at 4:00 p.m. Vice Chair Miller?

2 VICE CHAIR MILLER: Yes. I would encourage
3 everyone to attend virtually the Nats home opener, which I
4 have attended for the last 15 years.

5 CHAIRMAN HOOD: Hear, hear.

6 MR. TUMMONDS: We have 35 minutes before first
7 pitch.

8 (Simultaneous speaking.)

9 VICE CHAIR MILLER: -- Dr. Fauci's ceremonial
10 pitch.

11 CHAIRMAN HOOD: All right. So we'll do that.
12 Thanks, everybody. This hearing is adjourned. Good night.

13 (Whereupon, the above-entitled hearing went off
14 the record at 6:29 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 07-23-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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