

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: :
 :
 Westminster Presbyterian, :
 Westminster Community :
 Partners, :
 Bozzuto Development :
 Company, and :
 Bozzuto Homes, Inc. :
 Consolidated PUD and :
 Related Map Amendment :
 at Square 499, Lot 52. :
 -----:

MONDAY

OCTOBER 4, 2021

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The Public Hearing of Case No. 20-12 by the District of Columbia Zoning Commission convened via videoconference at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- ROBERT MILLER, Vice Chairperson
- PETER SHAPIRO, Commissioner
- PETER MAY, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN COCHRAN

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQ.
JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Public Hearing held on October 4, 2021.

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

OPENING STATEMENT:
 Anthony Hood 4

PRESENTATION:
 Case Number: 20-12 - Westminster Presbyterian Church,
 Westminster Community Partners, Bozzuto Development
 Company, and Bozzuto Homes, Inc. Consolidated PUD and
 Related Map Amendment at Square 499, Lot 52 7

COMMENTS AND QUESTIONS:
 Commissioners 29

ADJOURN:
 Anthony Hood 132

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is October the 4th, 2021. We're convening broadcasting this public hearing by videoconferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner Shapiro, and Commissioner May. We are also joined by the Office of Zoning staff, Ms. Sharon Schellin, our secretary; and Mr. Paul Young, who will be handling all of our virtual operations. Also, we have the -- our counsel also joined us. We have Ms. Lovick and Mr. Ritting. And I would ask others to introduce themselves at the appropriate time.

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

Tonight's subject in this hearing, the Zoning Commission Case No. 20-12 is the Westminster Presbyterian Church, Westminster Community Partners, Bozzuto Development Company, and Bozzuto Homes, Inc., consolidated PUD and related map amendment at Square 499, Lot 52.

All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign up, all participants will complete the oath

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1 or affirmation required by Subtitle Z, 408.7. Accordingly, all
2 those listening on Webex or by phone will be muted during the
3 hearing, and only those who have signed up to participate or
4 testify will be unmuted at the appropriate time.

5 When called, please state your name and home address
6 before providing your testimony. When you're finished speaking,
7 please mute your audio. If you experience difficulty accessing
8 Webex or with your telephone call-in or have not signed up, then
9 please call our OZ hotline number at 202-727-5471. Again, 202-
10 727-5471. If you wish to file written testimony or additional
11 supporting documents during the hearing, then please be prepared
12 to describe and discuss it at the time of your testimony.

13 The hearing will be conducted in accordance with
14 provisions of 11-Z DCMR Chapter 4 as follows: preliminary
15 matters; Applicant's case and Applicant has up to 60 minutes; a
16 report of the Office of Planning and Department of
17 Transportation; report of other government agencies; report of
18 the ANC; and we have testimony of organizations which will have
19 five minutes, testimony of individuals which will have three
20 minutes. We will hear in the following order from those who are
21 in support, opposition, or undeclared. Then we will have rebuttal
22 and closing by the Applicant. Again, any issues, the OZ hotline
23 number for any concerns during this proceeding is 202-727-5471.
24 At this time, the Commission will consider any preliminary
25 matters.

1 Ms. Schellin, do we have any preliminary matters?

2 MS. SCHELLIN: Yes, sir. Again, I apologize. I'm
3 having video issues so I cannot get my camera to work. I don't
4 really see any -- other than the Commission or let's see, that
5 was from a while back because this all started from April. The
6 proffered expert witness for architecture, Mr. Afsana. I believe
7 it's a male. I'm not positive. Iffat Afsana in architecture.
8 Exhibit 15-B that was accepted at the April 12th, '21 hearing,
9 so he's already been accepted. Nicole White was previously
10 accepted and also accepted at the April 21st hearing. Shane
11 Dettman was also accepted in zoning and land use. The property
12 was properly posted, and the notice of intent was properly filed.
13 Kyrus Freeman will be presenting from Holland & Knight, and he
14 has his team. This evening, we have Kelsey Bridges from DDOT
15 and from OP -- I have to look because I do not remember the OP.

16 CHAIRPERSON HOOD: Mr. Cochran, I believe was the --

17 MS. SCHELLIN: Cochran, and then we have Ms. Kramer
18 from the ANC, I believe is going to be presenting either a
19 combination of her and Andy Litsky, or maybe just Ms. Kramer. I
20 believe it's going to be just Ms. Kramer though.

21 CHAIRPERSON HOOD: Okay. So we don't have anything
22 necessary that we need to deal with. I think this is second or
23 third time starting off with this hearing --

24 MS. SCHELLIN: Yes.

25 CHAIRPERSON HOOD: -- I think.

1 MS. SCHELLIN: Unless Mr. Freeman has something.

2 CHAIRPERSON HOOD: Okay. So we've handled all the
3 preliminaries, colleagues. Let's bring Mr. Freeman and his team
4 up and let's go and get started.

5 MS. SCHELLIN: And I believe we've got somebody from
6 Urban Forestry also from the DDOT that will be here this evening.

7 CHAIRPERSON HOOD: Okay. All right. Thank you. We'll
8 bring them up at the appropriate time. All right.

9 Mr. Freeman, the floor is yours. You have 60 minutes
10 if you need all that time, but you have it. And also, what I
11 would ask before you can get started is that I think the record
12 had some concerns and stuff, if you can hit that from your
13 presentation that would be great, so you may begin.

14 MR. FREEMAN: Thank you. Thank you, Mr. Chairman.
15 Good to see you and the other Commissioners.

16 I'd start by asking if you can pull up the rest of our
17 team just to make sure they're all available. So it looks like
18 you have Jeff up. Pastor Ruth Hamilton. Hopefully, you can you
19 can bring her up. I should say, I'm bringing up a bunch of people
20 but all of them may not testify, but just want to make sure
21 they're on and able to testify.

22 Mr. Shane Dettman, Pastor Ruth Hamilton, Pastor Brian
23 Hamilton. I think I saw Jeff there a second ago. Ms. Afsana,
24 is our architect. I see her smiling there. Joel Patterson with
25 Dantes Partners. Lloyd Jordan and Nicole White. Again, none of

1 all of those folks will testify. I just want to make sure that
2 they're on and able to testify if necessary.

3 So thank you again. As you are aware, we're here
4 to see (audio interference) this consolidated PUD approval and a
5 related zoning map amendment from the R-3 Zone to the MU-2 zone
6 for the construction of a mixed-use building at 400 I Street
7 Southwest. The building includes significantly a new church
8 hall. You'll hear Pastor Ruth to talk about the importance of
9 that for Westminster Presbyterian Church; 222 new affordable --
10 new residential units of which 123 are senior affordable housing
11 units.

12 As you're aware, we submitted a number of exhibits in
13 the record which demonstrate in our view that we clearly meet the
14 standards for approval. So our presentation tonight, Mr.
15 Chairman and members of the Commission, I intend to primarily
16 focus on two issues. One, the architect will walk us through
17 the plans; and two, Mr. Dettman will go through our Comp Plan
18 analysis. Although, we're certainly happy to answer any
19 questions not directly covered in our presentation.

20 We have worked extremely hard for over a year at this
21 point to address all of the substantive issues that have been
22 raised. I think our application and presentation tonight will
23 demonstrate that we meet the requirements. As you know, I think
24 to your earlier point, Mr. Chairman, the Office of Planning and
25 DDOT have both submitted reports and recommend an approval of the

1 application; an OP supplemental report, which is the most
2 recently filed dated September 27th, recommends approval subject
3 to a condition.

4 I'm happy to say that the Applicant agrees to the Office
5 of Planning's condition. DDOT actually submitted two reports.
6 The first report dated April 2nd, which is Exhibit 27, recommends
7 approval based on two conditions. We accept those conditions and
8 I think I heard Ms. Bridges is on. They submitted an additional
9 report dated June 7th that adds an additional condition, and the
10 Applicant agrees to that condition as well. So we've worked with
11 all of the agencies to try to resolve the conditions. As you
12 know, hopefully the record has extensive support: Councilmember
13 Charles Allen; Councilmember Neil Blais; the Southwest BID; the
14 Southwest Neighborhood Assembly; the James Creek Resident
15 Council; Ms. Pamela McKinney, Southwest Action and the Mill Creek
16 Residential; as well as there are actually two letters in support
17 from the Southwest BID.

18 The ANC is not in support. I'm happy to kind of go
19 through, Mr. Chairman, if you'd like me to go through their
20 comments now or if you'd like me to address that at the end of
21 the hearing. I'm happy to proceed with that however you would
22 like us to do so. But again, I think you will see all of our
23 evidence, as reinforced by our presentation tonight, demonstrate
24 that we meet the standards. We think we have a great project
25 that's worthy of your approval. And again, if you want me to

1 talk about the ANC now, I'm happy to do that; otherwise, I'll
2 turn it over to Pastor Ruth as our first witness.

3 CHAIRPERSON HOOD: Mr. Freeman, I think we'll probably
4 do that on the back end as we may have questions -- that'll be
5 closer to our questions. I would ask though, Mr. Freeman, if
6 you stay on that mic, because I want to make sure folks are able
7 to hear because I know we've had previous hearings. Sometimes
8 you fade off, and I may be fading off too. So sometimes that's
9 why I lean forward to make sure I'm in the mic. So if everybody
10 could do that, so we make sure you don't kind of go in and out.
11 Even though we heard everything, but vaguely sometimes, Mr.
12 Freeman, you might go out for a second, but we want to make sure
13 that we try to stay up and make sure people can hear us. All
14 right. So I will turn it back over to you. And if you can answer
15 that on the back end, I think that would be great.

16 PASTOR HAMILTON: I will pick up from here. I don't -
17 - I can't see any of you, so I don't know whether you can see me
18 or not, but something's wrong with my video, but let me start.
19 I'm Ruth Hamilton, who along with my husband Brian, have served
20 as co-pastors of Westminster since 1996. And if we weren't still
21 in the COVID area -- era, you would see the hearing room packed
22 with an array of people counting on your support for this project:
23 members and friends from every corner and condition of the
24 community and beyond; representatives of the Southwest
25 Neighborhood Assembly, the Southwest BID, and Councilmember

1 Charles Allen's office; fellow Southwest pastors and church
2 members; even neighbors who oppose most developments would be
3 here to show support for our project. And I'm sorry, you really
4 can't physically see these folks behind us. You do have their
5 letters of support in hand, and I hope you'll refer to them.

6 Westminster has been an important faith institution in
7 Southwest for 168 years. We started this major project because
8 the church is confronted with essential two million plus capital
9 improvements needed in our 1965 building. We have great human
10 resources with which we do a lot for D.C., such as founding Food
11 and Friends in the 1980s, making Jazz Night and Blue Monday Blues
12 at Westminster among the best and last standing public venues
13 from such music in the city, touching thousands of lives and
14 standing always with the most vulnerable in our community.

15 Westminster has and will continue to host numerous
16 Government of the District of Columbia meetings, events and other
17 activities. So this redevelopment with our partners is a real
18 blessing to us. With this mixed-use project, we will now have a
19 fully functional and accessible church building, market rate
20 residences, and best of all, 123 units of new senior affordable
21 housing. Through the joint venture that we will sign, Westminster
22 will be able to ensure that the senior apartments remain
23 affordable for the life of the building.

24 We are really excited about the design of this project,
25 which supports our church mission and our understanding of what

1 | it takes to be an effective church in today's increasingly
2 | unchurched culture.

3 | We love the new more open church entrance with its warm
4 | tone and the human scale tree of life, which is a meaningful
5 | symbol for all people. And we love the cross against the softly
6 | lighted tower. The cross declares our particular faith
7 | tradition, while the tower symbolizes hope and light for all
8 | creation.

9 | So on behalf of the church members, the church
10 | officers, D.C.'s great jazz and blues musicians and the thousands
11 | of fans, the seniors are waiting affordable housing and all who
12 | have appreciated Westminster's steady presence and values in
13 | Southwest D.C., we ask you to do everything in your power to get
14 | this done sooner than later.

15 | As I look around at all the varied designs and the
16 | mostly market rate buildings that have gone up in our ANC 6D in
17 | the last few years, I can't imagine that this project doesn't
18 | deserve your full and rapid support. Thank you.

19 | MR. FREEMAN: Thank you, Pastor Ruth.

20 | Mr. Chairman, if I could just jump in and ask Mr. Young
21 | to bring up our presentation. I emailed it to him today. Thank
22 | you.

23 | Next slide. Next slide. That was a pretty picture
24 | that was going to be up while Pastor Ruth was speaking. So we'll
25 | leave this up.

1 So our next presenter is -- we'll either go with Jeff
2 or Joel, who are also partners on the project.

3 MR. KAYCE: Thank you, Kyrus. So I guess I'll take it
4 and then I'll turn it over to Joel. We just wanted you to focus
5 on Ruth during her presentation and focus on our presentation
6 during my discussion here, but I'll be brief.

7 I'm Jeff Kayce with Bozzuto Development. As a family-
8 owned company based here in the D.C. region, we're proud to be
9 partnered with the Westminster Church and Dantes Partners on this
10 very important redevelopment.

11 Per the updated comprehensive plan, we look forward to
12 bringing an exciting mix of users to the site. This includes a
13 new and expanded church and over 200 senior and non-age specific
14 residences over 50 percent of which are affordable. Our team has
15 spent many years working with OP, DDOT, the ANC and surrounding
16 neighbors through many iterations. We are proud of the design
17 being presented today, which is the direct product of those
18 collaborations. Since our set down last summer, we have
19 simplified the overall design, added balconies, and dramatically
20 improved the ground floor experience resulting in a stronger
21 presence for the church and also the residential entrance on I
22 Street. So we thank you for hearing our case, and we look forward
23 to answering any questions you may have. I'll now introduce our
24 partner at Dantes, Joel Patterson.

25 MR. PATTERSON: Thank you, Jeff. I go with Jeff's

1 words as well and with excitement and we're delighted bringing
2 our project in front of the Commission. (Audio interference)
3 District, we, too, are very, very, very much looking forward to
4 the continued success of affordable housing in this project. And
5 before I end, I'm Joel Patterson with Dantes, Vice President of
6 Development. So I'm really excited about this opportunity and
7 happy to answer any questions that you have. Thank you.

8 MR. FREEMAN: So Mr. Chairman, that that was our
9 introduction. I think our next presenter will be the architect,
10 and we will go through the plans.

11 CHAIRPERSON HOOD: Okay. That's fine.

12 MS. AFSANA: If they could go on to the next slide,
13 please. Thank you.

14 Good afternoon, everyone. Thanks for reviewing this
15 very important community project.

16 I personally love this team and the work we've done and
17 it's a fantastic story and I'm very excited to share our project
18 with you. The project is at a great location between, you know,
19 at the corner of 4th and I Street right next to the duck pond
20 and the District parcel and just a short walk from the Waterfront
21 Metro station.

22 As part of a project, we are updating the streetscape
23 widening the sidewalk on Makemie and then adding trees on both I
24 and Makemie Street.

25 Next slide please. So as part of our design, we're

1 removing the existing aging surface parking with one level of
2 below-grade parking at 60 parking spaces, 43 long-term bike
3 storage spaces, as well as utility and amenities spaces.

4 Next. So the ground floor is shared by the church in
5 yellow and the residential buildings in blue and red on the left
6 with entrances from I Street. We've carefully consolidated the
7 loading dock and garage entrances on Makemie Street, locating
8 them away from the intersection.

9 Next slide. The church and the 123 senior affordable
10 residential building are on the east to the right here, with the
11 99-unit residential building on the west. And both buildings,
12 residential buildings will offer a variety of unique options.

13 Next slide. This is the penthouse, and we really worked
14 hard to animate the rooftop of both buildings. The seniors will
15 enjoy active indoor amenities with outdoor spaces looking out
16 towards the District park and the walk on the south. While on
17 the residential side, they'll have a commanding view of the duck
18 pond.

19 Next slide. So here, you can see the relationship of
20 the building to the open spaces that I just mentioned. The
21 massing has been broken up, down to respond positively to the
22 surrounding buildings.

23 Next slide. So we've been working, as our team
24 mentioned, with the ANC, Zoning Commission, and Office of
25 Planning and really appreciate everyone's feedback. So based on

1 | those, we've made some nuanced, yet very significant changes to
2 | the exterior design that balance many of the project requirements
3 | and everyone is really thrilled with the results. This is an
4 | overall view from I Street.

5 | Next slide. Here you have the West Tower from the
6 | corner of Makemie and I Street. The design needed to become a
7 | bit more dignified, and we did that with symmetry and a simple
8 | color palette. The materials used here in both buildings are
9 | equal in quality to the adjacent buildings in the immediate
10 | neighborhood.

11 | If you go to the next slide. You see a view looking
12 | towards the intersection of 4th and I Street. We've weaved in
13 | balconies into the tapestry of the rhythm of the building. The
14 | colors have been refined to reflect the warmth and dignified
15 | palette that is timeless and complements this vibrant
16 | neighborhood.

17 | Next slide. As Pastor Ruth mentioned, the church
18 | entrance has been completely opened up at this corner here and
19 | with this tree of life, provides a warm and welcoming experience.

20 | Next. Moving along I street, the East Tower entrance
21 | with its multitude of materials creates a nice front porch for
22 | the senior residents.

23 | Next slide. The entrance to the West Tower creates a
24 | strong presence at this corner and continues the high quality of
25 | materials and levels of details along I Street.

1 Next. And we really wanted to open the church assembly
2 space and engage it with the public walk and have opened it up
3 on the south side here.

4 Next slide. This is my last slide. We were very
5 careful within our whole team to create a multi-generational,
6 multicultural community that is unique and earth worthy, and we
7 really think we've done that. So with that, I'll pass it on to
8 Nicole and thank you for listening.

9 MR. FREEMAN: So thank you. Given that, we don't have
10 any transportation issues and we have full DDOT support, Mr.
11 Chairman, I'm thinking we would save Nicole White to answer any
12 transportation-related questions if you have them; otherwise, we
13 would move to page 20. Mr. Young, we will move to page 28 of
14 our slide deck and jump into the Comp Plan analysis because I
15 know that's fresh on everyone's mind given the new Comp Plan. So
16 I will turn to Mr. Dettman to walk us through our Comp Plan
17 analysis now.

18 MR. DETTMAN: Thanks, Kyrus, and good afternoon,
19 Commissioners, Mr. Chairman.

20 Mr. Young, can we go to the next slide, please? So
21 today, Commissioners, my testimony will demonstrate how the
22 proposed PUD and related map amendment are not inconsistent with
23 the Comprehensive Plan as recently adopted by the D.C. Council.
24 The new Comp Plan went into effect just in August. This is August
25 21st of this year.

1 So just to start off, I mean, flexibility is the
2 foundation of a PUD and why PUDs exist as a land use control.
3 And as the slide talks about here in terms of the PUD process
4 and the standard of review, the purpose of the PUD process is to
5 provide for higher quality development through flexibility and
6 building controls including height and density so long as the
7 development is superior to what would result through matter of
8 right development, provide a strong package of public benefits
9 and is not inconsistent with the Comp Plan or adopted policies
10 and programs.

11 A PUD application may include a related map amendment
12 and such in this case, the related map amendment is to rezone
13 the subject site to MU-2. A PUD-related map amendment is only
14 valid in combination with an approved PUD. And so if the PUD
15 expires or was extinguished, so too is the related map amendment
16 gets expired and extinguished as well. And I only point this
17 out to further demonstrate the flexibility that's built into the
18 PUD process. Because the related map amendment is forever tied
19 to the approved PUD, the Commission may approve a map amendment
20 that might otherwise -- that it may not otherwise approve if it
21 were a standalone map amendment. And the reason for this is that
22 the Commission has the flexibility through the PUD process to
23 review the map amendments relative to a specific project and its
24 potential impacts.

25 Next slide please. The standard of review for a PUD

1 requires the Commission to judge balance and reconcile a
2 project's benefits, flexibility, and potential impacts. And
3 applying that standard, the Commission must do three things:
4 conclude that the project is not inconsistent with the Comp Plan
5 as well as other adopted policies and programs. And in this
6 case, it would be to the Southwest Neighborhood Small Area Plan;
7 conclude that the project does not result in unacceptable impacts
8 but instead result in impacts that are favorable, capable of
9 being mitigated or acceptable given the quality of the public
10 benefits being proffered; and then finally, conclude that the
11 project's public benefits are not inconsistent with the Comp
12 Plan.

13 Next slide. In the past -- I'm not going to go through
14 this in detail, but in the past five years, the D.C. Court of
15 Appeals has issued several decisions that provide guidance on how
16 the Commission shall go about evaluating a PUD relative to the
17 Comp Plan and in particular, on the balancing of Comp Plan
18 continued priorities and potential inconsistencies and how a
19 determination as to consistency is made on the Comp Plan when
20 read as a whole.

21 Next slide. You can see on the slide before you here
22 that the framework element, the current framework element also
23 mirrors the court's guidance in terms of how to go about balancing
24 continued priorities and looking at a PUD relative to the Comp
25 Plan. And that the framework elements states that when the

1 Commission makes a finding of not inconsistent with the Comp
2 Plan, it must consider the many competing and sometimes
3 conflicting policies of the Comp Plan, balance those policies
4 relative to individual cases and clearly explain its decision-
5 making rationale.

6 Mr. Young, could we skip to slide 35, please. And so
7 with that context, I'm just going to dive into the specifics of
8 the project and how it is not inconsistent with the Comp Plan.
9 And I think to start off, I mean, I think it's worth noting that
10 this is a project that's several years in the making. This was
11 a project that the idea of redeveloping the site with a mixed-
12 use building that had a significant amount of affordable housing
13 started several years ago with discussions with the Office of
14 Planning. And then it also started with getting the
15 Comprehensive Plan in a place where it needed to be in order to
16 accommodate the project. And we've finally arrived at that point
17 in time with the adoption of the new Comp Plan.

18 With respect to the project's consistency with the
19 Generalized Policy Map, the site is located in a neighborhood
20 conservation area on the GPM. And I think this designation
21 sometimes can be looked at as sort of a conservation means no
22 build zone, or that we're always dealing with small scale
23 development. And when in fact, that's not the intent of the
24 neighborhood conservation designation at all. The framework
25 element specifically states that the guiding philosophy of a

1 neighborhood conservation area is to conserve and enhance
2 neighborhoods but not preclude development, and particularly when
3 it's -- when that development is intended to address citywide
4 housing needs. In this area, new development should be compatible
5 with the existing scale, natural features, and character of the
6 neighborhood. And as the next slide will show, the proposal is
7 compatible with the scale and character of the surrounding area,
8 and it will help address citywide housing needs by providing 222
9 new housing units including 123 new senior affordable units.

10 Next slide. So a neighborhood conservation area in
11 this particular area of the District means something very
12 different than it does say in upper northwest or in Capitol Hill.
13 The prevailing scale and pattern of development is very different
14 in Southwest. You can see in the images here before you, that's
15 a representation of the prevailing scale and pattern of
16 development in this area can be just generally described as being
17 comprised of say towers and townhomes, right. You have lower
18 scale residential rowhouses, oftentimes right next to higher
19 density, higher heights, multifamily developments. That's the
20 scale and pattern of development that we're looking to conserve
21 through the Generalized Policy Map.

22 If you read the Southwest Neighborhood Plan, this
23 character is something that is cherished in the community. It
24 talks about changes to the future land use map to accommodate
25 growth and reinforce the pattern of high and low scale

1 development. It considers high- and low-rise building heights,
2 a defining urban design feature of Southwest, and specifically
3 recommends avoiding a mid-rise building form. And so, again, if
4 you look at the existing context of the area and the
5 recommendations of the small area plan, it's clear the proposal
6 is not inconsistent with the policy map.

7 Next slide. To evaluate the project's consistency with
8 the FLUM, you first need to look at the Southwest Neighborhood
9 Plan, which recommends that the site be designated for mixed-
10 use, low density commercial and medium density residential, which
11 is what the future land use map designation for the site is now
12 with the adoption of the Comprehensive Plan. The Southwest
13 Neighborhood Plans design principles encourage a mix of building
14 heights, green space through landscaped perimeters and site
15 design, and sustainable building and site design.

16 The plan also recommends maintaining a mix of
17 affordable and market rate housing to serve community needs and
18 building an existing -- and building on existing cultural assets
19 and institutions, this proposal does exactly that.

20 The proposed MU-2 map amendment is not inconsistent
21 with the mixed-use future land use map designation for the site,
22 and it allows the Applicant to deliver a project that's responsive
23 to the small area plan recommendations. I think it's important
24 to point out that because a mixed-use designation, it says low
25 density commercial, and there may be a question of whether or not

1 -- where is the commercial use in this particular project being
2 that it's almost entirely residential with the institutional
3 church use on the ground floor. And I think it's important to
4 point out that in the framework element, Section 227.20, in
5 describing the mixed-use land use designation, it specifically
6 says that the mixed-use designation indicates areas where the
7 mixing of two or more land uses is especially encouraged. It
8 doesn't say it's required; it doesn't say it's mandatory. And
9 that interpretation goes back even to the 1984 Comprehensive Plan
10 that talks about mixed-use areas where it's encouraging the mix
11 of uses. But even notwithstanding that, I would submit that the
12 programs that the church offers on a day-to-day basis as part of
13 its mission, and a lot of those programs are listed in Exhibit
14 15K of the record, those types of programs are commercial-like.
15 We're talking arts types events, performances, job training,
16 senior health and fitness. All those types of programs certainly
17 fall within -- you would find those types of uses in a commercial
18 area as well.

19 In terms of the FAR of the project, the proposed project
20 is 7.06 FAR, and I believe that is consistent with medium density.
21 It's important to note that the MU-2 is not referred to expressly
22 in the framework element, but its companion zone under ZR58 SP-
23 2, it's the same exact zone, just a different name, that is
24 specifically referred to in the discussion about the mixed-use
25 land use designation, and that's in Section 227.23. For a mixed-

1 use designated area, the general intensity and density of an area
2 is informed by the specific mix of use that's on the FLUM. It's
3 also informed by the area elements, which if you look at the area
4 elements, you look at the small area plan, this intensity, this
5 density of the proposal is not inconsistent with the FLUM. I
6 think it's also important to note that the MU-2 is not -- is sort
7 of a purpose-built mixed-use zone that is expressly described in
8 the zoning regulations as permitting medium density development,
9 predominantly developed with residential buildings. You'll find
10 that in Subtitle G-300.3 of the regs.

11 Its purposes, the MU-2 zone, is to act as a buffer
12 between non-residential and residential areas, to preserve and
13 protect areas adjacent to non-residential areas that contain a
14 mixed of rowhouses, apartments, offices, institutions at a medium
15 and high density. And so I think when you look at how it's
16 described in ZR-16, how mixed-use areas are supposed to be
17 interpreted in the Comprehensive Plan, the PUD and the companion
18 MU-2 map amendment is not inconsistent with the FLUM.

19 Next slide. This is just identifying some of the points
20 that I've already made relative to the consistency of the MU-2
21 zone and the proposed density of the project relative to the
22 guidance provided in the framework element as well as the area
23 elements.

24 Next slide. If you also look at just -- forget about
25 the technical aspects of, you know, where the FAR numbers fall,

1 | if you look at the surrounding context, particularly along the I
2 | Street corridor, you would find that the proposed density and
3 | height of the project falls well within the character and in
4 | scale of development along the I Street corridor where you find
5 | a mix of a high density, 90-foot-tall apartment buildings
6 | adjacent to smaller scale rowhouses. So I think it very much
7 | falls within the context. And this idea along Southwest being
8 | kind of a tower surrounded by green space, we also have that kind
9 | of development here with the duck pond on the west and the
10 | District parcel and the parks on the east and west. The form of
11 | this project certainly takes sort of the shape, which gives the
12 | character of a tower within the green space.

13 | Next slide. Again, this is just showing -- next slide.
14 | Those types of developments, in terms of number of stories, how
15 | the project fits within the wide range of number of stories along
16 | the corridor.

17 | Next slide. We've done a full evaluation of the Comp
18 | Plan elements, both the area element as well as the relevant or
19 | the citywide elements, as well as the relevant area element and
20 | find that the consistency of the project with the applicable
21 | policies when read as a whole, the Comprehensive Plan is certainly
22 | not inconsistent with the policies of the elements as well.

23 | Next slide. And so, in addition to the Comprehensive
24 | Plan, the Commission has to balance incentives and flexibility,
25 | and here's a slide just listing the flexibility in the development

1 incentives being requested. The map amendment is considered an
2 area of development flexibility. We're also requesting
3 flexibility from lot occupancy at the first floor, distribution
4 of IZ units after the period of control -- the affordability
5 period of control, with respect to penthouse heights and sloped
6 roofs and then also rear yard. And you can see where we're
7 gaining the FAR and the additional height through that map
8 amendment in this table here.

9 Next slide. So if we compare that list of development
10 incentives with the public benefits and project amenities
11 offered, I would submit to the Commission that the project
12 certainly is balanced. And so here, we go through the areas of
13 types of public benefits and list for the Commission's
14 convenience where the public benefits and project amenities that
15 are proffered in -- where they fall with respect to the zoning
16 regulations categories for benefits and amenities.

17 Next slide. Certainly, the biggest and most
18 substantial public benefit in this project would be a housing and
19 affordable housing and it's listed there and on the top level on
20 this table.

21 Next slide. Just very quickly, looking at potential
22 impacts, that's another part of the Commission's review, where
23 the Commission needs to find that none of the impacts are
24 unacceptable. They need to be either favorable, capable of being
25 mitigated, or acceptable given the public benefits. And here

1 | this next series of slides, I won't go through in detail, but it
2 | goes through the potential impacts by Comprehensive Plan element,
3 | category, land use, transportation. And you can see here, most
4 | of the impacts that I believe are potential, resulting from the
5 | project, would be positive, favorable, or either capable of being
6 | mitigated through the design or through the TDM and the other
7 | transportation mitigation measures coming out of the
8 | transportation analysis.

9 | Next slide. You're addressing housing, certainly
10 | favorable impacts; economic development is favorable;
11 | construction related and building operations spending; First
12 | Source, CBE.

13 | Next slide. And then several urban design positive
14 | impacts: education facilities, infrastructure, no impact there,
15 | or to the extent there are impacts, would be capable of being
16 | mitigated.

17 | Next slide. And the next slide. So with that, in
18 | conclusion, Commissioners, I find that the project is not
19 | inconsistent with the Comp Plan when read as a whole, that any
20 | potential inconsistencies with individual policies of the
21 | Comprehensive Plan are outweighed by the public benefits and
22 | amenities being offered. Certainly, no unacceptable impacts, and
23 | that the public benefits balance the degree of development
24 | incentives being requested. I also find that it's consistent
25 | with the purposes of the Zoning Act and that the project will

1 create conditions that are favorable to the public health, safety
2 and welfare, and convenience. And with that, that concludes my
3 presentation. Thank you.

4 MR. FREEMAN: Mr. Chairman, I did want to go back to
5 two points just to make sure I'm -- we're pointing out a couple
6 of things. And if you could go, Mr. Young, back to slide 45 for
7 a second. Just a further talk about the mix of uses. Use is a
8 special value to the neighborhood or the District as a whole.
9 Retention of Westminster Church, church-sponsored programs, and
10 community-serving facilities. That's actually an important part
11 of the project. So I want to again call your attention to Exhibit
12 15K and I'll just list them. The Southwest Public Housing
13 Resident Council; we will have space for that. The government
14 of the District of Columbia; we'll have space available for
15 meetings and events. Narcotics Anonymous; again, space available
16 for meeting. There is a catering kitchen that provides services
17 and goods to -- I'm sorry, caters events for a variety of external
18 users. And, in addition to that, the church will do a job
19 training program for D.C. residents within the catering
20 facilities. The church also -- you've heard a lot about the Jazz
21 Night in D.C. that happens and is obviously managed through the
22 church's space. TransPride Festival. We provide space for that.
23 We, the church, provide space for that. The planning and
24 organization of that within the church building. There's a yoga
25 program that happens within the church space. There's also an

1 art gallery and studios that happen within the church space as
2 well. So just wanted to reiterate that those are important public
3 benefits and amenities. And to the extent that the Commission
4 believes there has to be commercial use, that those uses are
5 basically the commercial and service uses in other zones.

6 If you could go to slide 43, Mr. Young. The third area
7 of relief: distribution of IZ units. I just wanted to be clear.
8 For the first 40 years of the project, the sub -- the project is
9 likely going to be exempt from IZ because we're seeking public
10 subsidy. And that exemption stems from the Zoning Regulations,
11 Subtitle C, Section 1001.6. And it's in year 41, if you will,
12 that we need this relief from the distribution of the IZ units.
13 And that's year 41 if the West Tower is developed as a condo, we
14 will need that relief in order to have all of the IZ units within
15 the East Tower. But again, as of today, if it's (audio
16 interference), there will be affordable/IZ units in both towers.
17 I'm happy to talk about that more if there are any additional
18 questions. But again, just wanted to confirm that the exemption
19 from IZ applies through years 1 through 40 and then the relief
20 triggers at year 41. So that concludes our direct presentation.

21 Thank you for your attention, Commissioners, and we're
22 happy to answer any questions that you have.

23 CHAIRPERSON HOOD: All right. Thank you all for your
24 presentation, the whole team. We appreciate your succinct
25 presentation. We may have some questions about transportation

1 so, Ms. White, you may want to be on standby.

2 So let's do this, let's see if we have any questions
3 or comments. Commissioner May?

4 COMMISSIONER MAY: Yeah, Mr. Freeman, at the very
5 beginning, you offered to explain or give some response to the
6 ANC concerns. Well, that's first and foremost given that, you
7 know, they are still in opposition despite of the other support
8 that the project has.

9 I'm also curious as to why -- you know, why this issue
10 remains. I saw some of the responses to the issue of double-
11 dipping, for example. Why is that even still an issue? I mean,
12 this has been going on -- I mean, the ANC has been in opposition
13 for months. Why have you not resolved this? So, anyway, I'll
14 let you answer.

15 MR. FREEMAN: Well, respectfully, after the last time
16 we were here, we reached out to the ANC multiple times and asked
17 for a meeting in order to answer them directly. We did not get
18 a response back to any of our repeated meeting requests. However,
19 to the extent that they identified two major issues, the first
20 issue is whether this project is or is not somehow double-dipping.
21 I have said it before, this project is not Greenleaf. To the
22 extent that there's a Greenleaf development, that development
23 will come before the Zoning Commission in due course, but this
24 project is not Greenleaf. So -- and we said that before. I
25 understand it --

1 COMMISSIONER MAY: Let me stop you right there. Just
2 to be perfectly clear, when Greenleaf does come before us, you're
3 not going to include in that project relocating those seniors
4 into this building in order to satisfy the Build First standard.

5 MR. FREEMAN: I cannot speak for -- I don't want to
6 speak for the ANC so that's the first part. The second part is
7 what we talked about was that to the extent that there's a
8 resident coming from Greenleaf that has a voucher and they want
9 to go someplace, we can't discriminate against a Greenleaf
10 resident who has a voucher and wants to move into a building.
11 That doesn't mean that this is Build First, but we also can't
12 discriminate against Greenleaf residents that have vouchers
13 because it's --

14 COMMISSIONER MAY: Okay.

15 MR. FREEMAN: -- you have to take those vouchers
16 anyplace in the District.

17 MR. JORDAN: Commissioner May, if I may answer that
18 question, the -- this project has affirmatively said that this
19 project will not be part of the Build First project. They've
20 affirmatively said it in every which way and, additionally, the
21 -- even if that was a legitimate concern within the zoning
22 regulations, which I contend is outside the parameters, as the
23 court just said, which an ANC could comment on, this project is
24 one in which we have -- this project has reached out many, many
25 in regards to meeting with the ANC and it has not been --

1 respecting the client, it's been ignored.

2 The -- but, Mr. Freeman, I'm going to be hit a little
3 bit harder on the fact that there is not going to be any
4 discrimination in the affordable housing apartment side. So
5 whoever may come from whatever walk of life who may have a voucher
6 to come to that affirmative -- the affordable housing side will
7 have a right to because, under the law, we could not reject it.
8 We could not reject them. So the standpoint of this conversation
9 about the Greenleaf and Build First, (audio interference) ways
10 beyond the parameters of the guidelines, but just to answer the
11 question for people who are -- who just need to know, this project
12 has said every which way that that's not the case, even though
13 there's been some -- (audio interference) let this be some
14 (indiscernible) conversation that someone else has had, but the
15 partners, the collective partners here, have said and the
16 agreements provide that this cannot be something that is changed
17 other than what we've talked about in regards to the comments.

18 UNIDENTIFIED SPEAKER: Ronnie Duryan (phonetic).

19 COMMISSIONER MAY: And on discrimination aspect of
20 this, right, I mean, that makes perfect sense to me. If somebody
21 wants to come and the building space is available and they know
22 they're going to have to leave, okay. That's fine but, again,
23 even though you have said "every which way" that this has been
24 denied, the fact that it continues to be an issue or has been an
25 issue -- I mean, maybe it's not an issue anymore, maybe the ANC

1 is satisfied because we haven't heard from them, but it's just
2 puzzling to me that this would be an ongoing issue for an extended
3 period of time. And I have to say, frankly, this ANC is on the
4 ball. They know what they're doing. They don't mess around and
5 they look for clear, precise answers. So the fact that they have
6 not gotten them, or the fact that somehow you've not been able
7 to meet with them, does not align with what we know about this
8 ANC from their past performance. So it's a little -- it's
9 especially puzzling to us.

10 MR. JORDAN: Well, Commissioner May, we'll just ask
11 that you ask them on a presentation --

12 COMMISSIONER MAY: Let me finish what I'm saying.

13 MR. JORDAN: Okay.

14 COMMISSIONER MAY: I'm going to ask a question now,
15 again, another question. So I read this somewhere in there that
16 some component of the development team is -- you know, is going
17 to be redeveloping Greenleaf. Is that right?

18 MR. FREEMAN: Yes.

19 COMMISSIONER MAY: Is but --

20 MR. KAYCE: Let's make sure -- and this is Jeff Kayce
21 with Bozzuto. If you'd like, I can speak slightly more to that.

22 COMMISSIONER MAY: No, I just want you to answer my
23 direct questions. So you are involved in Greenleaf?

24 MR. KAYCE: Correct. Bradley.

25 COMMISSIONER MAY: Will Greenleaf have to do Build

1 First?

2 MR. KAYCE: Yes, as stated, Greenleaf includes Build
3 First.

4 COMMISSIONER MAY: Okay. Now, is there a plan for
5 where the folks who live in the Greenleaf building now will wind
6 up living as Greenleaf is redeveloped?

7 MR. FREEMAN: Can I just interject with all due respect?
8 I mean, we -- we're in the process of negotiating between Bozzuto
9 and the Housing Authority the parameters of the Greenleaf
10 redevelopment deal. We don't have anything definitively set
11 regarding the plan where Build First is. I think there -- there's
12 a fluid process that once Green -- once we have a answer to all
13 of those questions, then we can present that to the Zoning
14 Commission when we do the Greenleaf PUD.

15 COMMISSIONER MAY: Well, let me go back -- let me go
16 back to my direct questions and I'm going to keep it to yes and
17 no questions because it's -- you're making it harder for me, not
18 easier. The question I have is, is there a plan already for
19 Build First? I take from your answer, Mr. Freeman, there is not
20 a plan yet for how Build First will be accomplished; is that
21 correct? It's a yes or no question.

22 MR. KAYCE: I can speak to that. There is not a final
23 plan at this point with respect to Build First. We've been
24 working through various options, Commissioner.

25 COMMISSIONER MAY: Okay. Thank you. It's a long yes,

1 but it's a yes, or there's -- in any case, all right.

2 So is there any deliberate plan on your part, or have
3 you offered as a component of Build First, that the folks who
4 live in Greenleaf will move to this building or will have the
5 option to live there?

6 I mean, have you offered as part of this a plan to move
7 people from Greenleaf to this building?

8 MR. KAYCE: We have not and if I -- can I add additional
9 detail to that, Commissioner?

10 COMMISSIONER MAY: Okay. As long as it's on point.

11 MR. KAYCE: Yes, sir. You know, I think that -- again,
12 Jeff Kayce of Bozzuto -- I believe that some of the confusion is
13 that several months ago, we were asked by the ANC to provide an
14 affirmative statement indicating that we would not use the senior
15 component, the 123 senior units, as Build First for Greenleaf.
16 Of course, subject to the discriminatory requirements that were
17 referenced earlier, we provided that affirmative statement. We
18 indicated in hearings unrelated to this project, but specific to
19 Greenleaf, that that option was left open for the 99 condominium
20 units that are being discussed here today.

21 What I can say to you is that, based on -- subject to
22 the feedback from our attorneys on this call is that, based on
23 the feedback we've received in recent weeks and months, it is not
24 our intent to provide Build First at Westminster for Greenleaf
25 today.

1 COMMISSIONER MAY: In any way, shape, or form other
2 than the fact that some people may opt to move there?

3 MR. KAYCE: Yes, sir.

4 COMMISSIONER MAY: Okay. I don't know why that was so
5 painful. All right.

6 So, Mr. Chairman, do you have any follow-up on that
7 question?

8 CHAIRPERSON HOOD: I have a lot of follow up on the
9 whole scenario but I'm waiting for you all to finish because I -
10 - you know, I'm trying to figure out what one had to do with the
11 other, but that's why I was trying to -- I appreciate that
12 dialogue --

13 COMMISSIONER MAY: Yeah.

14 CHAIRPERSON HOOD: -- and I think that was a good
15 question, but I'm still trying to understand the nexus because
16 I'm going to hit the racial equity. I'm excited about what I
17 see, so I will just leave it at that for now.

18 COMMISSIONER MAY: Yeah, and I'm not -- you know, don't
19 read my questions in this into having a particular bent one way
20 or the other about what's appropriate. It's just that this is
21 an issue for the ANC, and it's unusual to have so much community
22 support and not have the ANC lined up with them. And so there
23 is something wrong going -- something going wrong in the
24 communication, and I'm just trying to figure out what it is.

25 CHAIRPERSON HOOD: So, Commissioner May, I think --

1 | since you asked me, I think that once we get to the ANC, I think
2 | you got -- at least from my standpoint, I think your questioning
3 | might have answered the question for them, but hopefully, we'll
4 | wait until we get to them.

5 | COMMISSIONER MAY: Yes.

6 | CHAIRPERSON HOOD: It was a long answer, but you got
7 | there?

8 | COMMISSIONER MAY: Yeah, hopefully. All right.

9 | So the other really stark ANC concern is the
10 | introduction of the protected bike lanes and how that might
11 | interfere with safe access to the building. Has that been figured
12 | out?

13 | MR. FREEMAN: So two things. Thank you for that
14 | question. On page 27 of the DDOT report, DDOT says, "DDOT is
15 | currently in the planning process to convert I Street and
16 | conventional lanes. The Applicant will need to work with DDOT
17 | bicycle and pedestrian team during the permitting process to
18 | incorporate the final bike lane configuration on I Street."

19 | So in our experience, during a public's -- during a
20 | permitting has always been public space and that's what we have
21 | said to DDOT. That's what we said with the ANC. We share their
22 | concerns. We want to make sure that the curbside management is
23 | done well, but that is always done during the DDOT public space
24 | permitting process, which we are not yet at.

25 | COMMISSIONER MAY: So you haven't figured it out and

1 | you -- and DDOT hasn't figured it out yet either? Not that you
2 | have to, but you haven't?

3 | MR. FREEMAN: Well, I mean, we're six months from the
4 | first time we would have had a hearing, so we got to get the
5 | project approved, respectfully, in order to figure it out.

6 | COMMISSIONER MAY: Yeah, I'm not so sure about that.
7 | I mean, there are lots of things -- lots of planning could have
8 | happened in those six months.

9 | All right. Well, I'm going to leave that alone, but
10 | we'll hear from the ANC, and we'll see what other issues they
11 | may have.

12 | All right. On the design of the building, I do
13 | appreciate the number of the changes that have been made to
14 | simplify it. I do -- I think I still feel that the cross that's
15 | embedded in the building all the way up into the tower will be
16 | difficult to discern given the tree cover in the area, given the
17 | height of the building, et cetera, but that's not a deal killer
18 | for me. I just feel like it's an interesting gesture that would
19 | be great if there was an open field in front of the building,
20 | but given the context of it, I don't think it's going to be
21 | perceivable.

22 | I do think that the introduction of balconies on the
23 | senior building is really good, and I think a lot of the other
24 | moves that have been made to simplify it are good as well.

25 | I do have a little bit of concern about the color

1 palette. Generally, with the very light colors that have been
2 used -- and that's been an ongoing concern for us -- I just worry
3 about how a building is going to wear over time with very light
4 colors and how water is shed on them and how, you know, soot and
5 such sort of streaks down the face of buildings. So I would
6 strongly encourage you to look carefully at that palette to find
7 something that's a little bit more -- that's going to wear a
8 little bit better over time.

9 The last thing is I do not understand the CMU that's
10 used on the face of the building on the ground floor. What is
11 that product? Because I have yet to see something called CMU
12 that I would want to see on the ground floor of the building.

13 MR. FREEMAN: I think that's a question for the
14 architect, Afsana.

15 COMMISSIONER MAY: Yeah.

16 MS. AFSANA: Yes, so it's a pre-finished CMU. They
17 call it a CMU, but it is a finer -- the product that we've looked
18 at is from Echelon. If you have time, you can look it up. They
19 have it in a lot of buildings. It's stone-like and not really -
20 - they call it CMU because that's the process of producing this,
21 but it is a stone-like product.

22 COMMISSIONER MAY: Uh-huh.

23 MS. AFSANA: Yeah, so --

24 COMMISSIONER MAY: Okay.

25 MR. FREEMAN: Commissioner May, we can take a picture

1 of that and submit it in the record for you.

2 COMMISSIONER MAY: Well, you have pictures of the
3 samples, right?

4 MS. AFSANA: Uh-huh.

5 COMMISSIONER MAY: The samples don't communicate what
6 it looks like when it's assembled into a wall so if -- you know,
7 if you can show that to me and show me how it's -- you know, how
8 it's laid up and what the -- as I recall, there was some variation
9 in that -- in them as well -- just to, you know, see examples of
10 what it looks like.

11 MS. AFSANA: Sure. We can share some pictures of
12 existing buildings that have used this product that can give you
13 a better understanding.

14 COMMISSIONER MAY: Okay. I would say that, generally
15 speaking, anything that's going to be in a four-by-eight module
16 is always going to look like CMU to me.

17 MS. AFSANA: Uh-huh.

18 COMMISSIONER MAY: Is that actually four-by-eight or
19 is it something else, something larger?

20 MS. AFSANA: No, I believe we've used a bigger -- a
21 more linear product. Let me see what the size is. We use like
22 12 by 24 --

23 COMMISSIONER MAY: Okay.

24 MS. AFSANA: -- a (indiscernible) format, you know,
25 product.

1 COMMISSIONER MAY: Right. Okay. Yeah, I've used things
2 like that too, but I've never called it CMU, so maybe that's just
3 -- it's just the name that threw me off.

4 Okay. I don't think I have any other questions right
5 now. I think that there are other topics that Alex will be able
6 to address in (indiscernible) such as the lead category and solar
7 panels and so on. I think one of my fellow commissioners will
8 pick that up.

9 Anyway, I neglected to say hello to Mr. Jordan
10 properly. It's nice to see you again, even if you're very tiny
11 on my screen.

12 MR. JORDAN: Thank you, Commissioner. Good seeing you
13 also. Thank you.

14 COMMISSIONER MAY: Yeah, thank you.

15 CHAIRPERSON HOOD: Okay. Commissioner Shapiro, any
16 questions or comments?

17 COMMISSIONER SHAPIRO: Yeah, I'll -- thank you, Mr.
18 Chair. I'll take the tee off from Commissioner May, and if I
19 could get a little bit more detail around the LEED certification
20 and the expiration around solar panels and it -- you know, I
21 guess the short of it is, is this the best you were -- you can
22 do and, if so, why. Let me start with that one. I have a few
23 other questions.

24 MR. FREEMAN: So let me -- I think we'll start with
25 Afsana on that.

1 MS. AFSANA: You were asking, Commissioner, about the
2 solar panels and why we don't have the --

3 COMMISSIONER SHAPIRO: And also LEED Silver as opposed
4 to LEED Gold.

5 MS. AFSANA: Okay. Solar panels, we had reached out
6 and spoken with the Department of Energy and asked them what the
7 requirements would be and, you know, it -- and our sustainability
8 experts on this and, based on the way our rooftops are, as you've
9 seen in our plans, they are kind of, you know, fragmented. We
10 don't have big roof areas, and we also have to provide green
11 roofs to meet the green area ratio for the building. So
12 Department of Energy has specific requirements when placing solar
13 panels above green roof areas. And the biggest area,
14 uninterrupted area, we have is the church roof but that is, you
15 know, mostly in shade most of the time. We've done solar studies
16 to see if it's viable to put up a -- we could put up solar panels
17 there. We couldn't, and then we looked at the other top roof
18 areas, but because of the small footprints of each area and the
19 requirements of how they can be placed and how far apart they
20 need to be, it just didn't seem
21 -- you know, the math that we did, it didn't look like it would
22 generate adequate power for the buildings to be, you know, a
23 sustainable and feasible option for the project.

24 COMMISSIONER SHAPIRO: It would be helpful to have some
25 version of that in the record, of what you've just explained.

1 MS. AFSANA: Okay. Yeah, I -- we may have responded
2 to that. Yes.

3 COMMISSIONER SHAPIRO: Perhaps it's there and I missed
4 it, that could be.

5 And then in terms of the LEED certification category,
6 you're saying you're committing to Silver. What's -- and, again,
7 pardon me for not tracking this if you have it, where -- how far
8 off of Gold are you and why aren't you committing to LEED Gold?

9 MS. AFSANA: Joel or Jeff, would you want to answer
10 that question?

11 MR. KAYCE: This is Jeff. I would simply state that
12 from an economic standpoint, the -- there's challenges to exceed
13 Silver. In our current analysis, we have performed Gold on
14 various projects, and on this particular analysis, it does not
15 see that it's appropriate with the various other movements we're
16 making at the project where we are putting those expenditures.

17 MR. FREEMAN: Could I just add to that, Commissioner
18 Shapiro, at Exhibit 46 is a more detailed response to the solar
19 and the LEED question beginning on page 3 is with respect to
20 LEED. So we're LEED Version 4 Silver and Certified Green Community
21 on the East Tower. LEED Version 4 Silver, which is a newer
22 version of LEED, is consistent with LEED Gold under the prior
23 version of LEED, and we describe it in a little more detail on
24 page 334 some of the complications associated with going from
25 LEED Silver Version 4 to LEED Gold Version 4.

1 COMMISSIONER SHAPIRO: Exhibit 46, which letter?

2 MR. FREEMAN: It is -- it's the statement so it's just
3 46 --

4 COMMISSIONER SHAPIRO: Okay. Thank you.

5 MR. FREEMAN: -- and then the discussion of solar is
6 on page 4 as well but I think --

7 COMMISSIONER SHAPIRO: Okay. That's helpful. That's
8 what I'm looking for. Thank you.

9 MR. FREEMAN: Thank you.

10 COMMISSIONER SHAPIRO: So one other question. This is
11 probably for you, Mr. Dettman, related to the FLUM designation
12 and consistency with the FLUM designation. So our read on this
13 is the medium density residential is one -- between 1.8 and 4.0,
14 and you are proposing 7.06 FAR and that's not what I think I read
15 in what you had described, or did I miss that?

16 MR. DETTMAN: So, again, our FLUM designation, it's not
17 low density commercial, it's not medium density residential. The
18 actual designation is mixed-use and then you get some guidance
19 on looking at the individual components, but I think it's really
20 important that when you're looking at a -- an area site that's
21 designated mixed-use is that the intent is not to interpret it
22 in terms of its individual components. The Comp Plan says that
23 mixed-use really sort of you look to the surrounding context in
24 terms of the development pattern, the intensity and density.
25 Also, the framework element gives you typical FARs. Those are

1 typical matter of right FARs of 1.8 to 4.0. And it goes on to
2 say that you'll get more through IZ and a PUD. So even if you
3 were to sort of start by looking for guidance with the medium
4 density residential, a 4.0 FAR matter of right can actually go
5 up to a 5.76 through IZ with a PUD on top of it, right? And so
6 there's still a delta of 1.3 FAR, but you're getting up there.

7 But, then again, if you look at, you know, what does
8 the mixed-use designation actually mean when you look around at
9 the surrounding context and you look at the framework element,
10 it actually says, you know, SP-2 which is now MU-2, is a zone
11 that is appropriate for a mixed-use designation and you look at
12 the regs, the zoning regulations, MU-2 actually is described as
13 permitting medium density development, medium density mixed-use
14 development, just like the FLUM calls for. And then if you look
15 at the FARs for the MU-2, you're going to get to 8.6 through a
16 PUD. You can get to 7.2 as a matter of right, and we say in our
17 pleadings that, actually, even though this is a PUD, the proposed
18 height and density is consistent with the matter of right, height
19 and density of the MU-2 Zone.

20 MR. JORDAN: And if I may, let me add something else
21 to it. The overall uses for this project greatly enhances the
22 cost of various components of the Comprehensive Plan. It meets
23 all the -- it greatly accelerates the affordable housing
24 component, the housing component. In regards to this property,
25 we well-exceed the IZ requirements overall, so all that would

1 work against (indiscernible) the support for the higher density.

2 COMMISSIONER SHAPIRO: Thank you all. That's all I
3 have, Chairman Hood.

4 CHAIRPERSON HOOD: Good. Thank you. Vice Chair Miller?

5 VICE CHAIR MILLER: Thank you, Mr. Cameron, and thank
6 you all, Pastor Hamilton and Mr. Freeman; the architects; Mr.
7 Dettman; Lloyd Jordan, former chair of the BZA, and others who
8 are part of the team. I appreciate all of your work and patience
9 as this process has gone on for a long time and it's of -- in my
10 own opinion, it's a -- and I think others, even the ANC, I think,
11 acknowledges it's a worthy project. The church has provided
12 incredible, great benefits to the surrounding community and to
13 the whole city for many years and this project will allow it to
14 continue and enhance all those charitable and community outreach
15 efforts to many different types of communities, diverse
16 communities, that make up the District of Columbia.

17 And I personally think the design is also very
18 commendable, and I appreciate the refinements that have been made
19 as Commissioner May has pointed out, the additional balconies.
20 I always like balconies. Would have loved to have seen, as I
21 think OP would have loved to have seen, balconies on the West
22 Tower. I saw your explanation as to why that can't happen, to
23 the extent that's a zoning regulation problem. I don't think it
24 is. I think you were -- there was projection into public space.
25 There was losing the livability of the units themselves in the

1 West Tower, but to the extent it has anything to do with the
2 issue that I've raised before where balconies are being counted
3 toward FAR, I've asked the Office of Planning numerous times to
4 look at excluding balcony FAR calculations from the overall
5 calculations so that that -- our zoning regulations are not an
6 impediment to that important outdoor private space that has
7 become even more important during this pandemic period. So I
8 appreciate the additional balconies that are provided on the
9 affordable East Tower. I think Commissioner May and I'm sure
10 Chairman Hood shares the concern about the whiteness of the East
11 Tower and the concern about weather -- how that wears over time.
12 Maybe you can address that in a further submission or tone it
13 down to an offer white than it is but, I mean, in general, I
14 think the design is very commendable.

15 So we postponed this primarily because of the Comp Plan
16 inconsistency, the previous Comp Plan inconsistency, primarily
17 the land use map designation of the site as moderate density
18 residential and, thankfully, finally, the Mayor and the Council
19 have enacted and it has become law the change from moderate
20 density residential to the mixed-use medium residential -- medium
21 density residential slash low density commercial, which was
22 called for in the Southwest Area Plan many, many, many, many,
23 many years ago. So -- and we wanted you to address the
24 inconsistency in this presentation -- or the resolution of those
25 inconsistencies and others in this presentation today and I

1 appreciate, Mr. Dettman, all the information you provided which
2 I think is helpful and does support your case but, following up
3 on Mr. Shapiro's comment, I think about the land use map guidance
4 that medium residential typically means 1.8 to 4.0 FAR, and
5 recognizing that this is at 7.06 FAR, I think we need a written
6 statement from the Applicant that explicitly acknowledges that
7 individual inconsistency and, yes, Mr. Dettman, as you've pointed
8 out, you can -- you look at it as -- look at the Comp Plan as a
9 whole, that's what the courts have emphasized, and you've
10 provided a lot of the whole and other -- and Jordan has about
11 the affordable housing, the housing in general and the housing
12 density, how -- near a Metro station, how all that's important
13 and can override an individual inconsistency, but the courts have
14 also told us -- too many times -- and we -- too many times, that
15 we need to acknowledge those individual inconsistencies and just
16 deal with them in the Order. So we need you to deal with that
17 individual inconsistency, the guidance of 1.8 to 4.0 FAR which
18 you have, in general, by your presentation today but there wasn't
19 really an explicit acknowledgement of that individual guidance
20 for that medium residential -- and it went from moderate
21 residential, so that's good. Maybe it should have gone to high.
22 Maybe that guidance is wrong. Maybe 4.0 is the wrong thing on
23 that map because you don't think about medium density residential
24 -- I don't -- as only 4.0, generally. A medium residential
25 building, the next thing high as 4.0 is close to -- something

1 closer to what you've got but -- so I just think it needs -- we
2 need a submission that acknowledged that individual inconsistency
3 and shows why it can be out-balanced by the other important
4 Comprehensive Plan policies, particularly, all the housing
5 policies that you've emphasized today, the PUD, the IZ, the senior
6 affordable, all senior affordable element of this project. So I
7 -- that's just a request. If you want to make a comment about
8 it now, that's fine, but I just think we need to have that written
9 acknowledgement and addressing of that issue so that we can, if
10 we get to that stage of our Order, have it explicitly dealt with
11 as the courts have asked us to explicitly deal with.

12 I don't know if you wanted to comment, Mr. Dettman,
13 but, I mean, I think you know what I'm saying.

14 MR. DETTMAN: Yeah. Thank you, Commissioner Miller.
15 We're happy to make that submission. We did touch upon a
16 potential inconsistency with the FLUM in an earlier filing, and
17 so I think it is just a matter of pulling that into a -- you
18 know, pulling that content and supplementing as necessary into
19 our post-hearing and submit that for the Commission's
20 consideration.

21 VICE CHAIR MILLER: I think that would be helpful to
22 your case and to our sustainability of our decision.

23 The other change -- major change that was made, and the
24 Chairman already alluded that he is going into this bit, in the
25 recent Comp Plan amendments was the requirement that the Office

1 of Planning and the Zoning Commission do their zoning -- their
2 Comprehensive Plan consistency analysis through a racial equity
3 lens, and we have the Office of Planning's most recent report
4 which provided us with that analysis, through that racial equity
5 lens. This is the first one out of the box, lucky you, lucky
6 us, where we get to do that, I think. Not that it is going to
7 set a precedent, but we should get it as right as we possibly
8 can going forward. I just think we need something from the
9 Applicant, even though the burden -- I don't think in the Comp
10 Plan language was necessarily on project sponsors or Applicants,
11 but it certainly was on OP and Zoning Commission, and if you want
12 us to be in compliance with what the Comp Plan is saying, we may
13 need something -- we do need something, I think, from you, on
14 the racial equity analysis, even if it is as simple as stating
15 you agree with the Office of Planning's paragraphs in their most
16 recent report.

17 CHAIRPERSON HOOD: Vice Chair, I want you to hold that
18 racial equity point. I have just been notified that we need to
19 take a five-minute break.

20 VICE CHAIR MILLER: Okay.

21 CHAIRPERSON HOOD: So take a five-minute break, and we
22 will be back here at 5:21.

23 VICE CHAIR MILLER: Okay. Thank you.

24 CHAIRPERSON HOOD: Thanks.

25 (Whereupon, the matter recessed for five minutes and

1 then resumed.)

2 CHAIRPERSON HOOD: Vice Chair, I forgot who was
3 responding to you. Are they back? Let's give everybody a few
4 minutes, I guess. We can go ahead Vice Chair. I guess they're
5 back.

6 VICE CHAIR MILLER: Okay. Thank you, Mr. Chairman. I
7 won't prolong this because I know you're going to go into the
8 racial equity lens analysis a little bit. But so I will just
9 say that Mr. Dettman or the -- Mr. Freeman or the Applicant's
10 team, as part of -- a part of opposed hearing submission on
11 further elaboration of the Comprehensive Plan consistency which,
12 including the specific acknowledgement of the FLUM, guidance on
13 medium residential and how other policies overcome that. I think
14 something on the racial equity lens issue would be helpful to us
15 to DO our job, so I'll just leave it at that.

16 Let me just ask on -- I saw the responses in the record
17 from the Applicant. Well, just let me clarify. On the affordable
18 building, I thought I first heard Pastor Hamilton say it would
19 be affordable for the life of the project, but then I think Mr.
20 Freeman or others mentioned that it's for 40 years, and then
21 after that period, the 41st year, it would meet the minimum IZ
22 requirement, which isn't necessarily at all affordable, it's just
23 the 8 to 10 percent whatever. Just to clarify that that is the
24 case, it's not affordable -- you're not proposing -- if you want
25 to propose, that would be great -- affordable for the life of

1 the project, but if it's just for 40 years, could you just clarify
2 that it's just for 40 years and that you intend to not be bound
3 to it beyond the life of those tax credits that you're using to
4 help subsidize that affordable housing -- senior housing?

5 MR. FREEMAN: So I think you described it fairly
6 accurately. The first 40 years we'd be at the 52/53 percent
7 affordable, depending on how you calculate it, and depending on
8 whether it's rental or for sale. And then in year 41, the entire
9 building would be at 8 percent.

10 MR. JORDAN: But let's make sure that we're clear what
11 we're talking about between the East and West towers too.

12 MR. FREEMAN: Yeah, but it's 8 percent total, and the
13 entire building will be at the 52 plus percent for the first 40
14 years depending on whether it's rental or for sale. And then in
15 year 41, it will be 8 percent depending on whether it's rental
16 or for sale, of the total, spread across all towers.

17 VICE CHAIR MILLER: And just for the record, can you
18 say why -- I know it's tied to the tax credits, but can you say
19 why you can't make a commitment for all senior -- all affordable
20 for that East Tower for the life project beyond the 40 years?
21 Just for the record here, can you say that?

22 MR. FREEMAN: So that's -- Joel, do you want to respond
23 to that, Joel or Lloyd?

24 MR. PATTERSON: So for our standard typical tax credit
25 project, that is the life of the project.

1 MR. JORDAN: Project, yeah --

2 MR. PATTERSON: -- is a 40 year. Lloyd, are you
3 speaking?

4 MR. JORDAN: I was about to say the same thing.
5 Commissioner Miller, I think what's getting confused here is the
6 West Tower and the East Tower. The East Tower is committed for
7 the life of the building, as far as we all know, well beyond 40
8 years will remain affordable. It's non-exemptible to the
9 program. I think, Ky, what Mr. Freeman was talking about was the
10 aspect of the West building, after 40 years a total site project
11 would require -- because the exception under the zoning
12 regulations, the automatic exception regarding the IZ, we meet
13 that because it meets during the tax credit period. But outside
14 of that, because that West Tower doesn't meet that criteria, then
15 he's saying we need to have a separate consideration for relief,
16 but there's no plans for the affordable housing -- affordable
17 tower -- affordable East Tower where the seniors are to do
18 anything other than what that's going to be for the life of the
19 project.

20 VICE CHAIR MILLER: Well, now I am confused, because I
21 thought Mr. Freeman just said in the 41st year that (audio
22 interference) Tower. I realize you're in compliance with the IZ,
23 but I thought you were not making a commitment. Are you or are
24 you not making a commitment for that East Tower beyond 40 years
25 be all affordable?

1 MR. JORDAN: You want me to answer, Kyrus? Yes.

2 MR. FREEMAN: Let me -- let me answer Lloyd -- Mr.
3 Jordan. So OP's condition said -- if you look at OP's report in
4 support, their report says, "If the" -- so we have two scenarios.
5 We have a for -- the West Tower for sale, and the West Tower
6 rental, okay? If the West Tower is rental, it will have a
7 minimum -- it will have 8 percent affordable from day one through
8 perpetuity, okay? The East Tower will have 100 percent affordable
9 from day one. When you get to day -- year 41, it goes down to 8
10 percent. So no matter what, there will always be a minimum of 8
11 percent in the building.

12 VICE CHAIR MILLER: Thank you. That's how I understood
13 your application to read, I just wanted to clarify it for the
14 record.

15 MR. JORDAN: Okay.

16 VICE CHAIR MILLER: And your intent on the West Tower,
17 the market rate tower -- and I hate using the word "tower" even
18 though the Applicant used it, OP used it, towers are what's in
19 New York City, Chicago. We don't have towers here in Washington.
20 If we can find a different vernacular to refer to these buildings,
21 these tall building for D.C. This is only a 90-foot building,
22 it's not even 130-foot. Anyway. For the West building, it's one
23 building for zoning purpose. For the West building, your intent
24 is for it to be condominium. Is that what I understood the case
25 to be, or it's not (audio interference)?

1 MR. FREEMAN: So for the West wing, let's try that,
2 although that has different implications in D.C. as well. For
3 the West wing, we've said -- we've tried to maintain some
4 flexibility based on market conditions. So in the event that it
5 is condo and the view -- the ask is that we not have any
6 affordable/IZ in the West wing. In the event that the West wing
7 is rental, then we'd agree to OP's condition, and on day one,
8 that would have 8 percent affordable housing, and on day -- year
9 41, it would have 8 percent in the West wing, if rental.

10 VICE CHAIR MILLER: Okay. That's good to know because
11 I didn't quite understand that. Thank you. That's helpful
12 information. Thank you.

13 MR. FREEMAN: If I could just add one more. If I can
14 go back to one point, Commissioner Miller. We will submit
15 additional information on the racial equity. I didn't want you
16 to think we didn't do it. We do some of that in our Comprehensive
17 Plan submission at Exhibit 46A, but we're happy to pull the racial
18 equity analysis out separately and include it with this
19 additional submission that we have coming on the FLUM case. But
20 I did want to point out that it is in what we filed already, but
21 completely happy to pull it out to -- it's a lot to read, so
22 happy to pull it out and put it right in front of you.

23 VICE CHAIR MILLER: Yeah, I appreciate that. I did
24 read it all, but I think because those were two changes that
25 occurred in the recent Comp Plan amendments, it's important to

1 call them out.

2 So thank you very much all for your work on this project
3 and your testimony today.

4 Thank you, Mr. Chairman.

5 CHAIRPERSON HOOD: Thank you. And Vice Chair, I looked
6 up the definition of tower, and I will tell you that church is
7 in the definition, but anyway, we'll leave it at that.

8 All right. Let me -- let me first thank the Applicant,
9 and also speaking, Mr. Jordan and Mr. Dettman, who we have served
10 with over the years, so I want to make sure I do that now. We'll
11 also speak to Mr. Litsky who we worked with through the ANC and
12 Zoning Commission over the years as well so.

13 Let me ask Ms. Nicole White to come up. And I'd like
14 to bring up -- well, you know what, I don't want to bring it up.
15 I guess I'm going to have to.

16 Can we bring up, Mr. Young, the slide in the PowerPoint
17 presentation, page 20, please? If it's going to cut us off and
18 start having delays, then we can take it back down. Okay.

19 I don't see Ms. White. Ms. White, are you -- okay, I
20 see you now.

21 MS. WHITE: I'm here.

22 CHAIRPERSON HOOD: All right.

23 MS. WHITE: Good evening.

24 CHAIRPERSON HOOD: Good evening. Let me just ask you,
25 could you -- help me -- help me run through this because Church

1 Weekday, are those activities? I mean, it's probably
2 self-explanatory, but I want to make sure I understood this.
3 Church Weekdays, those are activities that go on in the church?
4 Are those church services during the week? Which one of -- what
5 does that pertain to?

6 MS. WHITE: So I think you've heard mention of the
7 jazz and music events that happen during Monday evening --

8 CHAIRPERSON HOOD: Right.

9 MS. WHITE: -- and so we did a survey during that Monday
10 evening to understand how people during that particular event
11 were arriving to the church.

12 CHAIRPERSON HOOD: Okay. So most of the people who
13 come to -- well, is this basically germane to that Monday event?

14 MS. WHITE: Yeah. I think it was Blue -- Monday Blues,
15 if I'm saying that correctly. Yeah, so it was -- we did -- so
16 this is hard data that we collected, and this was pre-COVID where
17 we observed everyone going into the church and the mode of
18 transportation they used in order to get to --

19 CHAIRPERSON HOOD: And on Sundays -- Sundays, I see
20 it's a high ratio of people who walk as well.

21 MS. WHITE: That's right.

22 CHAIRPERSON HOOD: And I guess bicycling is -- okay, 2
23 percent. That's pretty consistent across the board. Okay. All
24 right. Well, thank you.

25 Mr. Young, you can take that down.

1 Thank you, Ms. White.

2 MS. WHITE: Sure.

3 CHAIRPERSON HOOD: I, too, want to comment to Ms.
4 Afsana -- hopefully, I pronounce -- am I pronouncing your name
5 correctly? MS. AFSANA: It's Afsana.

6 CHAIRPERSON HOOD: Afsana. Okay. I, too, want to
7 comment, and I would ask the Applicant as well, Mr. Kayce and
8 others, and Mr. Patterson, let's look at that. I didn't
9 hear -- if I did, I don't recall hearing Commissioner May mention
10 about the light material being used. You did?

11 COMMISSIONER MAY: (No audible response.)

12 CHAIRPERSON HOOD: Okay. So I, too, have a concern,
13 and I'll tell you why. Over the years that I've been here, I've
14 seen some things that we voted on and I went back and said, you
15 know, we need to kind of fix that because it looks real dirty or
16 is it easy to clean? I'm not saying change it, but what I am
17 saying is we want to make sure we put something -- because, you
18 know, Westminster has a great reputation from what I'm hearing
19 that we might have some issues that we need to try to resolve.
20 But for the most part, Westminster has always had a great
21 reputation, especially dealing with the community, so we want it
22 to look presentable as well. So let's make sure that we're not
23 getting anything that's going to be dirty in five years, or at
24 least put some type of material up that we can clean it, so it
25 always look -- have that polished look that it's going to have

1 | when it was new. So I'm not saying you have to do it, but I want
2 | you to make sure that we have material that is easily cleaned,
3 | or we might need to re-look at it as one of my other colleagues
4 | has mentioned.

MS. AFSANA: Definitely. I think there
5 | are, you know, a lot of new materials these days which, you know,
6 | maintain the color or shed dirt, so it's a very good point and,
7 | you know, we'll definitely look into it to see, you know, what
8 | materials we can use that maintain all of this. Thank you for
9 | the --

CHAIRPERSON HOOD: Now don't change the design, because
10 | I do like the design. I don't want to say my comments and then
11 | come back and then somebody will say, well, then I have to live
12 | with messing up a great design, so let's just try to make sure
13 | we have something that doesn't necessarily take the design away
14 | from it or the good look from it, but that can be cleaned. So I
15 | think you got it. I'm sure you got it.

Mr. Freeman, let me ask. I don't want to get back into
17 | a discussion about the nexus between Greenleaf and what's going
18 | on with Westminster because I never did tie the two together. I
19 | think Commissioner May expounded on that the most, but I will say
20 | that I really don't -- I personally don't see what one has to do
21 | with the other, but I will wait to find out a little more from
22 | the ANC because I think that -- I'm not sure. I'm not clear.
23 | And here's one thing. I do know the federal statute talks about
24 | certain things and putting regulations, especially on churches
25 |

1 and religious churches, so I don't want to -- I don't want to be
2 a -- I don't want to add my name to a part of that. We have
3 enough lawsuits, and we have enough things in court. I don't
4 want to add that to it, so I want to make sure that we're clean,
5 so I would ask to make sure our counsel make sure that we're
6 straight on that because I want to real clear and not to cross
7 any boundaries and go into an area that we should not be in.

8 The other thing that I do want to talk about -- and I
9 want to really -- and I will really credit the Office of Planning.
10 Racial equity is one of the things I know I've been asking them
11 to look at especially since the mayor and the council had the
12 wisdom to put this in place because a lot of times the racial
13 equity lens has not been there. But when I look at what Mr.
14 Cochran -- and I'm going to commend Mr. Cochran when he comes on
15 what he wrote. And this is the first try at it. I think it's
16 superb. Can we probably improve, yes, but, I mean, for us to
17 make the -- and I'm trying to include myself -- but for the Office
18 of Planning to make the first stab at it, I think this is
19 spectacular, when I read this. But when I read the bullet points,
20 and I'm sure you all have read the Office of Planning's report,
21 but when it talks about regularly providing free services for
22 funerals, weddings, and other galleries in the neighborhood, that
23 is key. That is key because most of us on here probably can
24 afford -- we going to be able to afford -- our families will be
25 able to afford our services, but for people that don't, these are

1 | the services -- this is exactly, I believe, what the city council
2 | and the mayor were talking about, and I'm so happy they had the
3 | foresight to start putting these kind of things in place. And I
4 | really appreciate -- and I know Mr. Cochran is not up yet, but
5 | I'm excited about all the things that this church is doing.

6 | Ms. Hamilton, I remember when you all had the
7 | consortium on benefits. Let me just ask, and I hate to have you
8 | turn your camera on. If you can't, but if you can just -- whatever
9 | happened to that consortium? Is that still out there? Is that
10 | still working? Because all of the development is going on, I
11 | think you all were out there very early on the consortium on
12 | benefits in that community.

13 | MR. JORDAN: I think Reverend Hamilton might not be
14 | able to -- she sent me a text message saying something is wrong
15 | with her mic, she can't speak. So unless she's contacted the
16 | Office of Zoning and they've got her in, but, yeah, in a crux --

17 | PASTOR HAMILTON: Okay. This is Ruth.

18 | MR. JORDAN: Okay. Great. You got in. All right.
19 | Good.

20 | PASTOR HAMILTON: Yes. That was the Community Benefits
21 | Coordinating Council which I was chair of for ten years, so I
22 | was down before you a number of times, and we did
23 | that -- actually, Ricky Kramer is now the -- one of the chairs
24 | of that program. And so anyway, we continue to have similar
25 | visions and values, just different ways of going about it.

1 CHAIRPERSON HOOD: Okay. Thank you. I'm glad to hear
2 that that operation, because actually, I've used that as a model
3 for other areas in the city to start patterning after you all,
4 so I don't want to -- and I've done that for some years now, so
5 I'm glad to hear that that is still existing. I don't really
6 have a lot of questions. Again, I'm looking forward to talking
7 to Mr. Cochran, and I know he's listening. I really like the
8 way we have approached this, and I think my other colleagues has.
9 When I look at the making annual contributions to support Amidon-
10 Bowen school programs, this church has done a lot, a lot. So
11 when you talk about benefits to the community -- and I want to
12 hear from the ANC as well, but when you talk about benefits from
13 the community, I just think that -- and I think the Blues Night
14 on Monday nights, when you talk about those kind of benefits,
15 that's what churches supposed to do. There shouldn't be closed
16 doors during the week. They should be open helping residents out,
17 and I think this church has done that over the years, and I
18 commend them as well. So let me move on.

19 PASTOR HAMILTON: Chairman Hood? Chairman Hood?

20 CHAIRPERSON HOOD: Yes.

21 PASTOR HAMILTON: We also -- just so it's clear -- it
22 hasn't been mentioned -- we also host a weekly domestic violence
23 clinic walk-in every week.

24 CHAIRPERSON HOOD: Right. And I see that. He has it
25 all on here, I just didn't read everything because when I read

1 | it earlier today, I got so excited that I'm like, you know, there
2 | is hope. There's a lot of things going on because our approach
3 | now, as Vice Chair has mentioned, that the council and mayor have
4 | told the Zoning Commission and the Office of Planning to look at
5 | it through a racial lens and through their foresight, and when I
6 | saw all of these things, I just thought about regularly providing
7 | free services for funerals because a lot of people call me, and
8 | I have to try to help them myself to get funerals done, so I
9 | think all of us have that challenge. You're right. Housing
10 | and subsidizing and weekly domestic violence clinic. I saw that.
11 | Supporting youth-oriented and D.C. court ordered community
12 | service program. This, for me -- unless I got something wrong,
13 | for me, this is exactly what the racial lens or equity lens is
14 | all about, so thank you all for all you do.

15 | Let me do a next go around. I think we will come closer
16 | as we talk to the ANC with some of those outstanding issues, but
17 | I can tell you, I don't see where we're that far apart.

18 | Commissioners, any second rounds? Vice Chair Miller?

19 | VICE CHAIR MILLER: Thank you, Mr. Chairman. Just
20 | briefly, first of all, I share all the comments that you have
21 | made, and my other fellow Commissioners have made here tonight.

22 | On the Greenleaf issue, I take the Applicant at their
23 | word, and we can put their word in any order that gets written
24 | in response to a decision if we get to that point, but their
25 | response to the ANC on that point on page 11 of their Exhibit 46

1 submission which says, "The Applicant herein confirms" -- this
2 is a quote. "The Applicant herein confirms that there will be 123
3 new affordable senior housing units provided within the East
4 Tower of the PUD, and that these units will not be related to -
5 - related or tied to the Greenleaf redevelopment as designated
6 replacement units."

7 So I think we can -- I mean, we can check with our
8 counsel, but to the extent that we can put that in the order, I
9 think that directly addresses the ANC's concerns, but we'll hear
10 from them, it may not. So I look forward to hearing from them
11 soon. Thank you, Mr. Chairman.

12 CHAIRPERSON HOOD: So -- you're welcome, Vice Chair.
13 But will say that I think Mr. Jordan mentioned, that it's been
14 mentioned on more than one occasion, so exactly what you just
15 said, so we may hear it again. Because I understood it, so that's
16 again, I don't understand what the nexus is, but either way, it's
17 there, and hopefully, at some point, when Mr. Litsky or whoever
18 is going to -- Ms. Kramer or whoever is going to represent the
19 ANC we can put that to rest.

20 Commissioner Shapiro?

21 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman. Maybe
22 I'm hearing it slightly different than you all heard it, but what
23 I heard was everything that you said with the addition of "at
24 this time." And that's okay with me, because what are we going
25 to do? We're going hold up -- if we like this project for

1 everything but that concern, we're going to hold up this project
2 for what might happen in the future on another project? No. So
3 I just heard them say at this time, it is not a Build First site.

4 CHAIRPERSON HOOD: Okay. And I think Commissioner
5 Shapiro exactly what you said, depending upon how we move forward,
6 if we move forward, because it's always an if, whatever else may
7 come up, but I think that it's how we memorialize that and in
8 anything that we continue to do as a Commission, but we will get
9 to that -- a lot of that especially during deliberation with our
10 counsel. Not with our counsel, but with the assistance of our
11 counsel with our deliberation. Any other follow-up questions or
12 comments?

13 Okay. Ms. Schellin, do we have anybody from 6D -- I
14 think we do -- who would like to cross-examine the Applicant?

15 MS. SCHELLIN: Ms. Kramer is the representative for the
16 ANC, Fredrica Kramer.

17 CHAIRPERSON HOOD: Okay. Ms. Kramer, this is your time
18 to ask the Applicant any clarifying questions that you've heard
19 them present to us.

20 COMMISSIONER KRAMER: Thank you very much. I just
21 unmuted myself --

22 CHAIRPERSON HOOD: Okay. Great. Can you identify
23 yourself?

24 COMMISSIONER KRAMER: -- or you umuted me.

25 CHAIRPERSON HOOD: Can you identify yourself, and if

1 | you have any questions, you can go right ahead.

2 | COMMISSIONER KRAMER: Yes, sir. I am Fredrica Kramer.
3 | I am commissioner for ANC 6D05. I'm also vice chair of the ANC
4 | 6D. I've been on the negotiating committee for the ANC 6D on
5 | this case, and so I'm here today testifying for ANC 6D.

6 | I'm not starting my testimony, but I do have questions.
7 | I think -- I'm very glad that Commissioner May and Commissioner
8 | May and Commissioner Miller tried to clarify this. Actually, Mr.
9 | Shapiro, Commissioner Shapiro as well because it's at this time
10 | can change, and we remain confused about exactly what it is they
11 | are proposing for the duration of the project.

12 | Exhibit 48A, which we just -- which we were party to
13 | just three weeks ago, shows on pages -- if that could be pulled
14 | up. I don't know whether you can pull that up. What that is,
15 | is the meeting that we had with the DCHA and the various community
16 | members, residents, as well as the Greenleaf Advisory Council, a
17 | group on which I sit -- I'll deal with that in more detail in my
18 | testimony -- shows that they are still using -- proposing to use
19 | as an option the West building for Build First. So the first
20 | question I have is -- and I would like to address it to Mr. Kayce
21 | first. You stated that the -- you're not promoting Build First
22 | on the senior building. Are you not going also to offer it on
23 | the West -- use the West building as a Build First site?

24 | MR. KAYCE: Correct, Commissioner Kramer. That
25 | is -- that is correct based on the feedback that we have received

1 within the neighborhood, particularly the ANC.

2 COMMISSIONER KRAMER: Wait. So you're on record saying
3 that the West building is absolutely not in play for Build First?

4 MR. KAYCE: As it relates to the Westminster project,
5 I will tell you that the Westminster project is not intended on
6 either side of the Westminster project to be used for Build First
7 based on the recent feedback we've gotten from the ANC.

8 Previously, we had stated we have absolute affirmative
9 black and white words as you saw, per the ANC's request, that
10 the senior tower would not be used for Build First. As I stated
11 earlier, we left the option open for the 99 units on the other
12 side based on recent feedback. That is correct. I'm telling
13 you it is not our intent to use that for Build First at Greenleaf.
14 I say that as Bozzuto, one partner I --

15 COMMISSIONER KRAMER: Will we see that -- I'm hoping
16 if that's the case that that will be in the final order, that
17 neither one of these build -- neither one of these sites will be
18 used for Build First. Let me also be clear, which I will be in
19 my testimony later, the AN -- this is -- I'm not asking the
20 question because the ANC is opposed to having any Greenleaf
21 residents find housing in either one of these buildings. That
22 is not the point. The point is the major community benefit from
23 this project is 123 additional units. That's on top of the stock
24 for seniors that already exist -- senior housing that already
25 exists in Southwest, and we need to be clear that we are going

1 to realize that.

2 So all the discussion that you've had about, you know,
3 some Greenleaf seniors could get lucky and get a unit, that's
4 really not relevant to this position, so yeah.

5 CHAIRPERSON HOOD: Ms. Kramer. Ms. Kramer. Let me
6 help you --

7 COMMISSIONER KRAMER: -- so I'm asking you whether you
8 were committing on -- yes.

9 CHAIRPERSON HOOD: Ms. Kramer, let me help you just a
10 little bit.

11 COMMISSIONER KRAMER: Yes.

12 CHAIRPERSON HOOD: Cross-examination, you taking me all
13 the way around to get to the question, so what I would like for
14 you to help me do -- and I want you to get your question, but I
15 want you to ask your question without giving us all the background
16 and the history, as much as you can, because I allowed the first
17 one, the second one, but the courts have said be direct in
18 cross-examination. Now you will have your testimony, so kindly
19 get direct to your questions.

20 COMMISSIONER KRAMER: I appreciate your reining me in.
21 Thank you very much. That's okay. Okay.

22 So my question is are they committing to not using the
23 -- either one of these buildings for Build First? So if they
24 can at least --

25 MR. JORDAN: I'll answer that. And we've said it

1 affirmatively before, and we'll -- this is Lloyd Jordan. We said
2 it affirmatively before, and we said it now. The answer to that
3 is yes, it is not going to be used for that project. Next
4 question, please.

5 COMMISSIONER KRAMER: Thank you very much. Okay. On
6 the longevity, how long these -- how long these units will survive
7 as affordable? How long all the units, not the -- this really
8 should start with Pastor Hamilton who said that the units will
9 be for the duration. And I'm confused, and I'd like it to be
10 stated again.

11 MR. JORDAN: And I'll answer that. On behalf of the
12 partnership, it's the intent that the East Tower will remain
13 affordable as long as it can remain affordable. There's no intent
14 whatsoever to change it after 40 years. Now what happens in year
15 100 and the year 59, nobody knows because we may not all be there,
16 but there is no intent, as we sit here now, for that ever to
17 change in regards to that East Tower.

18 COMMISSIONER KRAMER: And how will you fund it -- if
19 it goes beyond the LIHTC year, where is the funding
20 opportunity -- the funding underpinning to make sure that it goes
21 beyond the 40th year?

22 MR. JORDAN: I think you're misunderstanding what LIHTC
23 is and low-income housing tax credits are. Low-income housing
24 tax credits are required where you get the investment -- the
25 equity investment for a project to start. These projects -- these

1 buildings will continue on under property housing assistance
2 payments from the Housing Authority, et cetera, et cetera, that
3 will subsidize the other rents. So the tax credit issue is not
4 the issue where it will generate forever and forever and forever
5 the rent subsidy.

6 COMMISSIONER KRAMER: Well, I -- thank you. I
7 appreciate that. I was mirroring how it was presented actually,
8 and that's fine. If you're committing to -- are you saying that
9 you're committing to affordability, not returning to 8 percent,
10 but affordability in the senior building and the East building
11 for the life of the building; is that what you're saying?

12 MR. JORDAN: As long as we -- I'm saying there's no
13 intent now. If half the resident building blows up, are we going
14 to say -- you know, the top level blows up or something, I don't
15 know, but there is no intent -- there is absolutely no intent to
16 change it from the way it is. It's the partners' intent that
17 that building remain affordable.

18 COMMISSIONER KRAMER: 100 percent affordable. Thank
19 you very much. Okay. I guess I'll save it for my -- for
20 discussion on my testimony. There was a question of the
21 transportation, and I'm trying to remember what it was so I could
22 question that, but I can't. So I'll leave that for the moment -

23 -

24 COMMISSIONER SHAPIRO: Bike lanes.

25 COMMISSIONER KRAMER: -- and hope that I -- that when

1 I -- my testimony, it will clarify it some more.

2 CHAIRPERSON HOOD: So Ms. Kramer, thank you.

3 COMMISSIONER KRAMER: Yep.

4 CHAIRPERSON HOOD: I will -- when you do your testimony,
5 if you remember the question then, I will make sure it gets asked.

6 COMMISSIONER KRAMER: I appreciate it. Thank you.

7 CHAIRPERSON HOOD: And let me just say, I was not
8 reining you in, I was asking.

9 COMMISSIONER KRAMER: It's okay.

10 CHAIRPERSON HOOD: If somebody wrote to the counsel to
11 rein me in, I didn't like that word, so I want you to know I was
12 not reining you in.

13 COMMISSIONER KRAMER: Sometimes I need it. It's okay.

14 CHAIRPERSON HOOD: All right.

15 COMMISSIONER KRAMER: Thanks.

16 CHAIRPERSON HOOD: All right. Let's go to the Office
17 of Planning and District Department of Transportation.

18 Mr. Cochran, before you get started, I want to commend
19 you on a well-written -- I'm not saying the others weren't
20 well-written, but a well-written report, especially with the
21 equity lens -- racial equity that you presented. I think it was
22 very well done, and very well thought out. I think it probably
23 made it a little easier because of what the church was already
24 doing, but I think you have set the mark. I don't want to say
25 anything less than that. You have really set the mark, you and

1 OP on that, so thank you. I know we can probably improve, but
2 I'm just waiting, but I can tell you that was a fantastic start.
3 And I'll leave it at that.

4 MR. COCHRAN: Thank you, Mr. Chair, but please notice
5 that there are two names at the top of that report, and Jennifer
6 Steingasser deserves a lot of the credit for the whole approach
7 she's taken to the racial equity lens.

8 CHAIRPERSON HOOD: Well, let me include Ms. Steingasser
9 in all of my comments that I've said previously, and the ones
10 going forward, and the ones I just said just now. So let me
11 include Ms. Steingasser as well and all of OP. I just -- I want
12 to make sure that's known because that was a -- I didn't think
13 we were going to start off like that. We started off with a
14 bang, and I am very happy with what I read so.

15 MR. COCHRAN: Thank you. I was also privileged to be
16 able to work off of a report that Maxine Brown-Roberts did for
17 the Barry Farms map amendment.

18 CHAIRPERSON HOOD: Okay. Ms. Brown-Roberts as well.
19 Everybody who had anything to do with that. If you send me the
20 list of names, I'll write -- I'll mention them publicly at another
21 time, so I appreciate that.

22 MR. COCHRAN: Thank you.

23 CHAIRPERSON HOOD: That was great.

24 MR. COCHRAN: And before this begins to sound like an
25 Academy Awards acceptance speech, I'd like to just introduce

1 myself as Steve Cochran, representing the Office of Planning for
2 this case.

3 OP is recommending approval of the application
4 including the requested penthouse, lot occupancy, and rear yard
5 relief, and the PUD associated map amendment. But as the
6 Applicant noted, OP has recommended one new condition. The
7 Applicant has accepted that condition, and it's included in our
8 September 27th report. I'd be happy to go into that more if the
9 explanation that the Applicant has provided is not sufficient.

10 The proposed PUD would not be inconsistent with the
11 2020 Comprehensive Plan. At set down, OP stated that the PUD
12 wasn't inconsistent with the written elements and the policy map
13 of the 2012 plan; well, that's even more the case with respect
14 to the written elements of the 2020 plan. Pages 7 through 12 of
15 our report analyzed the PUD's positive relationship to the
16 written elements.

17 As for the maps, the proposal was already not
18 inconsistent with the policy map, and that map hasn't changed for
19 this site in the 2020 policy map. Again, I can go into that more
20 if you'd like, later. But respect to the FLUM, now that the 2020
21 FLUM has designated this site as appropriate for medium-density
22 residential and low-density commercial, the project and its
23 associated zoning would in balance be not inconsistent with the
24 FLUM too.

25 Section 227.7 of the Framework Element states that the

1 medium-density residential category applies to neighborhoods that
2 are generally, but not exclusively, centered for mid-rise
3 apartment buildings, and that the category may also apply to
4 taller residential buildings surrounded by large areas of
5 permanent open space. Open space like the duck pond and other
6 adjacent parks that surround this site.

7 Now, the OP report notes that the 7.06 FAR that is
8 being proposed is clearly greater than what the Framework Element
9 uses to illustrate what is a -- the FAR for a matter of right
10 medium-density residential designation in the FLUM. But this
11 isn't just a matter of right project, nor is it solely
12 residential, it's a mixed-use project. "Greater density is
13 permitted for these kinds of proposals when complying with IZ or
14 would approve through a PUD," and that's a direct quote.

15
16 And as section 228.1 states, this kind of density
17 increase can also be granted when you consider the FLUM in
18 conjunction with the plan's written elements as the OP report
19 did, especially with respect to housing. The PUD would also
20 contribute to achieving, as you've noted sir, the District's
21 racial equity objectives. Section 213 of the Framework Element
22 describes these objectives and the multifaceted approach that's
23 needed to achieve them. The particular policies and actions to
24 further racial equity are discussed throughout the Comprehensive
25 Plan. But one of the key ways the plan seeks to address equity

1 is by supporting housing development. Not just affordable
2 housing development, but housing in general as a way to help
3 moderate the upward pressure that housing scarcity placing on
4 rents and prices.

5 The project would deliver 222 residential units with a
6 majority of them being classified as affordable. The PUD would
7 also deliver several other benefits that would further racial
8 equity. Most of these have already been noted. They deal with
9 the church. But given the social economic composition of the
10 District in general and the Southwest neighborhood in particular,
11 the 123 units of affordable housing for seniors would almost
12 certainly provide access to residential units for people of color
13 more than they would for people who aren't of color. Westminster
14 Presbyterian church, which would be retained on the site, would
15 be able to expand its already significant range of
16 socially-oriented programs and services to all residents of the
17 District. This has been noted in more detail than what I have
18 given in this brief testimony. And the first source
19 (indiscernible) even should increase opportunities for accessing
20 new jobs and apprenticeships with black residents of the District
21 who are the largest racial group in the district.

22 And finally, with the condition the Applicant has
23 accepted, given the income and demographics by race, a western
24 rental tower would also contribute to the District's racial
25 equity objectives through adherence to the inclusionary zoning

1 regulations.

2 Now, to conclude, while OP retains its earlier concerns
3 about some aspects of the design, like the lighter color,
4 especially on the East Tower, and our concern that the Western
5 Tower is proposing LEED Silver rather than LEED Gold version 4.
6 OP still recommends the Commission approve the PUD with the
7 condition that the Applicant has accepted. The exact wording of
8 that condition and maybe even some partial rewording of the relief
9 request from Subtitle C, Section 1005.5 may need to be worked out
10 in the draft order process, but in our opinion, that shouldn't
11 preclude your waiting to approve this application. Thanks. And
12 that concludes OP's testimony.

13 CHAIRPERSON HOOD: Thank you, Mr. Cochran. Let's see
14 if we have any questions of OP. Commissioner May?

15 COMMISSIONER MAY: (No audible response.)

16 CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

17 COMMISSIONER SHAPIRO: No questions, Mr. Chair.

18 CHAIRPERSON HOOD: Vice Chair Miller?

19 VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank
20 you, Mr. Cochran, for your report.

21 CHAIRPERSON HOOD: Okay. And I don't have any questions
22 either, Mr. Cochran. Again, job well done to you and the team,
23 Ms. Steingasser and Ms. Brown-Roberts, and everybody who had a
24 play. I really, really appreciate the (indiscernible).

25 Mr. Freeman, you have any questions of the Office of

1 Planning?

2 MR. FREEMAN: No, sir. Thank you.

3 CHAIRPERSON HOOD: Okay. Thank you.

4 Thank you again, Mr. Cochran.

5 Let's go to Ms. Bridges. I thought I saw Ms. Bridges.

6 MS. BRIDGES: I'm here.

7 CHAIRPERSON HOOD: Oh, you are. Okay. There you are.

8 VICE CHAIR MILLER: You want to ask the ANC if they
9 have any?

10 CHAIRPERSON HOOD: Oh, that's right. Hold on. Let me
11 back up. You're right. Thank you. Ms. Kramer, you have any
12 cross-examination?

13 COMMISSIONER KRAMER: Thank you. I don't have any
14 questions at the moment. Thank you.

15 CHAIRPERSON HOOD: Okay. Thank you. Thank you, Vice
16 Chair.

17 Okay. Ms. Bridges?

18 MS. BRIDGES: Thank you. Good evening, Chairman Hood
19 and members of the Commission. For the record, I'm Kelsey Bridges
20 with the District Department of Transportation.

21 DDOT is supportive of the Applicant's proposal. As you
22 heard in the presentation, the Applicant has coordinated with
23 DDOT on the transportation impacts and has come to an agreement
24 with the Applicant on a robust transportation land management
25 plan to mitigate the projects impacts to the transportation

1 system. The Applicant cannot accommodate head-
2 in and head-out loading, and has proposed a loading management
3 plan to mitigate potential conflicts in the public realm. The
4 loading management plan and transportation and land management
5 plan are documented in the February 26, 2021, transportation
6 statement which is Exhibit 21 on the record.

7 Since DDOT submitted the report, Exhibit 27, it has
8 been determined that their unresolved tree concerns related to
9 the street trees, Heritage, and special trees due to the site
10 redevelopment. A supplemental report, Exhibit 42, is uploaded
11 to discuss tree concerns. While the Applicant has had discussions
12 with the ward arborist, a tree preservation plan has not been
13 identified. whether that be relocation or preservation. The
14 Applicant has agreed to hire an arborist during the
15 predevelopment process as indicated in Exhibit 41. DDOT has not
16 determined at this point that changes to the proposed building
17 design will not be necessary, but will work with DGS and the
18 hired arborist to analyze and create a preservation plan for this
19 Heritage tree.

20 The Applicant should proceed with their conceptual
21 Public Space Committee hearing permit for utility vaults and curb
22 cuts. The urban forestry division has included their concerns
23 as part of that review. The enhanced TDM and the DDOT conditions
24 outlined in the original April 2nd, 2021, report, along with
25 additional conditions from the supplemental June 8th, 2021,

1 report, are sufficiently robust to encourage non-auto travel.
2 With agreed to TDM plan and loading management plan included in
3 the final zoning order, the continued coordination with DDOT's
4 urban forestry division, DDOT has no objection to approval of the
5 PUD application. Thank you.

6 CHAIRPERSON HOOD: Okay. Thank you, Ms. Bridges. Let's
7 see if we have any questions of DDOT. Commissioner May?

8 COMMISSONER MAY: (No audible response.)

9 CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

10 COMMISSIONER SHAPIRO: (No audible response.)

11 CHAIRPERSON HOOD: Vice Chair Miller?

12 VICE CHAIR MILLER: (No audible response.)

13 CHAIRPERSON HOOD: Okay. And thank you Ms. Bridges for
14 your report.

15 Let's see. Mr. Freeman.

16 MR. FREEMAN: No questions. Thank you, Chairman Hood.

17 CHAIRPERSON HOOD: Okay. I guess I should say Mr.
18 Freeman and Mr. Lloyd because you all -- I guess you all are a
19 tag team so.

20 MR. JORDAN: We're good. Thank you.

21 CHAIRPERSON HOOD: Okay. Who am I missing? ANC.

22 Ms. Kramer, you have any questions of the Office of -- I
23 mean, District Department of Transportation?

24 COMMISSIONER KRAMER: I have no cross for this. Thank
25 you.

1 CHAIRPERSON HOOD: Okay. Thank you. Okay, now let's
2 go to --

3 MS. SCHELLIN: Chairman Hood?

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: There is a representative. I didn't
6 know if Ms. Bridges also wanted to include the DDOT urban forestry
7 representative is here also. If you'll see on your screen Matthew
8 Lehtonen, I believe.

9 CHAIRPERSON HOOD: Oh, okay.

10 MS. SCHELLIN: If he just here --

11 MS. BRIDGES: If there were questions about --

12 MS. SCHELLIN: Okay.

13 MS. BRIDGES: But if there are no questions --

14 MS. SCHELLIN: Then he's good. Okay. I just wanted
15 to --

16 MS. BRIDGES: Thank you for clarifying.

17 MS. SCHELLIN: Sure.

18 CHAIRPERSON HOOD: Okay. Let me just ask,
19 Commissioners, any questions of urban forest -- okay. No
20 questions.

21 We'll hear from Mr. Lehtonen -- well, I'd mess his name
22 up anyway, but we'll here from Mr. Matthew at another time. I
23 know that's one of the requirements that OP and DDOT is asking
24 that the Applicant work with the Urban Forestry Division as well
25 as hiring an urban forester. So either way, I think that will

1 be dealt with. So there are no questions, let's move on.

2 Other government? I did not see any for this
3 application. I don't know colleagues, if you all can help me if
4 you all ran across some, because I do miss things, other than
5 what we've heard. So not hearing anyone, let's go to Ms. Kramer.

6 Commissioner Kramer. Vice Chair Kramer.

7 COMMISSIONER KRAMER: Thank you very much. Good
8 evening, Commissioners. As I said before, my name is Fredrica
9 Kramer. I'm commissioner for ANC 6D05, vice chair for ANC 6D on
10 the Negotiating Committee for this Case 20-12, testifying today
11 on behalf of ANC 6D.

12 I'd like to say at the start, because it's been stated
13 that we've been somehow unavailable, we have not been
14 unavailable. I don't have anything in my records that suggest
15 otherwise, and we are happy to discuss at any time specific
16 issues. I just -- to continue, I've lived at 387 O Street over
17 40 years. I have direct links to Westminster Presbyterian and
18 their extraordinary role in our community, and I personally and
19 ANC 6D look forward to the continuance long into the future for
20 Southwest.

21 Had it not been for two extraordinary concerns with
22 several more manageable issues, ANC 6D may have provided
23 conditional support for this very important PUD. Instead, for
24 reasons I'll elaborate, ANC 6D at a properly noticed special
25 public meeting on March 30, 2021, held for the express purpose

1 of addressing Case 20-12 PUD with a quorum present, the quorum
2 being four commissioners, voted 6-0-1 to oppose the case.

3 The Southwest Small Area Plan memorializes the
4 community's commitment to be an exemplar of equity and inclusion,
5 so redevelopment must serve Southwest residents across the
6 demographics of income, age, race, household types.

7 As density increases, new below market rate units are
8 becoming merely a sliver of the new, New Southwest, an even
9 smaller portion of those below market rates support individuals
10 aging in place. Those seniors in our city are seeing dramatically
11 increased need. So ANC 6D was delighted when Westminster began
12 discussions several years ago about its intentions to develop its
13 property to include a new all senior, below market rate building
14 in the heart of our new Town Center. The project was presented
15 to us simply: The church needed major renovation, and as other
16 churches in Southwest have done, the Applicant would have a
17 development partner to give them a new church in exchange for
18 property on which the partner would build new market rate
19 structures that could pay for the public benefits and the project.

20 The most significant community benefit would be an
21 entire building net gain 123 new senior housing units including
22 those under 60 percent MFI. So seniors could live in our
23 community, age in place, and help maintain the demographic
24 diversity that we cherish and that fits right into the dictates
25 of the Small Area Plan.

1 Today's hearing is only about the Westminster project,
2 but as our discussions on the project have taken shape, this case
3 has become a moving target. We continued to hear both Westminster
4 and Bozzuto, as you've heard partners also, in DCHA's Greenleaf
5 redevelopment, offering at different times the senior building
6 as an option for Greenleaf seniors Build First units, and most
7 recently, the market rate condo units for Greenleaf families.
8 These were the slides that you uploaded earlier. At the same
9 time, the Applicant has continued the project as described in
10 this case application to the Zoning Commission.

11 There are three problems with this. First, ANC 6D has
12 been adamantly and publicly opposed to losing the 123 Westminster
13 senior units since DCHA suggested them as a Build First option
14 in December 2020. In a Zoom meeting with the DCHA Greenleaf
15 Advisory Committee on April 8th, which Commissioners Collins,
16 Hamilton, and I attended, Jeff Kayce from Bozzuto asserted in
17 response to our opposition the Westminster 123 units would not
18 be used for Greenleaf Build First. We've heard that repeated
19 today. But Mr. Kayce then said the 99 units in the West building
20 of the Westminster project could be used instead, affirmed in an
21 attachment to an April 27, 2021, e-mail from Devon Hasty. An
22 updated version of that is incorporated in the Applicant's
23 September 14th supplemental pre-hearing submission. Hereinafter,
24 I'll simply say the response to the ANC. That's the second
25 problem. This was the first anybody had heard the Westminster

1 99 units were in play for purposes other than those proposed in
2 CC Case 20-12, and this once again turned the project on its
3 head. The 99 units were initially proposed to you as market rate
4 condos which Mr. Kayce characterizes only originally market rate.
5 Where the rental of condos, the 99 units, have always been
6 characterized as market rate because they were needed to support
7 the wholly subsidized 123 units in the senior building. If
8 Bozzuto has a different plan to pay for the 123, should the 99
9 units be used otherwise, that would be terrific, but clearly,
10 it's not been diverged to ANC or OP according to their 9/27
11 supplemental report. And ANC 6D feels the need to ensure that a
12 project not get underway without the financial underpinnings in
13 order.

14 Further, since the two buildings are tied together for
15 the purposes of IZ, the ANC strongly believes that the buildings
16 must be constructed simultaneously so that the proffered public
17 benefit of the 123 units and the church not risk being put off
18 indefinitely. When Mr. Kayce was asked at our May 10th ANC
19 business meeting if he'd support conclusion of this in the final
20 order, he said he wouldn't.

21 Again, ANC 6D and you, Chair Hood, have made clear the
22 discussion today is only about the Westminster project, but it's
23 also become clear that there's a competing project that's been
24 gumming up the works.

25 As we said in our April 5th, 2021, letter to the Zoning

1 Commission, reporting on our March 30 special meeting, "We're
2 committed to ensuring the current Southwest residents can age in
3 place and contribute to the iconic diversity that has made our
4 community unique and also to ensuring that none of our public
5 housing residents are displaced."

6 Third, the projects and the needs -- and their needs
7 are different. Westminster has no plans for deeply affordable
8 units. The senior building proposed in this case will offer only
9 studios and one-bedrooms. We still hope that the project will
10 offer some larger units, as OP has also recommended, since seniors
11 are not all single widows and widowers and may over time need
12 space for relatives or caretakers. In any case, the units would
13 not substitute for many senior households currently in Greenleaf.

14 We also hope that the Westminster senior building will
15 provide many services that seniors need or desire. Maybe not as
16 extensive as in public housing, but plans and funding to services
17 in Westminster senior have not yet been described.

18 Finally, ANC is concerned that the extent and limits
19 of the promised affordability. The units in the Westminster
20 senior building will not be forever affordable, we've just talked
21 about that, but only until the proposed financing plan changes.
22 After years 40, according to what we've seen before tonight, the
23 LIHTC subsidy ends, the portion of below market rate units could
24 convert to the IZ requirement of only 8 percent below market at
25 60 percent MFI, 50 percent for the penthouse space. To extinguish

1 | this tangible community benefit for anything shorter, so you
2 | understand what our passion is about, that is that the life of
3 | the building presumes that the need for affordability will
4 | diminish over time. If anything, it will increase as people live
5 | longer and housing costs increase. The proposed project will
6 | help people stay in the community, help realize the commitment
7 | to our iconic diversity memorialized in the Small Area Plan. We
8 | note that the Office of Planning in its supplemental report,
9 | Exhibit 47, makes the same recommendation.

10 | We're delighted to hear that there is a commitment to
11 | continued affordability, but we want to make sure that that's
12 | memorialized in what comes out of this project, the Zoning
13 | Commission report. While the project boasted it's offering 52.9
14 | percent of affordable housing far above the IZ requirement
15 | typical of the projects, because there's no affordable housing
16 | in the 99-unit building, when the subsidy ends, the project as a
17 | whole would actually be below IZ requirements unless some units
18 | are then converted. ANC 6D asked whether there could be IZ units
19 | in the market building to start. OP in its supplemental report
20 | said IZ units actually should be distributed between the senior
21 | and west buildings to comply with restrictions of over
22 | concentration.

23 | In addition, in response to the ANC's on the other
24 | side, the Applicant notes "Should financing allow for it, the
25 | Applicant may be able to accommodate households that earn less

1 | than 60 percent MFI." In other words, 60 percent isn't just a
2 | cap, the project is unlikely to serve many or even any households
3 | that don't reach that threshold.

4 | To reiterate, our first extraordinary concern is that
5 | we don't know with certainty what's being proposed by the
6 | Applicant, what we can count on, and therefore what will be
7 | obligated in the final order. Until Bozzuto and partners divulge
8 | exactly what this PUD -- that this PUD will not compromise the
9 | original purpose, we continue to oppose the application and
10 | believe the case should move no further until all these
11 | ambiguities are clarified. To continue a review of the proposal
12 | from an Applicant whose repeatedly and publicly stated intentions
13 | contrary to that what's before you, and makes a sham of this
14 | process, and that's what's troubling.

15 | Our second extraordinary concern is that there's
16 | currently no clearly safe curbside management plan to move
17 | seniors in and out, which would move congregants, and those
18 | attending jazz nights in and out from the building. The site is
19 | indeed ideally situated. It's in the heart of Southwest across
20 | from CVS, restaurants, our neighborhood Safeway, a block from the
21 | Metro, walkable to Arena Stage, The Wharf, Nats Park, and Audi
22 | Field, but how moves in and out will work a block from these
23 | wonderful amenities is not clear.

24 | DDOT's own file in this case admits that it will be
25 | constructing a projected bike lane along I Street from 7th Street

1 Southwest to 4th Southeast running directly in front of this
2 project. The new bike lanes may be constructed as soon as summer
3 of '22. ANC 6D in strong support of protected bike lanes is
4 reluctant to embrace this one as currently proposed since it so
5 significantly impacts the project that has the filing details,
6 the curbside management plan, is a work not yet really in front
7 of us. To quote from their report, "DDOT's currently in the
8 planning process to convert the I Street bike lanes. The
9 Applicant needs to work with their bicycle and pedestrian team
10 during permitting. They need to work with DDOT for curbside
11 management during permitting to identify an appropriate curbside
12 plan." And the no parking entrance might likely need to be moved
13 to 6 -- excuse me, reduced to 60 feet and may shift entirely to
14 Makemie Place.

15 The Applicant submitted examples of bike accommodations
16 from other sites, Exhibit 46C, including raised bike lanes and
17 rumble strips, but no real segregation of bikes from pedestrians
18 going and coming into the buildings. Neither DDOT nor the
19 Applicant knows what the plan is going into this project to ensure
20 that bikes and pedestrians compromised or otherwise will enjoy
21 safe curbside management. Without appropriate plans for lay-
22 bys, there's no clear way to eliminate active and dangerous
23 competition between the foot traffic and the cyclist.

24 ANC 6D strenuously objects to embracing any new
25 development where residents, let alone a building full of

1 seniors, must run the gauntlet of bicycle commuters to cross the
2 street, reach a taxi, or provide safe entry back. We haven't
3 mentioned the kids going through this maze to get to Amidon-Bowen
4 Elementary across the street. Pedestrian safety must not be
5 finessed or left to an after plan or afterthought. Rather, the
6 project needs to completely reconsider its relation to the street
7 and how its residents will be able to leave and return safely.
8 The Applicant has left it up to the Public Space Committee and
9 future discussions with DDOT to ensure their future occupant
10 safety. DDOT envisions a protected commuter bike lane along a
11 very busy I Street seems to have forgotten its responsibility to
12 protect the residents. It's no wonder that the D.C. (audio
13 interference) have undertaken a review of vision -- the Vision
14 Zero project with little success so far in controlling pedestrian
15 deaths.

16 It should be the obligation of both DDOT and the
17 Applicant's transportation consultant to put on the record the
18 specific proposal for I Street so it will -- how it will affect
19 the operations of this project can be carefully assessed. Before
20 this Commission signs off, we implore that you have a good
21 understanding in writing about how the residents will be accorded
22 safe access.

23 I want to touch briefly on six subsidiary concerns that
24 we laid out in detail in our report to the Commission. One,
25 balconies. The Applicants have spent considerable effort on the

1 outward architectural portions of this project, made changes
2 after objections were raised by our ANC and the Zoning Commission.
3 We greatly appreciate the addition of balconies to the senior
4 building and believe they will provide enhanced quality of life
5 for those lucky enough to have one, of course.

6 Our commission also supports OP's suggestion to add
7 balconies to the market building, especially facing the duck
8 pond, a logical placement. We asked for -- and have not seen
9 any detailed drawings that would illustrate just why this is not
10 practicable in the West Tower as alleged in their response to the
11 ANC since we're talking about extremely modest outdoor footage
12 on bay -- what look like bay windows at a market rate building
13 facing an extremely attractive amenity that one would think begs
14 connection.

15 Two, construction of affordable units. We're pleased
16 the affordable units will be spread on all floors among all types
17 in the senior building not concentrated on any floor or any type,
18 will be constructed out of the same high-quality materials as in
19 the market rate buildings and have comparable residential
20 memories -- amenities. And they will be constructed as a single
21 building by the same construction company concurrently with the
22 market rate buildings -- that last point is crucial. Were any
23 units redirected to any other project before or apart from the
24 construction of this project, as we've alluded, it's very likely
25 because of financial constraints that the rest would never get

1 built and we would forever be denied our mixed income affordable
2 senior building. We urge the Commission to ensure that the
3 project will be built as one quality development.

4 Three, what makes a senior building a senior building?
5 The senior only component of the project is authorized by a direct
6 response to the Mayor's May 10th, 2019, Order requiring the
7 District to provide for senior housing and restating the
8 commitment to seniors as the bedrock of our community and
9 committed to providing safe and affordable places for them to age
10 in place. We have concerns about how the senior building will
11 be designed on the inside and how it will function. While the
12 Applicant reports interior fixtures that will be Energy Star
13 certified and have other features for sustainability, nowhere in
14 the filings have they provided clarity about what design features
15 will make the senior building sustainable for seniors. We ask
16 that these be explicit in the final order.

17 The response to the ANC have asked that the senior
18 building will create unit configurations consistent with other
19 senior buildings that Dante's partner runs "consistent with
20 independent senior living" as opposed to senior assisted living.
21 We understand that distinction, which generally requires larger
22 units and additional services, and that many accommodations would
23 be too costly. We don't know what accepted standards they're in
24 fact incorporating in the project's design and specific details
25 would surely help clarify what population this building is likely

1 to serve and how many seniors at what practical cost will be able
2 to stay over time.

3 Will the units be ADA complaint? Have multi-level
4 cabinetry? Wall mounted appliances? Electrical outlets 20
5 inches up? Easy entry bathtubs? Anti-skid tiles? Walk-in
6 showers? Front loading washer, dryers? ANC asked specifically
7 where the laundry machines would be in each unit or at least on
8 each floor. The response to the ANC states, "they'll be all on
9 the third floor." Zoning Commissioners have stated your own
10 preference is to have washer/dryers in each unit. If that's too
11 costly, at least one on each floor. OP similarly has asked for
12 more laundry stations.

13 What about the hallways and congregate spaces, railings
14 and thresholds for wheelchairs, senior-friendly door and
15 cabinetry handles for those with arthritis? There's a much longer
16 list, but you can get the picture.

17 Home Innovation Research Labs, NAHB 50+ Housing Council
18 and AARP developed the CAPS program to address the growing number
19 of consumers who will retire -- soon retire require modifications
20 in existing housing. We strongly support incorporating universal
21 design principles into this project and strongly urge the
22 Applicants to proceed with a PUD only after consultation with a
23 CAPS specialist to help ensure that what is developed, especially
24 the senior building, will address the needs of residents as they
25 age.

1 Worse, the response the ANC states that "Provisions for
2 future accommodations such as blocking for grab bars in
3 bathrooms," not grab bars themselves "will be incorporated to
4 allow an additional level of flexibility as seniors age in place."
5 The future for seniors is now. I am a senior, and as we seniors
6 have joked, we don't even buy green bananas. I wouldn't want to
7 move to a building only to have to lobby management to install
8 grab bars, move electric outlets or change door handles because
9 they've proved unworkable. Our own Commissioner Litsky spent six
10 years on the State Executive Committee of AARP D.C., and one of
11 the major takeaways was the importance of universal designs, the
12 features in a home that create a safe environment and enable
13 seniors to age in place. It's much less expensive to incorporate
14 universal design features into a new home. We should be the
15 first to require universal design in the projects that we do in
16 Southwest. Westminster is a new project, and we need to make
17 the senior building work as a senior building, and ANC strongly
18 -- 6D strongly believes that universal design must be
19 incorporated at the outset. But we have no details about the
20 interiors or cost parameters to have a meaningful conversation
21 with the developers. Fourth, physical and functional
22 delineations. ANC 6D has been supportive of the Applicant's
23 desire to have the Westminster church look like a church -- not
24 look like a church but rather be a church. We absolutely support
25 putting many of the functional aspects of the property on the

1 north side of the building and the church's primary functions at
2 the rear supportive of its mission and continued programming at
3 the site. ANC 6D also supports the Applicant's design of the
4 ground floor to accommodate multiple functions at once. The set-
5 down report states the building will contain over 18,000 square
6 feet of GFA devoted to new facilities including assembly and
7 congregation space and kitchen and dining area, conference rooms,
8 offices, and a community art gallery. Accordingly, we support
9 their requirement for overall occupancy beyond what's
10 traditionally allowed for the lot. I'm glad that other people
11 have spoken to all the programming that is absolutely unique to
12 this church.

13 ANC 6D also believes the Westminster senior building
14 should be distinct from the services and activities of the church.
15 The senior building will be a secular facility open to all, while
16 the church remains the driving force behind the development of
17 this facility, and we implore their foresight of activism. The
18 new building should not be perceived as appended to the church's
19 mission and potentially present a confusion with the religious
20 mission of the church. Accordingly, we seek a more complete
21 understanding of the physical delineations, including signage
22 between the new church building and the congregate spaces within
23 the senior building, and we hope to see protocols for outreach
24 screening and management that will reinforce it as an independent
25 operation.

1 As we recommended for the senior building, we also
2 encourage the Applicant to add some larger units to the market
3 rate building for its residents to age in place in further of
4 the section in the Comp Plan. ANC agrees with OP's analysis,
5 not providing family units, especially in the market building,
6 is a mistake.

7 Fifth, lighting -- almost done. Another concern is the
8 proposed tower of light. ANC 6D has long opposed extraneous
9 signage and lighting on buildings that have come before us for
10 review. We are very cognizant of the impact of lighting,
11 especially as it impacts adjacent properties. At a fully 8-foot
12 wide and what looks to be two stories taller than the building
13 itself, it makes a very bold architectural statement as
14 inconsistent with what other churches have designed for their
15 buildings and with what we've insisted for their buildings, for
16 buildings surrounded by residences. We ask that the light tower
17 not tower over other buildings in the area and at a minimum,
18 insist on committees of the parameters including with potential
19 for color and intensity changes under what circumstances to
20 minimize the impact on the surrounding residential community. We
21 agree with OP's request that the Applicant clarify the lighting
22 on the eastern tower which conflicts with the principal of
23 minimizing lighting on residences and with the intended
24 delineation between religious and secular messaging.

25 Six, plantings. Last one. ANC 6D shares DDOT's concern

1 that the Applicant has not yet hired an arborist to assess the
2 impact on special trees to the south and agrees with OP that they
3 need to provide a complete, including arborist's assessment of
4 the impact of the project on the trees and public space in the
5 District on land prior to permitting. This linear stretch will
6 be an integral part of the larger duck pond project and extended
7 park lanes to the Southwest Library, and ANC wants to ensure the
8 project's impact is minimal. We're very pleased to learn that
9 the Applicant has agreed to hire an arborist during the tree
10 development process and work with DDOT to create an approved
11 preservation plan for the Heritage tree, special trees, and the
12 street trees that may be affected on Makemie Place and request
13 that this be part of the final order. Again, we'd like to see
14 the final preservation plan before permitting and work gets
15 underway.

16 The project will include public space improvements
17 usually required by DDOT's Public Space Committee. The building
18 would have terraces on at least two levels including over 11,000
19 square feet of green roof areas, shade trees atop the lower-level
20 roofs. While the public space improvements may include items not
21 required by DDOT, we request more information so we can understand
22 what should be part of the final order.

23 In conclusion, ANC 6D appreciates the opportunity to
24 express our concerns and testimony this evening and on ZC Case
25 20-12 in hopes you will give our advice and concerns great weight

1 under law. And I look forward to taking questions. Thank you.

2 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
3 Kramer.

4 I don't have a lot -- I personally don't have a lot of
5 questions, but before you started your testimony -- and I saw
6 this. I thought we basically had two -- the way I calculated it
7 from the hearing today, we had two outstanding issues, and one
8 of them was the issue about Greenleaf. I think we have taken
9 care of that, and I knew about the arborist. So I thought --
10 those were the only two issues I thought. I know there's some
11 more conversation that could be had, and some of what you are
12 asking us to do, the Zoning Commission, about handrails on the
13 bathroom. I mean, I think for them to be successful as senior
14 housing, they don't have to do those kind of things because we
15 all are getting older. And as you mentioned in your testimony,
16 aging in place, some stuff goes without saying. If those
17 things -- if those type of amenities and those type of things
18 are not put in place in a senior housing, then you're not going
19 to get any seniors to go there without something to keep them
20 from falling and whatever. You know, I consider myself as a
21 senior at 57, and I do certain things that I -- I used to be a
22 little more stable, but now I'm a little unstable. So some of
23 those things need to be -- to me, some of that's unsaid. It's a
24 unsaid rule. So I mean, I hear you. I think there could be some
25 more discussion, but some of this is not within our jurisdiction

1 and some of it is, possibly. So I guess, you know, like I said,
2 I thought there were only two issues but maybe I -- obviously, I
3 missed the point. So anyway, it won't be the first time.

4 So let me open it up to my colleagues, and we will go
5 from there and see how we proceed.

6 Commissioner May, any questions, comments?

7 COMMISSIONER MAY: Yeah. I'm not sure how to phrase
8 any of this but, I mean, I'm still just a little bit disconcerted
9 by the disconnect between the development proposal and what the
10 ANC thinks about it at this point. Is there -- and you said at
11 the very beginning that you're not aware of any attempts on the
12 part of the Applicant to reach out to the ANC to resolve the
13 outstanding issues; is that right?

14 COMMISSIONER KRAMER: Well, we've been in -- I can say
15 it in two ways. We've been in touch with the Applicant over
16 time, and we're actually very much in touch with the Applicant
17 because of the -- because the Applicant is also on the Greenleaf
18 project and so the Greenleaf project has been meeting, and I'm
19 on the advisory -- the three of us from the ANC are on the
20 advisory committee group, whatever they call it, for Greenleaf,
21 so we've been hearing this, so this is a very live -- a live set
22 of concerns. And the reason I pointed to that -- the last which
23 was only two weeks -- I guess three weeks ago, by now, the
24 September 8th presentation was that the West building was still
25 on the table very clearly as an option. So you know, when you

1 say well, it's not on the table and now we're here tonight and
2 it's not on the table, it becomes a very confusing situation for
3 us, and we'd like to clarify it. As I tried to say before, we're
4 not -- we're trying to -- as an ANC, we're trying to serve all
5 populations in Southwest, and so this is not a question of picking
6 and choosing one to get one or the other, it's a question of
7 making sure that both are discreetly understood and treated
8 properly and wholly.

9 COMMISSIONER MAY: So, I mean you did hear testimony
10 today that they do not plan to use any portion of the Westminster
11 project as part of the Build First program, right, for --

12 COMMISSIONER KRAMER: If the Westminster project -- as
13 we understand it at this point, if the Westminster project is
14 used for Build First for seniors, we're not getting the additive
15 new -- new senior additive stuff.

16 COMMISSIONER KRAMER: No, I understand that. Right.

17 COMMISSIONER MAY: Okay. But and if the West building
18 is -- well, let me just try to -- if this helps you. If the West
19 building is needed -- is used for Build First, then we need to
20 understand how it's going to be financed.

21 COMMISSIONER MAY: That's not my question. That's not
22 my question.

23 COMMISSIONER KRAMER: Sorry.

24 COMMISSIONER MAY: My question is I heard very clearly
25 that the Applicant said today that neither tower would be

1 | considered for Build First for Greenleaf. Did you hear that as
2 | well?

3 | COMMISSIONER KRAMER: I did except they -- I keep
4 | hearing "at this time" which makes me a little bit concerned.
5 | But yes, I did hear it.

6 | COMMISSIONER MAY: Okay. All right. On to some of the
7 | other issues related to affordability. I appreciate the need to
8 | have some two-bedroom units in the mix, and that's not always
9 | just an issue of having other people in the apartment sometimes.
10 | Well, you know, sometimes certain people make a lot of noise at
11 | night and that don't get to stay in the bedroom with the other
12 | person, right? So having an extra bedroom can be a very
13 | convenient thing for that, so I appreciate that need. But you
14 | understand that if we -- if that happened, you know, the building
15 | isn't going to get any larger, so you'd wind up with fewer units,
16 | right?

17 | COMMISSIONER KRAMER: Well, yes. And I guess the only
18 | way to respond to that is to say if we could look at the unit
19 | mix, we can make an intelligent judgment about whether we've --
20 | you know, we sacrifice, you know, "Peter to pay Paul" or it's
21 | not really feasible. So it's hard for me to -- it's hard for me
22 | to respond to that at this point.

23 | COMMISSIONER MAY: Okay. Yeah. I mean, I would like
24 | to have the Applicant respond further to the issue of whether
25 | some two-bedroom units can be included in the mix.

1 One other question I was going to ask about on the
2 affordability. Oh, yeah. So as I understand it, after the
3 initial 40 years, the -- there is a possibility that the
4 affordable component will drop back down to what the mandated IZ
5 minimum would be, which would be 8 percent. But I understood
6 that to be 8 percent of the entire project, not 8 percent of just
7 at -- just the East Tower. Now, maybe the Applicant needs to
8 clarify that for us as well.

9 COMMISSIONER KRAMER: Please.

10 COMMISSIONER MAY: But I think the intention is that
11 at the -- you know, when they -- if they do have to drop down to
12 8 percent, which I understand they don't really want to ever do,
13 but who knows what's going to happen in 40 years, that it
14 would -- the East Tower would still contain sufficient affordable
15 units to provide 8 percent for the project as a whole, but you
16 did not understand it that way.

17 COMMISSIONER KRAMER: Well, if they -- I think I'm -- I
18 think it's confusing. It's a confusion because if they -- if
19 it's 8 percent for the -- if we're trying to preserve the maximum
20 of affordability for a structure that is serving -- that is
21 serving below market rate population that needs to live in below
22 market rate housing, then you don't want to spread the 8 percent
23 across the whole thing, you want 8 percent and then you want --
24 and then again, that -- we have nothing in the other building,
25 so they'd have to create something in the other building to make

1 | it work. I think you need -- we need clarification. We need
2 | clarification on that.

3 | COMMISSIONER MAY: Yeah. I don't think the intention
4 | is to --

5 | COMMISSIONER KRAMER: And we need to know that we're
6 | not losing something -- we're not really falling below our initial
7 | objective for affordability in the senior building.

8 | COMMISSIONER MAY: Again, I would ask the Applicant to
9 | clarify --

10 | COMMISSIONER KRAMER: Yes.

11 | COMMISSIONER MAY: That the 8 percent is -- would apply
12 | to the entire building and not just to one tower. The one tower
13 | that is going to be built as 100 percent affordable, that it
14 | would cover the 8 percent unit for the whole thing. Because it
15 | is not practical to think that 40 years down the line condominiums
16 | might somehow be converted to affordable units, that's just not
17 | a practical thing.

18 | You know, one thing I did not focus on, on the design
19 | is the tower of light. I think I thought about this more when
20 | it was set down and sort of lost my focus on it, but I appreciate
21 | your raising that issue again. And I am very interested in seeing
22 | something from the Applicant that shows what this is going to
23 | look like at night because I'm very concerned about how bright
24 | any kind of tower feature might be.

25 | There are some things that are already built in near

1 Southeast with, you know, extensive LED lighting going all the
2 way up the building and it's -- you know, it's not to my taste,
3 but I certainly -- you know, it's possible this could be done
4 quite tastefully, and it looks different and better than some of
5 those other ones, but I do want to have clarity on that, so I
6 appreciate your bringing that to our attention.

7 COMMISSIONER KRAMER: Can I add something to that?

8 COMMISSIONER MAY: Sure.

9 COMMISSIONER KRAMER: One of the problems -- the ANC
10 6D has been very adamant about the issue of lighting, exterior
11 lighting on buildings. The problem that it poses for us is that
12 it makes it more difficult to resist future requests. It's not
13 in character with the rest of the immediate surrounding in
14 Southwest, so it's a slightly different, slightly added concern.

15 COMMISSIONER MAY: Yeah, I appreciate that. I mean, I
16 think that generally speaking the Zoning Commission tends to be
17 more conservative about these things than what would happen on
18 matter of right projects because we have that level of control.
19 I do think we want to try to set a good example. So I'm not
20 completely opposed to the idea of the tower of light, I never
21 just -- it's, you know, what is it really going to look like, so
22 I'd like the Applicant to tell us more about that. Thank you.

23 COMMISSIONER KRAMER: Thank you.

24 CHAIRPERSON HOOD: All right. Thank you.

25 Commissioner Shapiro, any questions?

1 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. No.
2 Actually more of a comment than a question. I just want to thank
3 you for the thoroughness of the report. And you know, there were
4 a number of issues that feel like they're not in our purview,
5 but still the amount of work that you went into, I just -- as a
6 community -- I recognize your community leadership, it's
7 impressive.

8 I was taken by the comments that you have about
9 universal design, and I think we're going to see more and more
10 of that as we're looking at more and more senior housing, and I
11 take that to heart. I would appreciate the Applicant responding
12 to that even more specifically. And so they addressed a number
13 of issues that, you know, like universal design, but really aren't
14 the same, so some kind of more specific response to the universal
15 design piece. Because the response was actually avoided in their
16 answer the way I read it.

17 Commissioner May picked up on the other ones that did
18 feel like they were in our purview, and I would also say that I
19 think you have noticed, that the way that you presented with this
20 level of detail has elicited a series of response along with OP,
21 obviously, that have resulted in some already what feel like
22 significant improvements to the project as we see before us, so
23 thank you for that.

24 And Mr. Chair, that's all I have.

25 CHAIRPERSON HOOD: Okay. Thank you. Vice Chair Miller.

1 VICE CHAIR MILLER: Thank you, Mr. Chairman, and
2 thank you Vice Chair Kramer for your ANC 6D report and all your
3 work and effort on this case and all the other projects throughout
4 Southwest.

5 So I don't really have any questions either. I share
6 the comments of my colleagues about your testimony.

7 I will ask the Applicant, in addition to what we've
8 already asked for in terms of additional post-hearing
9 submissions, clarifying certain things and providing additional
10 information in response to our questions to the
11 Applicant -- dialogue with the Applicant. I will want them to
12 release either on rebuttal or in the post-hearing submission to
13 address the phasing issue. The phasing -- the timing issue of
14 the affordable wing versus the market rate wing.

15 And I think IZ regulations have certain requirements
16 about affordable being coming online at the same time as the
17 market rate units anyway, but this isn't quite the IZ regulation,
18 this is more affordable than the IZ, but there's precedent for
19 requiring that -- we would want something on in rebuttal or in
20 the post-hearing on the phasing.

21 And I saw the Applicant's response on balconies, but I
22 think you have raised it again. I think I would want -- get
23 additional information or at least reiteration of the points they
24 previously made as to why they're not feasible on the west wing,
25 particularly the western facade of the west wing as you pointed

1 out, where you said there already seems to be a projection of
2 bay windows so. I appreciate all the effort you made. Thank
3 you.

4 Thank you, Mr. Chair.

5 CHAIRPERSON HOOD: Okay. Thank you. Vice Chair Kramer,
6 I appreciate your testimony and all the time you put into that
7 well thought out submission.

8 So let's look at this. Most churches in -- most
9 churches that I'm familiar with -- I'm that familiar with
10 Westminster, I just know the programs that they have -- a lot of
11 churches have gotten into development in this city, Vice Chair
12 Kramer, because they are trying to offset their tithes and
13 offerings. I have spoken to a lot of pastors and --

14 PASTOR HAMILTON: Pastor Hamilton.

15 CHAIRPERSON HOOD: Sorry. I thought I heard an echo.
16 So I have run into a -- spoken to a lot of pastors over the years
17 who are trying to figure out ways to first of all, stay in the
18 city they've have gotten into development. And I think about
19 Matthews Memorial and some of the other churches. So I know of
20 the things that you're asking for also increase the cost. So
21 when we look at a church who's trying to sustain who I'm looking
22 at -- and I'm asking, I'm not saying which way I'm going, I'm
23 just trying to talk this through. When you look at a church
24 who's running all these racial equity through -- racial equity
25 lens, there's all these programs versus what they're trying to

1 do to offset their tithes and offerings to sustain. And I may
2 be speaking totally out of school, but they may not need any
3 additional -- well, I shouldn't say that about any church. They
4 may not have any -- a whole lot of financial problems as other
5 churches, because it varies. But when we put a lot of these
6 different requirements on churches, and I think it just really
7 goes into their budget and it really goes into their tithes and
8 offerings. So I understand some of this, I believe, can still
9 be worked out, but if I was to approach you like that, what would
10 you say Vice Chair Kramer?

11 COMMISSIONER KRAMER: Well, I'm not -- I'm not sure
12 that we're asking for much that is more costly when the -- this
13 is about retrofitting the building, for instance, for seniors.
14 At least when I read it, one of the things that struck me, and I
15 might have been oblivious to the issue other than the fact that
16 we have a general sort of list of important features in the senior
17 building, but they're putting in the blocks for the grab bars but
18 not the grab bars. I mean, those kinds of things seems to me
19 that's the kind of "penny-wise and pound-foolish" approach, and
20 so I think it's important to -- I think one, it would be ideal
21 for us in Southwest to be able to create a project that was really
22 exemplary for others to follow. But I think at least knowing
23 what they're doing and forcing that kind of that thoughtfulness
24 or that conversation or that inventory is extremely valuable. So
25 I'm not sure that we're talking about great expansion and course.

1 We would like the senior building to be affordable for the life
2 of the building. If it can't happen, it can't happen. You know,
3 we'll find that out. But again, we don't have any -- we have
4 not seen any -- and OP makes the same point -- we have not seen
5 any financial configuration or financial planning to know, know
6 whether we're talking about unbearable cost or whether we're
7 talking about something that's just intelligent planning. And
8 it seems to me we need that, and the Zoning Commission needs
9 that.

10 CHAIRPERSON HOOD: I very much appreciate your
11 response. I will echo my -- your comments and my colleagues'
12 comments about universal design. I think that is spectacular.
13 I will follow up with the Applicant on that. Hopefully they will
14 speak to that. And the only thing I think I can really do,
15 because it's quite a bit, and I appreciate all the work that the
16 ANC has done in this case, but all the previous cases because
17 there's been a lot of development that has happened since around
18 1999, I want to say, when Mayor Williams came to town with Andy
19 Altman. So I was around for that, and I remember telling Andy
20 Altman -- we did a ride through Southwest. I told him, I said
21 by the time this developed, I'll be dead and gone. So now I have
22 to retract those words because it sure enough flourished.

23 But I will tell you that I think this -- let me ask
24 you. I think there's still room for more conversation, Vice Chair
25 Kramer. I never like to close the door on a conversation. I

1 think that document that you provided to us, you can go work with
2 the Applicant and Westminster, Ms. Hamilton and others, Mr.
3 Freeman, Mr. Jordan and others and let's see how -- if we can
4 close the gap a little more because this whole issue about grab
5 bars, to me, I thought that would have been -- and I don't know
6 how far we go, but to me I thought that would have been just
7 unspoken amenity or unspoken item that naturally goes there. So
8 maybe I'm out of school, but I do know a little bit about aging
9 in place. I also sit on a senior board, so I understand. I
10 think you bring up some very wise comments. I forgot how you
11 phrased it, because I might want to use that again. What did
12 you say about foolish -- maybe I didn't hear you correctly. You
13 said something.

14 COMMISSIONER KRAMER: About bananas? Not about
15 bananas.

16 CHAIRPERSON HOOD: Yeah, I remember the green bananas.
17 I usually buy them and let them get ripe. But --

18 COMMISSIONER KRAMER: Penny-wise and pound-foolish, I
19 said.

20 CHAIRPERSON HOOD: Penny-wise and pound-foolish. Okay.
21 I won't use that in Zoning, but I will use that somewhere else.

22 COMMISSIONER KRAMER: Please do. It's not mine
23 originally.

24 CHAIRPERSON HOOD: Okay. Well. So I think we can have
25 some more discussion and especially what's within our purview,

1 but also, I don't want to put so much pressure on this particular
2 church that the project goes away. And I think none of us do.
3 I think none of us do, but I think those are some things THAT we
4 need to have under consideration. I appreciate all the work that
5 you and your ANC have always done. Well thought out.

6 Let's see if we have any follow-up questions,
7 Commissioners? I'm not seeing any. Okay.

8 Let's see if we have any cross, either Mr. Freeman or
9 Mr. Jordan.

10 MR. JORDAN: Chairman Hood, I just got a few very quick
11 questions, if I may.

12 Commissioner Kramer, is your e-mail address
13 6D05@anc.dc.gov?

14 COMMISSIONER KRAMER: That's right.

15 MR. JORDAN: And are you familiar with Exhibit 46,
16 Exhibit D, where there is -- where the Applicant has shown that
17 on file emails from April 12th, 2021, to all the ANC 6
18 Commissioners which would include your email; on April 27th,
19 2021, and also on May 3rd, 2021, requesting a meeting with the
20 ANC to continue having dialogue, did you not receive any of those
21 emails?

22 COMMISSIONER KRAMER: I think we all received all of
23 them. That's a while ago, and in this project it's an eternity
24 (audio interference) because I tried to clear, I tried to clarify.
25 We have been -- in a way, I guess the best way that I can clarify

1 | it is we've all been in touch because of the other project, and
2 | the other project was forcing us into a question of, basically,
3 | an existential question about this project.

4 | MR. JORDAN: If I may. If I may, Commissioner, are you
5 | familiar that the Greenleaf project, the partnership is between
6 | Bozzutto, EYA, and Pennrose, and it does not include Westminster
7 | Church or Dantes. Are you familiar with that?

8 | COMMISSIONER KRAMER: Yes.

9 | MR. JORDAN: Okay. So the answer to the question, let
10 | me ask you, so then these emails that we talked about in Exhibit
11 | 46, Exhibit D of 46, is there a response from the ANC saying yes
12 | they would meet, or anything in response to that?

13 | COMMISSIONER KRAMER: I don't know. I don't have
14 | anything more than you have in your record.

15 | MR. JORDAN: Did you respond to those emails saying yes,
16 | you would meet?

17 | COMMISSIONER KRAMER: No. I don't have anything more
18 | than you have. You have exactly the record that I have.

19 | MR. JORDAN: I'm asking, did you --

20 | COMMISSIONER KRAMER: Let me just suggest, we are
21 | available. We can meet. I just heard the Chair make the
22 | suggestion that there was some more work to be done. I think
23 | that is correct, and I think we're ready to do it. One of the
24 | things that I believe you have heard is that we have been
25 | concerned, and it's -- all parties have known, we have been very

1 concerned about the treatment of the Build First and how it
2 interacts with this project. So we're ready to meet. I mean, we
3 can meet next week. We can send out a doodle, whatever, and set
4 up some time next week. That's fine. I think we all know what
5 the issues are that have been (audio interference).

6 MR. JORDAN: (Audio interference.)

7 CHAIRPERSON HOOD: Hold on one second. Let me just
8 interrupt. I want to try to take as much off the table as we
9 can. Vice Chair Kramer, I think the concern about the
10 other project, Greenleaf, I thought we dispelled that. I think
11 we -- hasn't that been taken care of tonight? So we can take
12 that off
13 -- well, I mean, I'm saying tonight. This is when I was involved,
14 or the Commission was involved. Can't we take that off the table,
15 or is that still on the table?

16 COMMISSIONER KRAMER: Well, I think what we need to do
17 is set out a set -- we can work together, to set out the list of
18 issues that we can clarify and say these are now on the record
19 as either passed, forgotten, or they resolved in X, Y, or Z way,
20 and I think we can do that now.

21 CHAIRPERSON HOOD: But Vice Chair Kramer, let me back
22 up. Mr. Jordan was asking you a question, and he was asking did
23 you respond to the emails.

24 COMMISSIONER KRAMER: I have no idea.

25 CHAIRPERSON HOOD: You're not aware.

1 VICE-CHAIRMAN KRAMER: I don't have any-- the only
2 thing I have is the same email record that he has.

3 CHAIRPERSON HOOD: Okay. So the answer -- okay. All
4 right.

5 MR. JORDAN: So to my point, if I may, Mr. Chairman,
6 is Commissioner Kramer at the next request by this development
7 project, the development project can expect a response from you
8 or the ANC that they will meet; is that correct?

9 COMMISSIONER KRAMER: I sorry, I didn't quite
10 understand the question. Are we available to meet with you?
11 Yes. Is that the question?

12 MR. JORDAN: It was actually would you respond to us
13 requesting, but we'll take that. Thank you. Thank you.

14 COMMISSIONER KRAMER: Let me also say that if we --
15 we can set up a set of stipulations. I don't want to do it right
16 now. We can set up a set of stipulations, go back to our ANC
17 and say, you know, these are the stipulations. This is what we
18 learned from this hearing. Are we ready to go back and approve
19 with condition? I mean, there are certainly going to wind up
20 being conditions in any case, but that's not a, you know, that
21 happens all the time. We can certainly do that. I mean, that's,
22 you know, we've made progress tonight, but we have to make sure
23 that we can put in the record both for all parties, including
24 all the rest of the commissioners that we are responsible for.

25 CHAIRPERSON HOOD: So Vice-Chair Kramer, I want to

1 | thank you for saying you made progress tonight, so that gives me
2 | hope, and even if we don't come back holding hands and agreeing
3 | on everything, that gives me hope that we can come back with a
4 | workable solution that the ANC possibly can do with conditions,
5 | so even possibly can support it just outright.

6 | COMMISSIONER KRAMER: Right.

7 | CHAIRPERSON HOOD: Again, additional conversation does
8 | not hurt. Some things may have been clarified here tonight that
9 | may or may or not have been clarified previously, at least to
10 | the ANC's satisfaction. It may be some communication issues, and
11 | it may not be. Maybe we just want more. I don't know. But I
12 | think both sides can, we can get there. I'm confident that we
13 | can get there.

14 | I didn't mean to cut off your Applicant's cross
15 | examination. Mr. Freeman or Mr. Jordan, any addition?

16 | MR. JORDAN: No, I'm good. Thank you so much, Chairman.
17 | I just wanted to make sure that we were going to be able to have
18 | a meeting, and it doesn't just last just beyond this conversation
19 | like it did in the past. Thank you.

20 | CHAIRPERSON HOOD: So Vice Chair Kramer has agreed to
21 | a meeting. I am sure Mr. Litsky and all others who are in that
22 | ANC, or whoever is going to be there will be up to the task.

23 | All right. Let's see. We did the cross. All right,
24 | so we are now at the testimony of organizations. We'll have
25 | five minutes. I don't know if we have any organizations or

1 individuals, Ms. Schellin, either in support, opposition, or
2 undeclared.

3 MS. SCHELLIN: Yes. We have three. We have one in
4 support, and I don't know that I saw him on there. That would
5 be Cory McKinney. I do not see him on there.

6 So then we go to opposition. That would be Andy Litsky.
7 And if you want to bring the undeclared person --

8 MR. LITSKY: Ms. Schellin, I did not wish to testify
9 this evening.

10 MS. SCHELLIN: Okay.

11 MR. LITSKY: Commissioner Kramer testified for us.

12 MS. SCHELLIN: All right, thanks, Andy.

13 Okay, we have Christopher Williams as undeclared.
14 Let's see if Mr. Williams is on.

15 CHAIRPERSON HOOD: Let me say good evening,
16 Commissioner Litsky. (Audio interference). So we only have
17 questions that's undeclared?

18 MS. SCHELLIN: I do not see Mr. Williams, so it appears
19 that they were the only ones who signed up to testify, so it
20 appears that is the end of testimony.

21 CHAIRPERSON HOOD: I am sorry about that. Maybe I'll
22 put my phone on vibrate. It doesn't ring until I get into a
23 hearing. Okay. All right.

24 So we don't have anyone who is trying to reach us, Ms.
25 Schellin, or anything of that nature? I just want to make sure,

1 | so we don't have to come back.

2 | MS. SCHELLIN: I'm going to check my email right now.

3 | CHAIRPERSON HOOD: Nobody is having any technical
4 | difficulties or anything? Just take your time and let's make
5 | sure.

6 | MS. SCHELLIN: No, sir.

7 | CHAIRPERSON HOOD: Okay. All right, Ms. Schellin has
8 | gotten no calls. Okay. Great. All right. So we have made the
9 | attempt to try to get those who wanted to testify, undeclared,
10 | Mr. Williams, and others, but to no avail.

11 | All right, let's keep moving. Let's go to rebuttal and
12 | closing. Mr. Freeman and Mr. Jordan.

13 | MR. FREEMAN: So I will start. Thank you, Chairman
14 | Hood and Commissioners for your time this evening. I'm trying
15 | to gather my thoughts, if you will, for rebuttal. I would say
16 | most of, if not all of what the Commissioner testified about this
17 | evening, we've actually submitted written responses to
18 | essentially all of those comments. We'll happily do so again or
19 | happily meet and respond to or meet her request.

20 | I do think it's important to note, in our view, the
21 | Greenleaf issue asked and answered. I think that's been resolved.
22 | I think the duration of affordability, asked and answered. I
23 | think we clearly have responded to that.

24 | I think their concern about the bike lane, that is a
25 | isn't totally public space permitting process. Curbside

1 management is something the Zoning Commission has said many, many
2 times, public space, curbside management, are public space
3 permitting issues. So I think the ANC's view that that has to
4 be resolved before the Zoning Commission can approve this project
5 is inconsistent with prior hearings, just the way the Zoning
6 Commission treats public space.

7 Balconies, happy to meet with them and show them the
8 difficulties of adding balconies on the West Tower. We've done
9 that. We submitted it. We emailed it to them, but will happily
10 do that again, and include that in the record.

11 I think there was a question about the phasing. I
12 think what sometimes happens is we tend to think of this as two
13 different building. It's actually a single building. Assuming
14 the project is approved, hopefully, we will have two years to
15 file a building permit for the building to use to start
16 construction, so are not asking for any special phase in, other
17 than what the regulations already allow for.

18 A lot of the other stuff, interior design of the senior
19 units, physical and functional delineations between a church and
20 the units, and I don't want to put testimony in your month, Mr.
21 Chairman, but Dantes Partners have delivered hundreds and
22 hundreds of senior affordable housing units across the District.
23 They will design a project that meets the needs of the residents.

24 Do we know the height of the railings? Do we know the
25 height of the cabinets? I don't know that that goes in a PUD

1 order, but suffice it to say, we will do, quote/unquote, universal
2 design to make sure that the interior layout of the units actually
3 serve the population that we're trying to serve, which are seniors
4 aging in place.

5 Lighting of the tower. I hate to keep calling it a
6 tower. I hate to keep calling it a tower of light. I think
7 that's maybe giving a false impression of how it will really
8 look. In our submission, we describe and show that it will be
9 backlit. That the back lighting will be a soft glow ranging from
10 5 to 10-foot candles, so it's not neon, a blue neon sign. It's
11 backlit, foot candles, 5-to-10-foot candles. And happy to show
12 some images of that, but that's what we have said publicly, that's
13 what we've put in writing, and we will continue to make that
14 case.

15 I think the comment about the plan is at the south end
16 building. You've heard DDOT say we will work with them during
17 the public space permitting process in regard to the trees, and
18 we will agree to their condition on that.

19 So I don't mean to -- certainly, like you, I appreciate
20 all of the ANC's effort. This is very detailed. We have tried
21 to be responsive to that and would look forward to hopefully a
22 follow-up meeting with the ANC to go through all of that.

23 That being said, I do think this record is full and
24 complete. I have a list of I think seven items that the
25 Commission asked for: One, a re-look at the color of the

1 materials to make sure that it can wear well over time and easily
2 maintained. I think that came from Commissioner May and seconded
3 by Commissioner Shapiro. I think I heard Commissioner May ask
4 for some samples from other buildings of the, maybe it's not CMU,
5 but the material at the base to show some examples of what that
6 looks like, that is the number two item.

7 I think Commissioner Shapiro asked us to pull out our
8 response on the LEED and solar panel response. Happy to pull
9 that information out.

10 Number 4, Commissioner Miller asked for pull out more
11 additional information on the consistency, what the Comp Plan,
12 particularly as it relates to the proposed FAR, and more detail
13 on the racial equity. We agree that OP's analysis is spot on,
14 but we're happy to add on our two cents to that. So that would
15 be number five.

16 Number 6, I think Chairman Hood you asked a question
17 about the (audio interference), how it's maintained, make sure
18 that it's not going to be dirty and poorly maintained in five
19 years. We will provide that information to you.

20 Number 7, I think Commissioner asked us to respond to
21 the question about phasing. I think I just responded that. We'll
22 file a building permit in two years and start construction in
23 three. It's a single building for zoning purposes, and we're
24 happy to resubmit the information on the balconies.
25 the docket.

1 So overall, I think members of the Commission -- this
2 case is fully, fully consistent with the Comprehensive Plan,
3 fully meets the PUD evaluation standards. So I think we have a
4 full record. I would ask the Zoning Commission to take proposed
5 action. We will submit a post hearing submission and work with
6 the ANC to hopefully achieve final action as expeditiously as
7 possible. But that's (audio interference), Commissioners. Thank
8 you.

9 CHAIRPERSON HOOD: Thank you.

10 MR. SCHELLIN: One other --

11 CHAIRPERSON HOOD: Thank you.

12 MS. SCHELLIN: Chairman Hood, one of the Commissioners
13 asked --

14 CHAIRPERSON HOOD: Who is that?

15 MS. SCHELLIN: Ms. Schellin.

16 CHAIRPERSON HOOD: Go ahead, Ms. Schellin.

17 MR. SCHELLIN: To look at -- consider two-bedroom
18 units. I thought I heard one of the Commissioners ask about
19 considering two-bedroom units.

20 COMMISSIONER MAY: Yeah, I want them to answer the
21 question --

22 MS. SCHELLIN: Vice Chair Miller or Peter May -- Peter
23 Shapiro.

24 CHAIRPERSON HOOD: Commissioner May.

25 COMMISSIONER MAY: I asked are two-bedroom units

1 feasible and if not, why not.

2 MS. SCHELLIN: Right.

3 COMMISSIONER MAY: Something like that, so, yes.

4 MS. SCHELLIN: Yes, the two-bedroom units. Sorry, I
5 was keeping notes and my notes disappeared.

6 MR. FREEMAN: We'll add that to our list. The
7 feasibility --

8 MS. SCHELLIN: I'm the one having the difficulties this
9 evening, Chairman Hood.

10 CHAIRPERSON HOOD: All right. So, Mr. Freeman, put
11 that from Commissioner May, put in parentheses snoring.
12 (Laughter).

13 Gotta have some fun sometimes. We'll talk about that at another
14 time, Commissioner May.

15 COMMISSIONER MAY: Like sleep with machines and things
16 like that running, and that's not always good for your partner.
17 Not that I --

18 CHAIRPERSON HOOD: It makes it good -- you get a good
19 night's rest. Anyway. All right.

20 So I will say this though. Again, I think what's really
21 important, not to just mimic what OP said about the racial equity
22 lens. If you have something you want to add, that would be great
23 too, but as Vice Chair Miller had mentioned, if you agree with
24 it, but I don't want you to think that are you confined to what
25 OP has. If you have something that you want to put in there or

1 add some more elements, I think that will enrich, especially
2 coming from (audio interference) will enrich our process as well.

3 I think we've covered it all. Let me look at my
4 colleagues. Again, what I would ask is not necessarily a one
5 pager, like a maybe a one and a half page of places. If you can
6 work with that with Vice Chair and the Applicant. You all can
7 work together. Wouldn't you agree that those seven items I think
8 it was, or whatever it was, eight or nine, or would you disagree?
9 Like a joint, Vice Chair Kramer, if it's okay, like a joint
10 opinion fact sheet or where you all agree and where you still
11 have some issues, especially within our jurisdiction.

12 COMMISSIONER KRAMER: Yes, I think that would be
13 helpful if we could have something to -- I think it would be very
14 helpful to lay out it, even if it just point by point, not even
15 if just -- point by point, so that you can -- so that we can meet
16 and understand where it is -- if we still have any room or where
17 we are actually looking for information. There were several
18 cases where I did we didn't -- we really didn't have enough
19 information to make a judgment.

20 CHAIRPERSON HOOD: So I the next the nexus between
21 Greenleaf, at least I want to make sure we understand. No, I
22 don't expect -- I'm going to tell you, I'm not looking to see
23 that on there because I think we have an understanding. I may
24 be incorrect, but I think we have an understanding.

25 Commissioner Shapiro.

1 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I want to
2 make sure that I'm understanding with what we're asking for
3 because if I'm looking at the Applicant's Exhibit 49. I mean,
4 my reading of 49 is it is an item-by-item response to the ANC's
5 presentation, and so if what we're asking for then is a response
6 from the ANC to the response from the Applicant. That's what it
7 says there.

8 CHAIRPERSON HOOD: No. What I'm asking for, they can
9 take this document and tell me where they agree and where they
10 don't disagree because this document comes from the Applicant
11 with no input from the ANC the way I read it.

12 MR. JORDAN: If I could, Commissioner Shapiro --

13 CHAIRPERSON HOOD: Hold on one second. Let me just
14 finish. The way I read it, that document is coming from the
15 Applicant about how they interpret what the ANC wants in there.
16 They can use that document and go from there. We don't have to
17 create a whole lot of stuff (audio interference). You can start
18 right there. Does that answer your question?

19 COMMISSIONER SHAPIRO: It does. Thank you, Mr.
20 Chairman.

21 MR. JORDAN: Chairman, I just want to be -- because I
22 thought what you were trying to get at Chairman Hood that we can
23 take that document after the subsequent meeting and indicates on
24 the list what's resolved and what's not resolved and the reason
25 why that there's still a difference. I thought that's what --

1 CHAIRPERSON HOOD: Yeah, that's pretty much it, but I
2 think from what I'm hearing, Mr. Jordan, from what I'm hearing
3 from Vice Chair Kramer is she needs a little more, I mean, the
4 ANC would like a little more understanding. You might have to
5 go in a little more detail. Even though it's there, you can
6 probably just read it from there and tell them this is what you
7 are planning. And I think that will solve the problem.

8 MR. JORDAN: And I thought it might be better to work
9 across the table, and then you do a list after that because then
10 you would know, and they would know --

11 CHAIRPERSON HOOD: No, no. no. Let me just say this.
12 Here's what I don't want to go on record. I don't want to go on
13 record telling you all how to do the meeting. Whichever way you
14 all come up with, is fine. But the end result, that's where we
15 meet. We on the same page?

16 MR. FREEMAN: We are. Mr. Chairman, I hate to interrupt
17 your deliberations, but I would like to ask a question.

18 CHAIRPERSON HOOD: Sure.

19 MR. FREEMAN: Since we have Commissioner Kramer, and I
20 think we have Commissioner Litsky on the phone, I'm wondering if
21 we could try to -- hopefully, we'll be moving towards some dates,
22 but can we commit publicly now that we will endeavor to meet
23 within the next week, Commissioner Kramer?

24 VICE CHAIRMAN KRAMER: I don't have a calendar in front
25 of me. I can go get one. I don't know about the next week,

1 | but --

2 | CHAIRPERSON HOOD: You know what? There seems to be
3 | problem. Maybe next --

4 | VICE CHAIR KRAMER: Two weeks instead of one week?

5 | CHAIRPERSON HOOD: Let's put it on the record. Vice
6 | Chair Kramer, turn your video off. Go get your camera, get your
7 | calendar to see --

8 | VICE CHAIRMAN KRAMER: Hold on one second.

9 | MR. JORDAN: Since we're at the conclusion, while we're
10 | doing that, Chairman, could I take a little liberty. I never
11 | wanted to come off (audio interference) with a condition for not
12 | making a statement that I really appreciate the hard work by the
13 | Commission and the Commissioner because people don't really
14 | realize how difficult it is for you to do, for the Commissioners,
15 | for the Zoning Commissioners as well as the BZA board members to
16 | do this, and I understand that you have had hearings every day
17 | this week just about, and, you know, we've already went (audio
18 | interference), and so I just want to say I appreciate you, and I
19 | think everybody should really recognize whether or not you agree
20 | or not with what the Zoning Commission does, but people need to
21 | recognize the hard work that has gone into this.

22 | And the last thing I want to say is that I really
23 | appreciate Steve Cochran who has the attitude in government that,
24 | he has the attitude (audio interference) but how can we get this
25 | done within the confines of the law, and that's a real special

1 employee to do that.

2 Thank you, Mr. Chairman.

3 CHAIRPERSON HOOD: Thank you, Mr. Jordan, for your
4 comments. I think you know it firsthand what we do. I will say
5 though Mr. Jordan made an announcement, I was going to make it
6 at the end, we will not have our regular meeting tomorrow due to
7 some unforeseen circumstances. We're going to have to move that,
8 but I will make announcement shortly after we finish this up.

9 So let's -- not that we're going to hold you to it, it
10 seems like we need to try find some dates, and I know you have
11 to depend on your colleagues as well, of when you all can meet
12 in the next week or --

13 COMMISSIONER KRAMER: Chair Hood, I would -- since
14 we're dealing with at least six people with busy schedules, what
15 I would suggest is send something out now and see if we can, we
16 can certainly commit, I would change commit, but we can certainly
17 aim for getting it done before the, at least within the next two
18 weeks, I would guess. I don't know. I mean, I can't speak for
19 everybody, but we can do that, and what I understand we're trying
20 to accomplish is getting a list out to our parties, meaning our
21 Commission, and the Applicant, and just getting a list out and
22 saying here's what's on the table, and we will try to hash that
23 out, and we'll send out a calendar to see who can meet when. We
24 have a holiday unfortunately in this, in the middle of this as
25 you know.

1 CHAIRPERSON HOOD: I found out now I meet on weekends
2 and holidays. I used to say I didn't do things, but I do now,
3 and always have for years.

4 But let's say this. You all will have a meeting no
5 later than October the 19th; is that a fair assessment?

6 COMMISSIONER KRAMER: We have our own, our ANC meeting
7 on the 18th, so let me just, let me just see what I'm doing here.
8 I think that probably works. No later than the 19th, than October
9 19th.

10 CHAIRPERSON HOOD: We'll give you until the 20th. And
11 I think on record that you all, the Applicant and the ANC will
12 meet October the 20th. Do my colleagues object to that?

13 COMMISSIONER KRAMER: Well, by October 20th. That
14 would be --

15 CHAIRPERSON HOOD: By October the 20th.

16 COMMISSIONER KRAMER: Today is only the 4th. That
17 looks like it's reasonable.

18 CHAIRPERSON HOOD: We can all find time to I think,
19 hopefully, between then.

20 COMMISSIONER KRAMER: Okay.

21 CHAIRPERSON HOOD: And normally we don't get into
22 that, but it seems like it was a necessity for some reason
23 tonight. All right.

24 COMMISSIONER KRAMER: Can I just understand, just for
25 my understanding, are you, you would then expect us to come back

1 to you on a certain date; is that correct or not?

2 CHAIRPERSON HOOD: I'm going to let Ms. Schellin hash
3 all that out.

4 COMMISSIONER KRAMER: Okay.

5 CHAIRPERSON HOOD: -- but you will give us where you
6 all are in things, and we will --

7 COMMISSIONER KRAMER: By the --

8 CHAIRPERSON HOOD: I will tell you, everybody go into
9 that meeting with an open mind, what's doable. I know there are
10 a lot of questions that the ANC still has, and then here's the
11 thing. It's better for the ANC and the community to make the
12 decision because we're going to definitely make the decision, but
13 it's always good if you all can close the gap.

14 COMMISSIONER KRAMER: I appreciate that. I think we're
15 -- that's the right spirit, to help us out.

16 CHAIRPERSON HOOD: Okay. All right. So let say this,
17 Vice Chair Kramer. I hate to keep elaborating on this, but I'm
18 confident that you will all be 95 percent. Now, I went on a
19 limb. All right. So is there anything else colleagues?

20 (No response.)

21 Okay. Ms. Schellin, could you come up with some dates
22 for us, please?

23 MS. SCHELLIN: Commissioner May has his hand up.

24 COMMISSIONER MAY: So Mr. Freeman on a couple of things.
25 I have raised the issue with Vice Chair Kramer about the 8 percent

1 IZ that will be left in year 41. Can you confirm that that will
2 in fact be 8 percent of the entire project?

3 MR. FREEMAN: I'm sorry. Yes, it's 8 percent of the
4 total entire building would be a base, a floor of 8 percent of
5 the total building would be IZ in year 41. When I say base, it
6 could be more than that, so --

7 COMMISSIONER MAY: Right.

8 MR. FREEMAN: It's based on the entire square footage,
9 the east wing, the west wing, the entire building, 8 percent of
10 that total.

11 COMMISSIONER MAY: And then when it comes to the tower
12 of light or whatever you want to call it. You know, there is a
13 rendering in the package that's sort of a dusk level. I mean,
14 it's early evening. It's hard to understand the contrast that
15 will come from that tower of light. And, you know, 5-to-10-foot
16 candles of light can be very dim in certain circumstances, and
17 it can be extremely bright. It really depends on what the light
18 levels around it are. So I don't know how accurately that can
19 be rendered on your design team, but I think something that shows
20 us actually at night would be helpful to understand what it would
21 like. Just how bright it is.

22 MR. FREEMAN: Will do. Thank you.

23 COMMISSIONER MAY: It also wouldn't be a bad idea if
24 there were precedent images from other similar backlit pieces of
25 buildings that show that. I think that would also be helpful in

1 MR. FREEMAN: Understood. Thank you.

2 COMMISSIONER MAY: Thank you.

3 CHAIRPERSON HOOD: Okay, anything else? Ms. Schellin,
4 did you give the dates?

5 MS. SCHELLIN: Not yet.

6 CHAIRPERSON HOOD: Okay.

7 MS. SCHELLIN: Peter May kept adding more.

8 MR. FREEMAN: I think Commissioner Kramer had her hand
9 up.

10 MS. SCHELLIN: I think she was just waiting for
11 clarification.

12 COMMISSIONER KRAMER: I'll wait for Ms. Schellin to
13 tell what we are up.

14 MS. SCHELLIN: Okay. So in anticipation that you guys
15 might meet before the 20th, are we going to aim for October 28th
16 for consideration for the first vote? Is that what you want to
17 aim for?

18 MR. FREEMAN: So the Commission is not going to take
19 proposed action tonight:

20 MS. SCHELLIN: I don't --

21 COMMISSIONER MAY: I kind of ignored because I tend not
22 to want to do proposed action when we have opposition, and we
23 have opposition at the moment from the ANC, but that's my view.
24 I'm only one.

25 CHAIRPERSON HOOD: Let's move to the next question.

1 Thank you, Mr. Freeman, we heard you. So we didn't respond, you
2 know what that means. I think we have some loose ends we need
3 to tighten up, and once those get tightened up, I think we'll be
4 fine to proceed.

5 MS. SCHELLIN: Okay. So, is that a yes, Mr. Freeman
6 and Mr. Jordan, you want to aim for --

7 COMMISSIONER KRAMER: I'm sorry. You want us to come
8 back to the Commission on the 28th?

9 MS. SCHELLIN: No, you don't have to do anything.

10 CHAIRPERSON HOOD: We're going to make a decision on
11 the 28th.

12 MS. SCHELLIN: You don't get to talk, it's just in
13 writing. So your responses will all be in writing. So I'm just
14 aiming for the decision meeting. So backing up from October
15 28th, can you, the Applicant, have all of those things ready by
16 October 15th, that's next Friday.

17 MR. FREEMAN: Yes, Ms. Schellin.

18 MS. SCHELLIN: And then the ANC has one week to respond
19 to those submissions, which would be October 22nd. Of course,
20 everything is done by 3:00 p.m. Draft, findings of fact and
21 conclusions of law also due on the 22nd at 3:00 p.m. And then
22 we go into the one document that you guys both need to submit,
23 and that's a follow up to your meeting with the ANC, the ANC and
24 the Applicant. Not knowing what date you guys are going to meet,
25 I'm going to say that document will be due on October 22nd also.

1 So whatever date you guys meet, whether you guys meet
2 on, you know, this Friday or next Wednesday, whatever your list
3 is of what is still outstanding, Ms. Kramer, will be due the same
4 day your response to the Applicant's submission that is due on
5 the 15th, and you can call me tomorrow. I can tell you look a
6 little confused --

7 COMMISSIONER KRAMER: I'm a little bit concerned,
8 and the reason I'm concerned is that it could be since we
9 committed to meet together no later than the 20th, it does not
10 feel like it -- if that's the first time we're going to be
11 actually sitting at a table together as Mr. Jordan suggested, I
12 think it was Mr. Jordan.

13 MS. SCHELLIN: It's by the 20th.

14 COMMISSIONER KRAMER: That's right. So we can't
15 produce -- you wanted us to produce essentially a joint document
16 --

17 MS. SCHELLIN: No.

18 COMMISSIONER KRAMER: -- that could get to you by the
19 22nd.

20 MS. SCHELLIN: I don't think they said a joint document.
21 It's just what you think is still left.

22 MR. FREEMAN: The Applicant --

23 CHAIRPERSON HOOD: Since I asked for it, let me clarify
24 it. I did say the word, "joint," but if it comes from ANC and
25 from the Applicant, and as far as I'm concerned, I would just

1 | hope that you will work in tandem with that document (audio
2 | interference) separate covers, but in tandem, so we won't have
3 | the Applicant saying one thing and the ANC saying something else.
4 | I'm trying to unify the response, even if you disagree, that's
5 | fine, but I think that's probably been some of the problem, so
6 | I'm trying to bring some of that disagreement, so we are
7 | understanding what is really on the table between the ANC and the
8 | Applicant.

9 | COMMISSIONER KRAMER: I think what I'm saying is, and
10 | can be wrong, but if you -- if the possibility is that the first
11 | time we are at a table is the 20th, it is not realistic for us
12 | to then produce our independent or together documents in two
13 | days. That's what 'm saying.

14 | CHAIRPERSON HOOD: Right, I agree with you Vice Chair
15 | Kramer --

16 | COMMISSIONER KRAMER: Okay.

17 | CHAIRPERSON HOOD: -- but I said you all will meet by
18 | the 20th. You all can meet tomorrow.

19 | COMMISSIONER KRAMER: No, no, I understand that. I
20 | understand that. I'm just -- what I'm saying is I don't -- we
21 | can't meet tomorrow because tonight's tonight, but the worse-
22 | case scenario is what I'm saying is we'll meet by the 20th, in
23 | which case that doesn't allow us enough time. That's all. If
24 | it's still possible to push your date up a little --

25 | CHAIRPERSON HOOD: Hold on everybody. This is getting

1 | to be longer than the hearing, so I don't want that to be longer
2 | than the hearing.

3 | COMMISSIONER KRAMER Okay.

4 | CHAIRPERSON HOOD: So if the 20th doesn't work, I think
5 | -- I was responding to what I've heard from the Applicant about
6 | trying to set down and have a meeting with the ANC. So why don't
7 | we push the date back to the 14th?

8 | MS. SCHELLIN: Yes.

9 | CHAIRPERSON HOOD: Could we have a meeting by the 14th?

10 | MS. SCHELLIN: Yes.

11 | COMMISSIONER KRAMER: We're better off with the other
12 | thing, and we'll just do what we can do. That's all I can say.
13 | I mean, this week is almost -- is out for me, and so that's one
14 | more week. We can certainly try that, but why don't leave it on
15 | the 20th because we have some room. It's just a question of when
16 | -- what the next slot is, or the next iteration, whatever happens
17 | with the Zoning Commission.

18 | MS. SCHELLIN: We usually don't have a problem with the
19 | documents being due within two to three days after the meeting.
20 | We do this all the time.

21 | COMMISSIONER KRAMER: I see. Okay. Well, whatever you
22 | say we have to do, we'll do.

23 | MS. SCHELLIN: Yeah. I think since you already have -
24 | - I think maybe there's some confusion, but since you already
25 | have that exhibit in the record, we can talk about this tomorrow.

1 Why don't you call me?

2 COMMISSIONER KRAMER: Okay. Excellent.

3 MS. SCHELLIN: Okay. And then we will take this up at
4 4:00 p.m. on October 28th. Is everybody good now?

5 Ms. Kramer, please, call me tomorrow. I'll be in the
6 office by eight.

7 COMMISSIONER KRAMER: Okay.

8 MS. SCHELLIN: Okay?

9 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Ms.
10 Schellin will help you out.

11 COMMISSIONER KRAMER: She always does.

12 CHAIRPERSON HOOD: So that's good to know. So any
13 other issues on this case?

14 All right. Thank everybody for their participation
15 tonight.

16 The Zoning Commission will meet again -- well, we were
17 going to meet tomorrow, as I stated, we were going to have our
18 regular monthly meeting on October the 5th. That meeting has
19 been canceled. I believe the date is October the 14th, which we
20 already have a scheduled meeting, so we will make the necessary
21 requirement notices. We will just add whatever we were going to
22 do tomorrow for our October the 14th meeting, again, we had to
23 cancel tomorrow for some unforeseen circumstances.

24 Also, the Zoning Commission will meet again on October
25 the 7th. We will hear Zoning Commission Case No. 12-08B. This

1 is in reference to -- let me open up my file -- this is Zoning
2 Commission case 12-08B, a set down -- no, not a set down, but
3 this is a proposed text, a zoning text amendment to Subtitle K,
4 Case 603, St. Elizabeths, StE-2 Zone. So that's one of the cases.
5 And then the same night, and this goes back to Mr. Jordan's point,
6 the same night we are going to have Zoning Commission Case --
7 hold on one second. I want to make sure I announce it for the
8 public. One moment, please -- 12-05. This is a text amendment
9 for IZ-XL Phase No. 2, applying inclusionary zoning of
10 conversions of nonresidential buildings to residential use.

11 So those will be the two cases we will hear this coming
12 week, October the 7th, on these same platforms at 4:00 p.m.

13 Ms. Schellin, do we have anything else before us?

14 MS. SCHELLIN: Just to correct, that's 21-05.

15 CHAIRPERSON HOOD: What did I say?

16 MS. SCHELLIN: 12-05.

17 CHAIRPERSON HOOD: I'm looking -- I'm looking at 21-
18 05. Must be -- okay, let me see. It's after 7:20, so.

19 MS. SCHELLIN: Oh, yes. Very much so.

20 CHAIRPERSON HOOD: Okay. All right. So thank you.
21 Zoning Commission Case 2105. Thank you, Ms. Schellin.

22 Ms. Schellin, do we have anything else?

23 MS. SCHELLIN: Nothing else.

24 CHAIRPERSON HOOD: I want to thank everyone for their
25 participation, and all the hard work that everyone has done in

1 | this case. And with that, this hearing is adjourned. Goodnight
2 | everyone.

3 | (Whereupon, the above-entitled matter went off the
4 | record at 7:30 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: 10-04-21

Place: Teleconference

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