

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL PUBLIC HEARING

+ + + + +

TUESDAY

OCTOBER 19, 2021

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IN THE MATTER OF:      :
                        :
Park View Community & The : Case No.
District of Columbia   : 16-11
Consolidated PUD &    :
Related Map Amendment from :
R-4 & C-2-A to R-5-B & :
C-2-B                  :
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The Special Public Hearing of Case No. 16-11 by the District of Columbia Zoning Commission convened via videoconference, pursuant to notice, at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY HOOD, Chairperson
- ROBERT MILLER, Vice Chair
- PETER SHAPIRO, Commissioner
- PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, Esquire

JACOB RITTING, Esquire

The transcript constitutes the minutes from the
Special Public Hearing held on October 19, 2021.

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

OPENING STATEMENT:
 Anthony Hood 4

PRESENTATION:
 Case No. 16-11: Park View Community and the District of
 Columbia. Consolidated PUD and Related Map Amendment
 from R-4 & C-2-A to R-5-B and C-2-B, bounded by Irving
 Street, Georgia Avenue & Columbia Road, NW and Private
 Property - Bruce Monroe Redevelopment (Square 2890, part
 of Lot 489) - Ward 1 11

COMMENTS AND QUESTIONS:
 Commissioners 33

ADJOURN:
 Anthony Hood 237

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

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. Today's date is October 19th, 2021. We're convening
5 and broadcasting this public hearing by videoconferencing. My
6 name is Anthony Hood, and I'm joined by Vice Chair Miller,
7 Commissioner Shapiro, and Commissioner May. We're also joined
8 by Office of Zoning staff Ms. Sharon Schellin, and Mr. Paul Young,
9 who will be handling all of our virtual operations. Also, our
10 counsel, we're joined by Mr. Ritting and Ms. Lovick. I would ask
11 all others to introduce themselves at the appropriate time.

12 Tonight's hearing is a remand, Zoning Commission Case
13 Number 16-11, Park View Community and the District of Columbia
14 consolidated PUD and related map amendment at Square 2890 and
15 part of Lot 849.

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

21 All persons planning to testify should've signed up in
22 advance and will be called by name at the appropriate time. At
23 the time of sign-up, all persons will complete the oath or
24 affirmation required by Subtitle Z, Section 408.7. Accordingly,
25 all those listening on Webex or by phone will be muted during

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1 the hearing and only those who have signed up to participate or
2 testify will be unmuted at the appropriate time. When called,
3 please state your name and home address before providing your
4 testimony. When you are finished speaking, please mute your
5 audio.

6 If you experience -- and this is very important. If
7 you experience difficulty accessing Webex or with your telephone
8 call-in or have not signed up, then please call our OZ hotline
9 number at 202-727-5471. Again, if you experience difficulty
10 accessing Webex or with your telephone call-in or have not signed
11 up, then please call our OZ hotline number at 202-727-5471.

12 If you wish to file written testimony or additional
13 supporting documents during the hearing, then please be prepared
14 to describe and discuss it at the time of your testimony.

15 The hearing will be conducted in accordance with
16 provisions of 11-Z DCMR, Chapter 4 as follows: Preliminary
17 matters. Applicant's case: the Applicant has up to 60 minutes.
18 Our report of the Office of Planning and District Department of
19 Transportation, report of other government agencies, report of
20 the ANC -- we have two in this case -- testimony of organizations
21 five minutes and individuals will have three minutes. And we
22 will hear in the following order for those who are in support,
23 opposition, and undeclared. Then we will have rebuttal and
24 closing by the Applicant.

25 Again, the OZ hotline number is 202-727-5471 for any

1 concerns during this proceeding.

2 Before I go to preliminary matters, I have
3 additional -- you know what? Let me do this first. At this
4 time, the Commission will consider any preliminary matters. Does
5 the staff have any preliminary matters?

6 MS. SCHELLIN: I am not aware of any, but I do want to
7 state that I was just notified that we are having issues with
8 the livestream of YouTube. They are working on it, but I do want
9 to make that note that we are having issues with the livestream
10 on YouTube at this time. They'll keep working. Hopefully, it'll
11 kick in soon.

12 CHAIRPERSON HOOD: Okay. But we have other venues that
13 you can use. I would recommend our website. You can go to the
14 DC Office of Zoning's website, and you click on the
15 appropriate -- for the Zoning Commission hearing tonight, that
16 link, and you can get right to us and participate and hear what's
17 going on. So, there are other avenues that we can use, as I
18 mentioned in my opening statement.

19 So, let me kind of frame where we are. This is a
20 limited scope hearing. Everything is not into play tonight, so
21 I would ask everyone to be cognizant of what I'm about to say.
22 It's quite a bit because this has a legislative history. The
23 courts have remanded specifically things back to this Commission
24 to deal with and that's all that's before us tonight. How long
25 this has been going on, who did this and who did that, that's

1 not before us.

2 In our July 26th, 2021, public meeting, the Commission
3 began -- we began to deliberate on the remand order issued by the
4 Court of Appeals titled Cummins v. DC Zoning Commission that
5 vacated and remanded the Commission's Order Number 16-11 back to
6 us to deal with specific issues and specific issues only. The
7 Commission's 16-11 Order approved a planned unit development for
8 part of the Lot 849 in Square 2890, which will -- we will refer
9 to as Bruce Monroe's site tonight.

10 The remand Order directed the Commission to address at
11 least seven items. The list included analyzing whether the PUD
12 is inconsistent with the specific policies of the Comprehensive
13 Plan. In our deliberations at our July 26th meeting, we discussed
14 that since we issued the 16-11 Order, the District updated its
15 Comprehensive Plan. During that time, the Comprehensive Plan was
16 updated and approved by the citizens, the Council, and the Mayor
17 has signed, and I believe Congress has signed off on it; I'm not
18 sure about that last part.

19 In our deliberation on the 26th, we discussed that
20 since the issue about 16-11 -- the Comprehensive Plan update,
21 updated its Comprehensive Plan. I've repeated that for specific
22 reasons. The Commission noted, in adopting these updates, the
23 District changed the Comprehensive Plan policies that were the
24 subject of the remand Order. So, in our July meeting, we decided
25 two things:

1 Have the parties and the Office of Planning file
2 written statements analyzing the proposed PUD under the updated
3 Comprehensive Plan, particularly with regard to the issues raised
4 by the remand Order, oral and written testimony. That has already
5 been done. That's in the file.

6 Tonight's hearing, the Commission agreed -- and I know
7 I believe that we could've answered these questions even without
8 a hearing, but we're having a hearing -- hold a limited-scope
9 public hearing for the parties and the public to address how the
10 proposed PUD should be evaluated under the updated Comprehensive
11 Plan. I'm going to read that again. That's what we're here for
12 tonight. That and no more. We are following the instructions
13 from the Courts. The Courts have given us clear direction, and
14 I intend to chair this meeting with that clear direction from the
15 Courts. Again, tonight's subject, mainly is this and no more
16 than this:

17 Hold a limited scope public hearing for the parties and
18 the public to address how the proposed PUD should be evaluated
19 under the updated Comprehensive Plan.

20 So, let's work together. Let's all get in line and do
21 what the Courts have asked us to do as citizens of the District
22 of Columbia and the Commission. So, I think that's enough said.
23 I think that's the way I'm hoping that we're going to move. Most
24 people, who are individuals, have three minutes. Please don't
25 make me part of your three minutes. And when I say that, if we

1 get too far off to the left, outside of the scope, then I will
2 be part of your three minutes. And I don't want to be part of
3 your three minutes because that means you're going to get less
4 than there. So, work with me, I'm going to work with you, and I
5 think my colleagues and I are going to be very attentive to hold
6 a limited scope public hearing for the parties and the public to
7 address how the proposed PUD should be evaluated under the updated
8 Comprehensive Plan.

9 Now, let me open up to my colleagues. Anybody want to
10 add anything to that, or are we going to just move forward?

11 Silence is gold. Okay. Ms. Schellin, could you bring
12 up everyone that needs to come up? And did I mention that we
13 have Ms. Lovick and Mr. Ritting? I think I did.

14 MS. SCHELLIN: You did.

15 CHAIRPERSON HOOD: Okay.

16 MS. SCHELLIN: You did.

17 CHAIRPERSON HOOD: Let's bring everybody up.

18 MS. SCHELLIN: So, that would be the Applicants. And
19 we are still having issues, by the way, with YouTube, so. We
20 keep trying, but he is still having issues.

21 So, Mr. Freeman, Mr. Dettman -- let's see. I believe
22 it's Ms. Anderson (phonetic). We did not get a list. Mr.
23 Freeman, could you please help us out? Who else --

24 MR. FREEMAN: Sure. Sure. I -- can you hear me? I
25 assume you can hear me?

1 MS. SCHELLIN: Yes.

2 MR. FREEMAN: Looks like -- it looks like my calendar's
3 coming on -- my camera's coming on. So, our witnesses for tonight
4 would be Ms. Jacqueline Alexander, Sheila Miller with the Office
5 of the Deputy Mayor for Planning and Economic Development, Mr.
6 Buwa Binitie, and Mr. Shane Dettman.

7 CHAIRPERSON HOOD: Okay. Thank you. Ms. Schellin, if
8 you could keep up with the time where the Applicant is. And let
9 me know -- I did look and see if we're coming up on YouTube, so
10 if you'll also let me know we come up on YouTube again -- hold
11 one second, Mr. Freeman.

12 For those who are trying to get us on YouTube, I don't
13 know if you can hear me. But if not, the DC Office of Zoning's
14 website, we have a link there and you'll be able to follow these
15 proceedings because we do have more than one platform, so I just
16 wanted to put that out there for the record. Okay. Thank you.
17 Mr. Freeman --

18 MS. SCHELLIN: And just to confirm, there are no
19 parties in support, correct, Mr. Freeman?

20 MR. FREEMAN: Correct. No parties in support.

21 MS. SCHELLIN: So, the max time is 60 minutes and
22 whatever time you do use will be split among the parties in
23 opposition, which I believe there are two parties in opposition.
24 Correct, Chairman Hood?

25 CHAIRPERSON HOOD: I didn't hear the -- the time?

1 MS. SCHELLIN: The time that the Applicant uses will
2 be split --

3 CHAIRPERSON HOOD: Correct. Yeah, yeah.

4 MS. SCHELLIN: -- among the two parties in opposition.
5 Okay.

6 CHAIRPERSON HOOD: I'm going to leave all that up to
7 you, Ms. Schellin. Thank you. All right. Mr. Freeman, you may
8 begin.

9 MR. FREEMAN: Well, thank you, Mr. Chairman. Good
10 afternoon, Members of the Commission. For the record, my name
11 is Kyrus Freeman. I'm an attorney with the law firm of Holland
12 & Knight, here on behalf of the Applicant.

13 Mr. Chairman, your opening statement kind of cut out
14 half of my two pages of what I was going to say, but thank you
15 for making it clear that this hearing tonight is a very focused,
16 limited scope hearing on the seven issues identified in the Court
17 of Appeals' decision, dated June 25th, 2020. We will focus our
18 presentation on that tonight. We will demonstrate our belief
19 clearly how this project is fully consistent -- we thought it was
20 consistent with the old Comp Plan. We think it's fully consistent
21 with the new Comp Plan.

22 So, I will not take long on that. Our witnesses,
23 Ms. Alexander and Mr. Buwa Binitie, are the -- and Ms. Miller,
24 are on behalf of the Applicant development team, and Mr. Dettman
25 will go through our Comp Plan analysis. I don't know if we have

1 to -- need to requalify Mr. Dettman as an expert. He was
2 qualified as an expert before and in many other cases, but we
3 would like to make sure that he's noted as an expert again for
4 this remand procedure.

5 So, the only other thing I'd like to note, Mr. Chairman,
6 I'm sure you have seen it, so I'm not telling you anything that
7 you may not already know. But there are multiple resolutions in
8 support of the project from ANC 1A. There are multiple
9 resolutions in support. And when I say, in support of the
10 project, let me be specific: in support of reapproval of the
11 project subsequent to a remand. So, these are new reports from
12 the ANCs. There are three of those from ANC 1A; that's Exhibit
13 256, 271 --

14 COMMISSIONER MAY: Mr. Chairman? Mr. Chairman?

15 CHAIRPERSON HOOD: Yes?

16 COMMISSIONER MAY: For the sake of being consistent
17 with your initial instructions, it sounds like Mr. Freeman is
18 trying to argue the basics of the case. What we are looking for
19 is information about how the case is consistent with the updated
20 Comprehensive Plan, and I don't think you've quite gotten to
21 that. I know you will, but we don't need to be reminded of the
22 ANC reports, I don't think.

23 MR. FREEMAN: The only thing I was going to say is
24 those reports specifically talk about compliance with the Comp
25 Plan and ANC 1A was directly involved in getting the Comp Plan

1 designated change (audio interference).

2 COMMISSIONER MAY: That's helpful information, but you
3 were just saying they were resolutions in support. Maybe I just
4 cut you off too soon.

5 MR. FREEMAN: That's okay, that's okay. But why don't
6 I do this? Why don't we turn to our witnesses and then I'll come
7 back to the reports at the end, if there are any questions?

8 COMMISSIONER MAY: Okay.

9 MR. FREEMAN: So, with that, I'll turn to our witnesses,
10 the first of which should Ms. Alexander, then Buwa Binitie, and
11 then Shane Dettman.

12 CHAIRPERSON HOOD: Ms. Alexander, you're on mute.

13 MS. ALEXANDER: Sorry.

14 CHAIRPERSON HOOD: There you go.

15 MS. ALEXANDER: Sorry. Thank you. Sorry about that.
16 Good afternoon. Can everybody hear me?

17 CHAIRPERSON HOOD: Yes, we can hear you.

18 MS. ALEXANDER: Okay. Thank you, thank you. I
19 appreciate it. Sorry about that. I just want to make sure.
20 Good afternoon, everyone. I'm Jacqueline Alexander of The
21 Community Builders. We are one of the leading urban non-profit
22 community developers in the nation with our mid-Atlantic
23 headquarters here in the District. It is my privilege to offer
24 testimony on behalf of Park View Community Partners and the
25 development team comprised of TCB and Dantes Partners, and to

1 answer any questions the Zoning Commission may have regarding the
2 Bruce Monroe PUD Case Number 16-11.

3 Let me say, it's been a long time coming for this and
4 thank you for your time and the opportunity to speak to all of
5 you. If not for the legal challenge of the Zoning Order, we
6 would today be celebrating the completion of the Bruce Monroe as
7 the Build First Phase of the Park Morton Redevelopment. That
8 celebration would've highlighted a progressive smart growth
9 venture designed to deliver 273 new homes for District residents
10 and provide 4,500 square feet of neighborhood-serving commercial
11 space all in a fully income-integrated environment that does not
12 differentiate the haves from the have nots, while advancing the
13 District's goals of creating a more inclusive urban environment.

14 Instead, we are here today four years later. While the
15 unpredictability and the drawn-out legal challenges sheds little
16 light on the exact timeline, we stand ready to begin construction
17 well within a year a clear path forward for -- through
18 entitlement. In the meantime, I just wanted to reassure you that
19 our team has continued to work tirelessly despite the
20 circumstances beyond our control.

21 And following the Zoning Commissions approval in March
22 of 2017, our team has completed an extensive geological
23 investigation study. We have advanced drawings through the
24 50 percent construction development phase. We have subdivided
25 this site to separate the vertical development portion of the

1 site from the portion that will remain public for the purpose of
2 developing a new, permanent public park. We've obtained street
3 addresses for all the buildings. We have also undertaken DCRA's
4 permitting review process and completed two design review
5 meetings, and we have registered the project with Enterprise
6 Green Communities, and we are ensured that the design exceeds the
7 target points outlined in the original -- in the zoning order.

8 As --

9 COMMISSIONER MAY: Ms. Alexander?

10 MS. ALEXANDER: Yes, sir?

11 COMMISSIONER MAY: I'm sorry to interrupt.

12 MS. ALEXANDER: Yep.

13 COMMISSIONER MAY: But I'm going to tell you the same
14 thing I said to Mr. Freeman, and I'm doing this because I was
15 one of the people who advocated for having this hearing --

16 MS. ALEXANDER: Sure.

17 COMMISSIONER MAY: -- and trying to assure the Chairman
18 that we could keep this focused on the specific questions we
19 would have, which is how does the project comply with the updated
20 Comprehensive Plan? I appreciate understanding where the project
21 is and how ready you are to get started, but that's not really
22 the question that we've asked for this hearing. So, I'm going
23 to ask you to focus your comments on how the project complies
24 with the Comprehensive Plan. And I'm going to keep doing this
25 for everybody until they get the message that we really just want

1 to answer these questions. How does it comply with the updated
2 Comprehensive Plan?

3 MR. FREEMAN: So, let me say this. I am happy to -- if
4 the direction of the Commission is to not have the Applicants
5 speak, meaning Ms. Alexander, Mr. Binitie, and Sheila Miller from
6 DMPED's office, happy to follow that direction and move straight
7 into our plan analysis.

8 COMMISSIONER MAY: If there are things to be said by
9 any of your witnesses that go to the essential question of how
10 the project -- all right. Somebody's got -- Mr. Binitie, I think
11 you're echoing. Thank you. Go to the essential question of how
12 does the project comply with the updated Comprehensive Plan.

13 MR. FREEMAN: Sure. So, let's go into our Comp Plan
14 analysis. No problem. And we'll go through that now, so I'd
15 call up Mr. Dettman.

16 CHAIRPERSON HOOD: And let me just say this,
17 Mr. Freeman. The updated Comprehensive Plan, because I --

18 MR. FREEMAN: Correct.

19 CHAIRPERSON HOOD: -- as Commissioner May already
20 mentioned, I believe we could've answered those questions where
21 we were, but -- and I was in the minority. And I'm not just
22 trying to say that, but I think -- and I appreciate
23 Commissioner May and my colleagues keeping it very specific
24 because that's it. We don't need to -- and we thank you,
25 Ms. Alexander and everybody who wants to tell us the history.

1 | Guess what? We know. We've read it Wednesday, again on Sunday,
2 | and normally we watch football on Sunday, but we didn't. We read
3 | it, so we got that part. The updated Comprehensive Plan. Thank
4 | you, Commissioner May.

5 | And please, Mr. Freeman, let's say focused.

6 | MR. FREEMAN: Okay. So, let's have Mr. Dettman testify
7 | now.

8 | MR. DETTMAN: Okay. Thanks, Kyrus, and good evening,
9 | Commissioners. Mr. Young, would you mind bringing up the
10 | testimony slides that were submitted to the record? All right.
11 | Thank you.

12 | And again, good evening, Commissioners. Good to be
13 | with you today. My testimony today, obviously, will focus on the
14 | limited scope that's been set forth by the Commission in the
15 | remand Order as well as the notice of public -- limited scope
16 | public hearing. Next slide.

17 | So, the series of slides that I'll put before you today
18 | are organized around how the proposed PUD is consistent with the
19 | updated Comprehensive Plan, which is effective as of September
20 | of this year, following Council action, signature by the Mayor,
21 | as well as the Congressional review. And the slides are sort of
22 | organized around how the PUD is not inconsistent with the
23 | Comprehensive Plan according to the specific Order -- specific
24 | issues listed in the remand Order. Next slide.

25 | So, these are just the issues that were set forth in

1 the remand Order issued by the Commission back in June of 2020.
2 Next slide.

3 And so, again, I'm just -- I'll step through the issues
4 in terms of how -- and sort of step through the issues in terms
5 of use, the framework of the issues to show how the project is
6 consistent with the Comp Plan. The first one being that the
7 Court advised the Commission to take into account that the
8 90-foot-high building protrudes into the Neighborhood
9 Conservation area.

10 Under the current updated Comprehensive Plan, you see
11 excerpts of the generalized policy map and the Future Land Use
12 Map here on the left and the right with the site identified in
13 that, so the -- outlined in the red box. Under the current
14 Comprehensive Plan, no changes were made to the generalized
15 policy map, so the site currently remains sort of split designated
16 with the eastern portion along Georgia Avenue being identified
17 as a main street use corridor, defined as sort of just your
18 general business corridor, commercial business corridor. And
19 then, the western portion of the PUD site being a Neighborhood
20 Conservation area.

21 There were changes, notable changes, made to the Future
22 Land Use Map for the PUD site and, specifically, in terms of how
23 it addresses -- how it pertains to this issue, the northern
24 portion of the PUD site, so excluding the western portion, is
25 proposed to be a row of townhomes. The northern portion was

1 redesignated as mixed-use, medium-density commercial, medium-
2 density residential. Next slide.

3 So, addressing the 90-foot-high building and the small
4 portion of that building that does extend into the Neighborhood
5 Conservation area here, we're looking at the current generalized
6 policy map over an existing conditions aerial photo.

7 And if we go to the next slide, we layer in the proposed
8 site plan of the PUD. As you can see outlined in red there, that
9 is the portion of the 90-foot-high multifamily building that does
10 extend into the Neighborhood Conservation area. So, extending
11 from Georgia Avenue through the main street mixed-use corridor
12 designation into the Neighborhood Conservation area. Next slide.

13 So, in addition to the changes made to the Future Land
14 Use Map, the Framework Element, the current Framework Element,
15 also has very notable changes made to the description of a
16 Neighborhood Conservation area. I think first -- the first
17 bullet point there, it's worth noting that embossed right on the
18 generalized policy map is guidance in terms of how -- just like
19 the FLUM, how the boundaries of the generalized policy map are
20 intended to be interpreted. And it specifically says that the
21 boundaries should be interpreted as approximate, not precise
22 delineations. Like the Comprehensive Plan, the generalized
23 policy map is intended to provide generalized policy guidance.

24 The Framework Element's description of the Neighborhood
25 Conservation area has also some fairly significant changes in

1 that I think oftentimes one might think about a Neighborhood
2 conservation area and think that the policy intent there is to
3 lock development in place and that if it's small-scale it has to
4 be small-scale. And the Neighborhood Conservation area and
5 development within those areas means the same thing throughout
6 the entire city, and that's just not the way it's intended to be
7 read.

8 The Framework Element now clarifies that a Neighborhood
9 Conservation area is intended to conserve and enhance, but not
10 to preclude develop. So there are development opportunities
11 within a Neighborhood Conservation area and particularly where
12 that development is going to address citywide housing needs. The
13 Framework Element also talks about how new development within a
14 Neighborhood Conservation area should be compatible with the
15 existing scale, natural features, and the character of each area.

16 There's a -- sort of a paragraph, or a provision, in
17 the Framework Element that I want to read because this is really
18 important in terms of how we should approach a Neighborhood
19 Conservation area on this site. And the Framework Element
20 specifically says, "approaches to managing context-sensitive
21 growth in a Neighborhood Conservation area can vary based upon a
22 neighborhood's socioeconomic and development characteristics.
23 Areas with access to opportunities -- like this one -- services
24 and amenities -- again, this site -- more levels of housing
25 affordability should be accommodated. Areas facing housing

1 | insecurity and displacement should emphasize preserving
2 | affordable housing and enhancing neighborhood services,
3 | amenities, and access to opportunities. And I think that's really
4 | important on this site in terms of when we think about the
5 | context-sensitive growth.

6 | Finally, the Framework Element specifically says that
7 | densities in a Neighborhood Conservation area are guided by the
8 | Future Land Use Map and the Comprehensive Plan policies. And so,
9 | next slide.

10 | So, if we look at the policy map in relation to and
11 | together with the amended Future Land Use Map, you can see that,
12 | from a density perspective, the Future Land Use Map supports the
13 | density from Georgia Avenue to the far west side of the portion
14 | of the PUD side at a mixed-use, medium-density, commercial
15 | medium-density residential density.

16 | And so, if you sort of put these maps together, the
17 | policy guidance provided in the GPM is that, you know, there
18 | needs to be some sort of transition, some recognition, that, as
19 | you move west through the PUD site, you're moving into an area
20 | that is -- the general development pattern is a moderate-density
21 | residential. And so, there's a need to acknowledge that from a
22 | generalized policy perspective, but from the -- from a density
23 | perspective, there is support for a mixed-use, medium-density
24 | development there. Next slide.

25 | And so, with that, I think -- I'm comfortable making a

1 determination, I'll say, that the proposed project is not
2 inconsistent with the updated general -- with the current
3 generalized policy map as the boundaries are approximate and
4 they're intended to be interpreted together with the FLUM and the
5 Comprehensive Plan policies, and there are numerous Comprehensive
6 Plan policies that we can point to to say that additional density,
7 particularly when it goes to addressing the citywide housing
8 needs, is appropriate on this site.

9 The FLUM supports medium density for the full depth of
10 the PUD site. It's consistent with the Framework Element guidance
11 on how you're supposed to interpret and read the generalized
12 policy map. It's also not inconsistent with the guidance provided
13 in the Framework Element about the density contemplated under the
14 Future Land Use Map.

15 The proposed height and location of the height
16 transition between the 90-foot and the 60-foot is appropriate and
17 it's not inconsistent with Comp Plan policies. And finally, the
18 extension of the 90-foot building into the Neighborhood
19 Conservation area will certainly help address citywide housing
20 needs. Next slide.

21 So, if we take a look at Issue Number 2 in terms of
22 taking into account the area is adjacent to the west portion of
23 the PUD that are designated moderate-density residential and not
24 medium density, I think that we can address this one pretty
25 quickly, and it really doesn't have anything to do with the

1 changes that were made. If you look at the record in this case,
2 it was very clear in the transcripts, in the Commission's
3 deliberation, and in the record -- the written record, the
4 Commission was well aware that the Future Land Use Map for the
5 areas to the west of the PUD site was designated moderate-density
6 residential.

7 But I think in my mind, even more importantly, is that
8 in the comments made by the Commission, the Commission was well
9 aware of the development pattern, the moderate-density
10 residential development pattern that existed to the west. So,
11 setting aside what the Future Land Use Map says, the Commission
12 even specifically noted at how the transition in the building
13 height and then the massing and the articulation and setbacks.
14 And they specifically said that they felt that that was
15 appropriate given the rowhouses and the townhouses that happened
16 to the west. So, I think the Commission had already taken into
17 account that the areas to the west are moderate density, not
18 medium density. Next slide.

19 Issue Number 3 calls for taking into account that the
20 90-foot-high building and the 60-foot-high building are not
21 generally consistent with respect to the medium-density
22 commercial, moderate-density residential. That's old language
23 now because we have a revised and updated Future Land Use Map
24 that now designates the PUD site, the 90-foot building and the
25 60-foot building, both as mixed-use, medium commercial, medium-

1 density residential.

2 And so, if we go to the next slide and we look at the
3 heights of these buildings and the densities of these
4 buildings -- next slide, please? Relative to the guidance that's
5 provided in the Framework Element, again, we are mixed-use,
6 medium-density commercial, medium-density residential. Mixed-
7 use is a designation in and of itself on the FLUM, so they're
8 not intended to be interpreted in terms of their individual
9 components, but we'll look to the individual components for
10 guidance.

11 If you look at the medium-density commercial, it's also
12 worth noting that the Framework Element no longer describes the
13 land use designations on the FLUM in terms of height and,
14 specifically, stories. The guidance provided is now density
15 ranges. If we look at it first from a density perspective,
16 medium-density commercial, the typical matter of right densities
17 found within a medium-density commercial area range between four
18 and six, with greater density permitted by IZ and PUD.

19 If you look at the zones that are identified in the
20 Framework Element as being generally consistent with medium-
21 density commercial, you'd find matter of right heights permitted
22 in the 70- to 100-foot range and PUD densities of 90 to 100 feet.
23 If we just look at the apartment building, the 90-foot portion
24 of the project, it's well within those densities at 5.9 FAR on
25 its own site and well within the height that's permitted as a

1 matter of right within the medium-density commercial.

2 If we look at the medium-density residential component
3 of our mixed-use designation and compare that to what's proposed
4 for the senior building, we're again fully consistent with the
5 updated Future Land Use Map. Medium-density residential, the
6 density range in the Framework Element is about 1.8 to 4 FAR,
7 with more with IZ and PUD. Matter of right height, typically,
8 60 feet. PUD, 75 feet. But it also talks about how this could
9 also include taller buildings surrounded by larger areas of
10 permanent open space.

11 If we look at the senior building, again, it's 3.9 FAR,
12 so it's well within that range that's contemplated under the
13 revised Future Land Use Map, and again 60 feet is again within
14 that height. So, I think taking into account the 90-foot and
15 60-foot height of the buildings, it's perfectly within the range
16 that's considered appropriate under the Future Land Use Map.
17 Next slide.

18 This one talked about, you know, the statement that was
19 in the remanded Order about how the senior building mimics many
20 of the apartment houses that have been built in the area, and I
21 think what we intended by using mimic and in comparing the senior
22 building to other buildings throughout the area, we were not at
23 all suggesting that our proposed development does exactly and
24 relates exactly in the way that other developments do to the
25 surrounding context. We were simply sort of noting that

1 | the -- sort of the design gestures -- the height step downs, the
2 | setbacks, the massing reductions, phase, balconies,
3 | materials -- we were using those types of architectural gestures
4 | to allow our building to respond to the Neighborhood Conservation
5 | area, respond to the moderate-density residential context.

6 | The first three pictures that are stacked, these are
7 | directly from the record. These are examples of developments
8 | that you can find up and down Georgia Avenue, and these are
9 | developments that have higher height portions on the corridor
10 | and, as they move west into the moderate density area, they step
11 | down in various different ways.

12 | If you take -- if you look at those same three projects
13 | from the other way, from the side street, that's the middle stack
14 | of photos there. That's looking at the Safeway development on
15 | upper Georgia Avenue looking towards Georgia Avenue. And again,
16 | you can -- just like we're proposing, you can see from a design
17 | perspective -- and again, this goes to the generalized policy map
18 | and the urban design policies about how to relate to the context.
19 | You can see the height stepdown, the variation of materials, the
20 | bays, the balconies.

21 | Same thing for the other two projects that are a little
22 | bit closer to our site. The images on the right, you can see
23 | those design moves embedded into our project as well where, as
24 | you move to the west, there's a stepdown from 90 to 60 feet. The
25 | 90-foot building is sort of sculpted in its corner. It's got

1 | bays. There were additional balconies added to this elevation
2 | to sort of play up the residential use of the building.
3 | Commissioner, were you --

4 | COMMISSIONER MAY: Mr. Dettman?

5 | MR. DETTMAN: -- going to ask something?

6 | COMMISSIONER MAY: Yeah. Is -- did anything change
7 | with the Comprehensive Plan that's a factor in this issue?

8 | MR. DETTMAN: No. But -- and I wanted to move quickly
9 | past it --

10 | COMMISSIONER MAY: Good. Let's do that.

11 | MR. DETTMAN: -- but I wanted to touch on it. Yeah.
12 | Thank you. So, one more slide on this one. I'll be really quick.
13 | If the Commission decided to just ignore the mimics and forgo
14 | reliance upon it -- next slide, please, Paul?

15 | There's a whole host of updated Comprehensive Plan
16 | policies that we can point to to say that even if the Commission
17 | was to find that the massing and the articulation of the building
18 | was a little bit on the fence in terms of how it relates to the
19 | surrounding context, I think that is far outweighed by the
20 | numerous updated Comprehensive Plan policies that go to promoting
21 | affordable housing, transit-oriented development, and other
22 | such -- other elements in housing policies that relate to that.
23 | Next slide?

24 | So, the last one is about independently analyzing and
25 | discussing whether the PUD is inconsistent with specific policies

1 and would have adverse effects. I won't read this paragraph.
2 You've seen this paragraph a million times. I put it in all my
3 filings.

4 This is a paragraph that sort of summarizes the
5 guidance provided by the Courts in terms of how the Commission
6 goes about evaluating Comprehensive Plan consistency and how it
7 should go about balancing competing policies in the event that
8 it finds that there is -- essentially, it says, even if it's
9 inconsistent with one or more Comprehensive Plan policies, that
10 includes the Future Land Use Map or the policy map, that does
11 not preclude the Commission from finding that a project is not
12 inconsistent with the Comprehensive Plan as a whole. So, next
13 slide.

14 You know the PUD standard of review and so we'll step
15 through it. The first one is, define that the project is not
16 inconsistent with the Comp Plan. Next slide.

17 The Comprehensive Plan also places, in addition to, you
18 know, stating that the Commission's standard of review is to find
19 something not inconsistent, the new Comprehensive Plan places a
20 heavy emphasis on advancing and addressing racial equity, and has
21 language that talked about how the Commission shall evaluate all
22 actions through a racial equity lens. It's not a separate,
23 standalone analysis. It's essentially applying the standard of
24 review to a project through a racial equity lens. The Comp Plan
25 places a big emphasis on the importance of housing as a critical

1 way to address racial equity. It's the top -- it's the first of
2 three equity priorities, being affordable housing. If we can
3 provide affordable housing and reach the affordable housing goals
4 of the city, we can prevent displacement. If we can prevent
5 displacement, we allow people to stay in their neighborhoods,
6 maintain social connections. It also ensures that they have
7 greater access to opportunities. Next slide.

8 So, we've listed these in our prehearing statement, but
9 these are the several components and benefits of the PUD that
10 will promote racial equity. I won't go through them in detail
11 but, if you look at the amount of housing, particularly affordable
12 housing, as a key component to advancing and addressing racial
13 equity, that is a big component of this project. But also, the
14 types of unit typologies that we're providing and the unit sizes
15 we're providing. All of these types of things go towards
16 addressing racial equity. Again, I'll move past this. Next
17 slide.

18 Before I get into addressing inconsistencies, I'm only
19 going to flash through these slides really quick. It's already
20 in the record. But before I address inconsistencies, which there
21 are very few, in my opinion, I wanted to list -- next slide,
22 Paul. These next four slides are just -- it's already in the
23 record. We did a full-blown Comprehensive Plan analysis on the
24 updated Comp Plan relative to this project and you'll find
25 that -- next slide, Paul -- the numerous Comprehensive Plan

1 policies that are not only directly applicable to this project,
2 but we find an incredible number of Comprehensive Plan policies
3 that we are not inconsistent with. Next slide, and next slide.

4 Again, it's already in the record, but I think that's
5 important to show the sheer number of policies that are applicable
6 to this project that we are not inconsistent with when you -- go
7 to the next slide, Paul. When you look at the potential
8 inconsistencies. And as the Court says, you have to acknowledge
9 the inconsistencies and explain why they're outweighed by other
10 competing priorities.

11 This was part of our August 2020 response to the remand
12 Order. This list of policies, which has been updated with the
13 Comprehensive Plan, this is a list of policies that, throughout
14 the process, has been asserted at some point in time by the
15 opposition that the project was inconsistent with. And we did
16 another thorough review of these policies, and, in large part,
17 we find many of them not to be applicable at all to the project
18 or that we actually find it to be not inconsistent with.

19 If there was some inconsistency here, I've highlighted
20 them her in yellow and there's a couple of policies that -- urban
21 design policies as well as a Mid-City policy, dealing with the
22 idea of infill development, large-scale development, and how it
23 should relate to the surrounding context, right? Height and
24 massing relative to the moderate-density residential to the west
25 and the preservation of open space.

1 Now, I do not believe that we are inconsistent with
2 these policies. I think that there are lots of policies in the
3 Comp Plan that say, on District-owned sites, the District should
4 do everything that it can to address as many of the critical
5 needs in the District. So, on a site like this, there's obviously
6 a critical need for affordable housing. The Comprehensive Plan
7 also says there's a critical need for open space. We have a
8 District-owned property, and we think that, in its totality, the
9 park is not part of the PUD, but, in the totality, it's a really
10 effective utilization of District-owned property to address park
11 needs and affordable housing needs.

12 But to the extent the Commission believes that the
13 project is inconsistent with these four policies, I'll just refer
14 to the last four or five slides that show that they're far
15 outweighed by consistency with the Comp Plan policies and the
16 other elements as well as with the numerous benefits and amenities
17 that are going to help address racial equity. Next slide.

18 I did this -- we did the same with the asserted adverse
19 effects. I wanted to note that in the now vacated Order, these
20 are potential adverse impacts that have been asserted by the
21 opposition and the Commission, in excruciating detail, went
22 through all of these impacts and found that these impacts of the
23 project were not unacceptable. They were either found to be
24 favorable, capable of being mitigated, or acceptable, given the
25 proffers and benefits that are being offered by the project.

1 I won't go through these in detail. A lot of these
2 have already been addressed in the record and a lot of them are
3 actually going to be further analyzed when you get into the permit
4 process through the EISF. Things like noise, things like air
5 pollution, things like stormwater runoff, these are things that
6 are going to be even more thoroughly analyzed. We have letters
7 in the record from DOEE and FEMS that speak to a preliminary
8 review says the project will not have an adverse impact on city
9 services, on stormwater management. But they also talk about,
10 and I'm thinking of the DOEE letter, that they're going to be
11 even more thoroughly analyzed in the EISF process during
12 permitting. Next slide.

13 COMMISSIONER MAY: Again, Mr. Dettman, were any of
14 those altered as a result of the new Comprehensive Plan? Are
15 perspective on those adverse effects altered?

16 MR. DETTMAN: No. I'd say that any asserted adverse
17 effect is not directed at the Comp Plan. It's more to the design
18 of the project. The design of the project hasn't changed.

19 COMMISSIONER MAY: So, just focus on the new Comp Plan.

20 MR. DETTMAN: So, in conclusion, focusing on the
21 updated Comprehensive Plan that is now in effect, I'd submit to
22 the Commission that, upon evaluation, I'd say that the proposed
23 Comprehensive Plan is not inconsistent with the Comprehensive
24 Plan when read as a whole, that any potential inconsistencies
25 with the very few policies that I highlighted is far outweighed

1 | by other competing policies of the Comp Plan, particularly as
2 | they relate to housing and affordable housing.

3 | And then, I won't go into the next two bullets because
4 | they have to do with other parts of the standard of review and
5 | Mr. May will cut me off again. That concludes my presentation.
6 | Thank you, Commissioners.

7 | COMMISSIONER MAY: Thank you, and pardon all those
8 | interruptions, but I do want to keep us focused.

9 | CHAIRPERSON HOOD: Okay. Mr. Freeman, I don't think
10 | you have anything else to add other than what we asked for, but
11 | I'll let you summarize and end it up.

12 | MR. FREEMAN: Just thank you for your time and
13 | attention. That concludes our direct. We're happy to answer any
14 | questions.

15 | CHAIRPERSON HOOD: Okay, thank you. And I want to
16 | thank my colleagues, especially our Commissioner May in this
17 | instance. He saved me a lot of work. Let's go straight to what
18 | we need to hear. And we'll again -- and I'm saying this everyone
19 | else who's coming behind. We are following directions of the
20 | Court, so that's where we are. Thank you, Commissioner May and
21 | others.

22 | Okay. Let's see if we have -- I don't -- let me start
23 | with Commissioner May. You have any questions or comments?

24 | COMMISSIONER MAY: No, I don't. I read the submission
25 | made by the Applicant and, between that and the presentation, I

1 think I'm -- I understand well what their position is. Thank
2 you.

3 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
4 Shapiro, any questions, comments, statements?

5 COMMISSIONER SHAPIRO: No. No, sir. Nothing further
6 to add.

7 CHAIRPERSON HOOD: Thank you. Vice Chair Miller, any
8 question, comments, statement?

9 COMMISSIONER SHAPIRO: No questions, Mr. Chairman. I
10 just thank Mr. Dettman and the Applicant's team for their
11 presentation this evening, and this -- the written submission at
12 Exhibit 274, which really was an excellent analysis of all of the
13 Comprehensive Plan issues, both the old ones and the updated
14 ones.

15 We asked the parties over a year ago, including the
16 Applicant, including the opposition, to submit responses to those
17 remand issues that were highlighted in this past presentation,
18 which are the remand issues under the old Comp Plan, which was
19 in effect at that time in 2020. And we got all that and we were
20 deliberating on that issue, as you said Mr. Chairman, in July,
21 when we knew at that time, a few months ago, that the Mayor and
22 Council had just updated the Comprehensive Plan for the second
23 time in a year, Framework Element last year, land use element and
24 other elements this year.

25 So, this has been a very helpful presentation. I think

1 | it really covered everything that needed to be covered, and I
2 | look forward to similar -- hopefully, similar comments from other
3 | parties or persons who testify this evening. Thank you.

4 | CHAIRPERSON HOOD: Well, my only comment -- and I'm
5 | glad to the point that we're able to visit the racial equity
6 | lens, and I remember saying this in every case here recently,
7 | even though when I look at the whole gamut -- and I'm glad in
8 | the updated plan it's there -- when I look at the whole gamut, I
9 | think we addressed it then, even though it was not what the
10 | citizens had put in the Comp Plan. I'm glad to see that the
11 | Mayor and the Council have now done it. As I've said in previous
12 | hearings, I will be pushing that along with others because I
13 | think that is so well needed and it's long overdue. And I'm just
14 | glad that we got to a point in this city where we're there. I
15 | don't have a question. I think -- I appreciate the Applicant for
16 | staying with what the Court has directed us to do. One thing
17 | I've learned growing up and even in my adult life: follow
18 | instructions. That's critical, and I want to thank you all for
19 | following instructions. So, thank you.

20 | Now let me see. I will announce that the -- and I see
21 | it's been -- the time that's been given to me. But let me go to
22 | cross on the updated Comp Plan. I will announce right now that
23 | the parties in opposition, the two parties -- I believe we have
24 | two parties in opposition. You can split 32 minutes. Ms.
25 | Schellin has given me the amount of time that has been used. You

1 can split 32 minutes.

2 All right. Let me go and call some of the parties,
3 Ms. Schellin, for cross on the updated Comp Plan. I think first
4 we have ANC 1A.

5 MS. SCHELLIN: That's going to be Kent Boese. He's
6 going to do the cross-examination.

7 CHAIRPERSON HOOD: Okay. Chairman Boese? Let's bring
8 him up and he can do cross on the updated Comprehensive Plan
9 only.

10 COMMISSIONER BOESE: Okay. So, this is cross for the
11 party in support, is what you're saying?

12 CHAIRPERSON HOOD: Yes. Party in support.

13 COMMISSIONER BOESE: Frankly, I agree wholeheartedly
14 with what I just heard, and I have no cross-examination for them.

15 CHAIRPERSON HOOD: Okay. Thank you, Chairman Boese.
16 Let's go to Advisory Neighborhood Commission 1B.

17 MS. SCHELLIN: 1B has deferred to ANC 1A.

18 CHAIRPERSON HOOD: Okay. I saw that in the letter, so
19 they're not going be -- well, they have deferred to 1A,
20 so -- which is unusual, so that's great. Chairman Taylor has
21 deferred to Kent Boese, so you better mark that one down,
22 Chairman Boese. Okay. Let's go to the party in opposition, the
23 Park Morton Residents Council.

24 MS. SCHELLIN: That would be Ms. High, Shonta High.
25 And I do see her on.

1 CHAIRPERSON HOOD: Okay. Ms. High?

2 MS. SCHELLIN: I can grab her.

3 CHAIRPERSON HOOD: I guess I should write the names
4 down, Ms. Schellin. Yeah. Ms. High. Okay. Ms. High?

5 MS. HIGH: Yes, hello.

6 CHAIRPERSON HOOD: Good afternoon. You may begin.

7 MS. HIGH: Good afternoon to the Commission. I'm
8 Ms. Shonta High, the president of the Council at Park Morton. My
9 address is 615 Morton Street Northwest, Washington, D.C. I want
10 to thank you for -- in advance for my -- the opportunity to submit
11 my forthright testimony in its entirety today.

12 Having celebrated my 20th anniversary here at Park
13 Morton on the 8th of May 2021, I'm a resident and acting president
14 and have been at the very beginning of this redevelopment as the
15 apprentice of the late, great Ms. Marie A. Whitfield, since she
16 was the president and ANC for both Park Morton and Board
17 One (phonetic) --

18 CHAIRPERSON HOOD: Ms. High, Ms. High, Ms. High?

19 MS. HIGH: Yes?

20 CHAIRPERSON HOOD: First, let me congratulate you on
21 your 20 years. I want to make sure you understand exactly where
22 we are now. I think you're going into your testimony, if I'm
23 understanding --

24 MS. HIGH: I am.

25 CHAIRPERSON HOOD: Yeah. Well, hold off.

1 MS. HIGH: I am.

2 CHAIRPERSON HOOD: I'm going to call you again,
3 Ms. High. But right now's the time -- in these proceedings is
4 the time for us to have -- if you heard something from the
5 Applicant about the updated Comprehensive Plan only, that's the
6 time to ask questions. If you don't have any questions --

7 MS. HIGH: And --

8 CHAIRPERSON HOOD: -- then we will take your testimony
9 at a later time in this proceeding.

10 MS. HIGH: Oh, I do have questions, actually. I didn't
11 know that we were going to have a chance to ask any questions.
12 I would have submitted my questions in advance.

13 CHAIRPERSON HOOD: Well, the best time to do -- you're
14 doing what is called cross-examination, and what you heard them
15 talk about today is what you want to cross-examine. You -- so,
16 I'm sure you follow what they were saying, what the Applicants
17 said, and it's time now for you to ask your questions.

18 MS. HIGH: Oh, okay. Okay. Well, I would like to ask,
19 how is it that our residents can enjoy the amenities of (audio
20 interference) and if the residents haven't had documentation for
21 the right to return, which is supposed to be a part of the
22 Comprehensive Plan?

23 Also, how is it that the PUD's change -- isn't that a
24 part of the Comprehensive Plan? Because there, you know -- the
25 Build First site was supposed to be Bruce Monroe. And with that

1 density that they're putting there, the Friends of Bruce Monroe
2 said -- I apologize. Let me mute my phone.

3 CHAIRPERSON HOOD: Ms. High, let's do this. Let's take
4 one question at a time.

5 MS. HIGH: The question --

6 CHAIRPERSON HOOD: Let's take one at a time.

7 MS. HIGH: Oh, I'm sorry. My question is, have you
8 really considered where the children are going to go to school,
9 because the Bruce Monroe school that sat on that parcel of land
10 was disposed of. So where are the children going to go to school?
11 Where is the traffic study for this new Comprehensive Plan? And
12 there was something else I wanted to ask you.

13 CHAIRPERSON HOOD: So, Ms. High, I hate to keep -- I'm
14 going to interrupt because I'm going to help you along.
15 Let's just ask one question. Let's let the Applicant respond.
16 Some of it -- that last question, I don't know if it's within
17 their jurisdiction. I think we could ask Office of Planning one
18 of those questions. But let's see what they can do to respond.
19 Let's just ask one at a time. You don't have to give me ten and
20 then ask -- we can do one at a time, okay?

21 MS. HIGH: Oh, okay.

22 CHAIRPERSON HOOD: All right. So, let's go back to the
23 first one. Mr. Freeman, I -- do you know what the first one was?

24 MR. FREEMAN: I think it was a question about right to
25 return. But just so I'm clear, if we're in cross-examination on

1 Mr. Dettman's testimony, Mr. Dettman didn't talk about right to
2 return. So, I don't that question is -- I don't know that that
3 question is cross because he didn't testify --

4 CHAIRPERSON HOOD: Let me -- he didn't, but let me make
5 a nexus. Again, this is the updated Comprehensive Plan. I think
6 that question -- I'm going rule that question in order.

7 MR. FREEMAN: Okay.

8 CHAIRPERSON HOOD: That one specifically because that's
9 a major issue. In the updated Comprehensive Plan, it really
10 talks about that racial equity.

11 MR. FREEMAN: Sure.

12 CHAIRPERSON HOOD: And I think Ms. High is asking a
13 very legitimate question. If we can't respond to it,
14 (indiscernible).

15 MS. HIGH: Oh, yes. That was the question I needed
16 to --

17 MR. FREEMAN: I can --

18 MS. HIGH: Let me just --

19 CHAIRPERSON HOOD: Ms. High, Ms. High? I'm trying to
20 keep up with your questions --

21 MS. HIGH: Oh, I'm sorry. I'm jotting it down, so I
22 can come back to it.

23 MR. FREEMAN: So, let me take a quick answer at that.
24 The right to return in those conditions are in Zoning Commission
25 Case 16-12. Right to return refers to the return of prior public

1 housing site, and those conditions are set forth in Case 16-12.

2 As it relates to this site, the Bruce Monroe, the only
3 conditions in the Bruce Monroe Order are that we have to have 90
4 public housing replacement units. The Order sets forth kind of
5 where those units are located, and the Applicant has to agree
6 not -- has to agree to take Park Morton residents. But the right
7 to return and all of that information is in Zoning Commission
8 Case 16-12, which was not appealed and is not part of this case.

9 CHAIRPERSON HOOD: True. That's not before us, and I
10 think that is sufficient enough answer. I believe Ms. High -- and
11 again, if you need additional comments on that, you might want
12 to look at 16-12, and I'm sure the Office of Planning can assist
13 with that question because that was a question I've had not just
14 here but in a lot of cases throughout the city. So, what's your
15 next question, Ms. High?

16 MS. HIGH: I'm sorry. The one I just jotted down that
17 I really want to get addressed, how are you all going to address
18 racial equity if there's no guaranteed home ownership?

19 MR. FREEMAN: So, I think that's a fair question. I'd
20 ask Mr. Dettman to come back up and we can go to the slide in
21 his sheet -- the slide in his presentation where we have a list
22 of how the project advances racial -- how 16-11 advances racial
23 equity. That's a question for Mr. Dettman.

24 MR. DETTMAN: Yeah. Let me find a slide number.
25 Mr. Young, could you go to --

1 MS. HIGH: Are you all -- oh, I'm sorry. Are you all
2 speaking of other properties?

3 CHAIRPERSON HOOD: No. The -- what we're talking about
4 tonight, Ms. High, is the case before us and, basically, the --

5 MS. HIGH: I know.

6 CHAIRPERSON HOOD: Right.

7 MS. HIGH: They -- I mean, it seemed like they're
8 talking about showing me something about -- okay. Never mind.

9 CHAIRPERSON HOOD: We're going to work with you,
10 Ms. High.

11 MR. DETTMAN: Mr. Young, would you mind bringing up my
12 slides.

13 CHAIRPERSON HOOD: Ms. High, can you see the screen
14 when they bring up the slide?

15 MR. DETTMAN: Slide 17.

16 MS. HIGH: Can.

17 CHAIRPERSON HOOD: You can see that? Okay, good.

18 MR. DETTMAN: I can -- yeah. I can start here and
19 answer your question. I think the question was, how is it that
20 the project would help address or advance racial equity if we're
21 not providing any kind of opportunities for homeownership?

22 I mean, I would say that the Comprehensive Plan
23 identified and sort of puts an emphasis on housing in general,
24 and that's both rental and homeownership opportunities, as a way
25 to help address racial equity, and in particular affordable

1 housing. And again, that's both housing market rate and
2 affordable, both rental and homeownership. It does -- the
3 Comprehensive Plan does include policies that promote
4 opportunities for homeownership. That's just not a component of
5 this project. Next slide.

6 And so -- yeah. This slide -- and again, there's some
7 additional detail in our filings of our prehearing submission.
8 But in terms of just the general Comprehensive Plan emphasis on
9 housing as a way to advance racial equity, I would just point to
10 the second bullet. This project, being a rental project, will
11 provide new housing.

12 It will provide 90 public housing replacement units,
13 about 109 to 113 new affordable units and then 70 to 74 market
14 rate units at a wide range of one-, two-, and three-bedroom units.
15 And that's the way that this project, as currently proposed, will
16 help address racial equity from a housing perspective.

17 MR. FREEMAN: And if I could just add one more thing,
18 Mr. Chairman. The underlying Zoning Commission order, Zoning
19 Commission Order Number 16-11, page 71, Condition 4, says: Prior
20 to entering into a contract for the lease or purchase of the
21 first townhome -- so we do have the flexibility to make some of
22 the townhomes rental or for sale. So, there is a potential for
23 home ownership as it relates to the townhomes in the southwestern
24 portion of the site.

25 CHAIRPERSON HOOD: Okay. Thank you. Ms. High -- I

1 think we can take that down unless Ms. High has another question
2 on this. We can take that down. Ms. High, you have a next
3 question?

4 MS. HIGH: Is it possible to bring in my equity teammate
5 to help cross-examine; Mr. William Jordan?

6 CHAIRPERSON HOOD: Ms. High, let me just say this to
7 you. You can bring him up for testimony. The Courts have ruled
8 on that some years ago to this Commission. Only one person can
9 cross-examine.

10 MS. HIGH: Okay.

11 CHAIRPERSON HOOD: Your equity expert can come up
12 during your presentation and we will be able to -- well, let me
13 just rephrase that. We haven't qualified anyone as an expert,
14 but you can bring the person who -- to assist you up at that
15 time. If they can give you the questions now, you can ask them
16 as long as they're with the updated Comp Plan.

17 Again, the Courts. The Courts have told us how to
18 cross-examine and that -- it told us what's to not -- what we
19 need to deal with here in the Comp Plan. I don't want to sound
20 like a broken record, but that's the reality of where we are. We
21 are where we are, so.

22 MS. HIGH: So, how come I haven't received any of the
23 documents pertaining to the -- ultimately, the homeownership
24 piece and all of the racial equity portions of this?

25 CHAIRPERSON HOOD: I'm not going to answer for the

1 Applicant, but I will tell you that, as far as the Zoning Office
2 is concerned, it's in the public record. You would have to review
3 the public record and I think you're a party. I'm not sure what
4 the course is in a remand.

5 Ms. Schellin, do we -- let me -- Mr. Freeman, do you
6 have any response to that, since you're being cross-examined, not
7 me?

8 MR. FREEMAN: Sure, sure. Well, I think
9 the -- everything that's shown in the slides comes from our
10 Exhibit Number 274, and that was served on Ms. High. So, they
11 have a copy of that exhibit. And of course, this PowerPoint is
12 in the record as well and what I just read in terms of what the
13 Zoning Commission order says. That's public record. That's in
14 the Zoning Commission Order 16-11, which is in this record as
15 well, so. But as it relates to service, we absolutely have served
16 Ms. High with a copy of our written response, which is
17 Exhibit 240 -- 274.

18 CHAIRPERSON HOOD: Okay. So, Ms. High, you understand?
19 You should've received that. You --

20 MS. HIGH: From Mr. Freeman?

21 MR. FREEMAN: Yes.

22 MS. HIGH: Or did it come from somebody else?

23 MR. FREEMAN: I can confirm for you -- I'm pretty sure
24 that I sent it to you, Ms. High.

25 MS. HIGH: I may have to check my spam box. I'm sorry.

1 | What racial equity tool did you all use to make this
2 | determination?

3 | MR. FREEMAN: I think I can -- Mr. Dettman can talk
4 | about how he did the racial equity analysis, again, if you'd
5 | like.

6 | MR. DETTMAN: Yeah. I think the Comprehensive Plan
7 | talks about -- and it sort of instructs -- puts an emphasis on
8 | the district developing racial equity tools to help assist
9 | government actions. I think at this point in time, we've been
10 | following the lead of the Office of Planning and the very good
11 | reports that they've issued on the Barry Farm map amendment as
12 | well as, most recently, the model that they provided in the recent
13 | Westminster PUD in terms of the analysis that they've put forward
14 | there. We sort of reflected a similar analysis in approaching
15 | this project on the updated Comprehensive Plan.

16 | MS. HIGH: Okay. Thank you for that.

17 | MR. FREEMAN: And I don't know, Mr. Chairman, if this
18 | is -- if you need this for the record, but I did -- Ms. High, I
19 | emailed you this submission on Tuesday, October the 12th at
20 | 4:31 p.m., and I got a response back from you on that day saying,
21 | received, thank you. So, you do have that submission.

22 | MS. HIGH: I do have people helping me run my resident
23 | council email. I'm not the only person that runs the council's
24 | email, so be aware of that, please.

25 | MR. FREEMAN: Okay.

1 CHAIRPERSON HOOD: Okay. Okay, thank you. Thank you,
2 Ms. High. But I will tell you that as far as that goes, I think
3 they have met their requirement. Do you have any other questions
4 or comments?

5 MS. HIGH: No. I'm done cross-examining. Thank you
6 very much.

7 CHAIRPERSON HOOD: Okay. And we'll call you back up
8 for your testimony, so standby.

9 MS. HIGH: Thank you.

10 CHAIRPERSON HOOD: Thank you. Okay. Give me one
11 second. I don't know whether it's better to have papers in front
12 of me in the hearing room or files in front of me,
13 because -- okay.

14 MS. SCHELLIN: It'll be Mr. Poe for the next party --

15 CHAIRPERSON HOOD: Yeah. That's what I need. Thank
16 you, Ms. Schellin.

17 MS. SCHELLIN: -- for the Bruce Monroe Park Neighbors.

18 CHAIRPERSON HOOD: Yeah. Okay. The --

19 MS. SCHELLIN: Marc Poe is their representative.

20 CHAIRPERSON HOOD: Mr. Poe for the Brooklyn (sic)
21 Monroe Park Neighbors. Mr. Poe, you can come up and -- if you
22 have any cross-examination.

23 MR. POE: Technology, I swear. Can you hear me now?

24 CHAIRPERSON HOOD: Yes, we can hear you. Identify
25 yourself and you can begin with your questioning.

1 MR. POE: Yes, sir. My name is Marc Poe. I represent
2 today the Park Neighbors in this cross-examining. I have a few
3 questions that I would like to ask of the Applicants, if I could.
4 To start with, I would like to ask which particular lot and parcel
5 is this zoning map amendment for? If you could please quote
6 that.

7 (No audible response.)

8 MR. POE: That's the -- that's open question to the to
9 the Applicant. But what law did you -- where are you -- is this
10 the application for?

11 MR. FREEMAN: It's Square 2890, and I can confirm the
12 exact square. I think what you're getting to is there has been
13 a subdivision. It's captioned as part of Lot 849, and that's
14 just the caption from when the case was initially filed. But I
15 can confirm for you the exact lot today.

16 MR. POE: So, it is 849, then? Was the -- that was a
17 date on the application as of 2016?

18 MR. FREEMAN: It was initially eight-four -- it was
19 part of 849.

20 MR. POE: Was the lot -- was this the lot number when
21 the Zoning Committee approved the order?

22 MR. FREEMAN: So, I don't -- again, just in terms of
23 cross-examination, I don't know that Mr. Dettman testified about
24 what the square or lot number was, and I don't know that --

25 MR. POE: It's pertinent.

1 MR. FREEMAN: To Mr. May's questions, I don't know how
2 that relates to the Comp Plan.

3 CHAIRPERSON HOOD: Let me help. With my opening
4 statement, what I've been given is Square 2890, part of Lot 849?
5 If that's incorrect, then we need to correct it. But if that's
6 correct, we can move to the next question.

7 MR. POE: Is this correct?

8 (No audible response.)

9 MR. POE: Is this correct or has it changed?

10 MR. FREEMAN: So, let -- I'm looking up to confirm you
11 the current lot number.

12 MR. POE: What was on the application, sir?

13 MR. FREEMAN: So, I don't know what -- so, Mr. Chairman,
14 when we filed the application, it was a large site, as is the
15 case for a lot of developments in the District. Subsequently,
16 the site has been subdivided, so there is a new lot number for
17 the PUD site, and that is what I'm trying to confirm.

18 CHAIRPERSON HOOD: So, let's try to have that before
19 Mr. Poe comes back.

20 MR. FREEMAN: Absolutely.

21 CHAIRPERSON HOOD: We can supplement the record with
22 that. So, Mr. Poe, I've asked for that, so we can go to your
23 next question.

24 MR. POE: May I ask a follow-on question?

25 CHAIRPERSON HOOD: Sure.

1 MR. POE: I would like to ask under which zoning
2 regulation -- if it was subdivided as Mr. Kyrus just said, under
3 what zoning regulation was it subdivided?

4 MR. FREEMAN: Mr. Chairman, I'm not sure I understand
5 the line of his questioning. Subdivisions don't occur under
6 zoning regulations. Subdivisions are processed through the
7 Office of the D.C. Surveyor.

8 CHAIRPERSON HOOD: Okay.

9 MR. POE: Okay.

10 CHAIRPERSON HOOD: Mr. Poe, let me just ask you -- I
11 would like for you to -- your questions, when you give
12 your testimony --

13 MR. POE: I'll move on.

14 CHAIRPERSON HOOD: Hold on. Let me just --

15 MR. POE: I'll move on.

16 CHAIRPERSON HOOD: Hold tight, hold tight, so we can
17 move forward in a fashion that works. The questions that you're
18 asking, when you do your presentation, you can ask the Commission
19 and we will, do our best following the Court's order, get -- find
20 out that information for you. But again, I've asked that you
21 stay tuned to the updated Comp Plan. Thank you.

22 MR. POE: Yes, sir. My next question is also related
23 to the relief that's requested -- that was requested in the
24 original application for the 3.9 floor area ratio. Is that still
25 the case? Or do we just assume that the extra floor area

1 ratio -- I would like to find out if this is something that is
2 sought for and if it's something that is in the application.

3 MR. FREEMAN: So, the PUD, the building, the zoning
4 calculations, all of that is the same. So, nothing about the
5 building has changed.

6 MR. POE: Okay. I also have a question, then, about
7 this concept of transition. When the taller building is on the
8 top of the hill and the smaller building is on the lower end of
9 the hill, and this was used as an example of how the stepdown
10 effect was to be more in character with the neighborhood when it
11 seems to exaggerate the large building more since it's higher up
12 on the hill. I'm curious about that logic.

13 COMMISSIONER MAY: Mr. Poe? I think I have to ask
14 again how this relates to the new Comprehensive Plan, which is
15 the --

16 MR. POE: All right.

17 COMMISSIONER MAY: -- focus of this hearing.

18 MR. POE: Okay. I'll get back to the to the comments
19 that on -- to these other two statements. On page 9 of the most
20 recent comments from the Applicant, you say that there are
21 108 -- 11 units and 60 percent was AMI. I was just wondering
22 what the 60 percent AMI means and what you consider affordable
23 rate for a one-bedroom apartment for someone making 60 percent
24 AMI.

25 CHAIRPERSON HOOD: Mr. Poe, I --

1 COMMISSIONER MAY: So --

2 CHAIRPERSON HOOD: Okay. Commissioner --

3 COMMISSIONER MAY: Go ahead.

4 CHAIRPERSON HOOD: Go right ahead. Thank you.

5 COMMISSIONER MAY: Again, you're arguing -- or, you're
6 asking questions about the basic facts of the case. What we are
7 seeking is information about how the changes to the Comprehensive
8 Plan should affect any decisions we would make with -- in response
9 to the remand from the Court of Appeals. So, if you could focus
10 your questions on how the circumstances of the case may have
11 changed as a result of a Comprehensive Plan update, that would
12 be most helpful. That's really what we have asked for today.
13 Not to re-argue anything or to ask questions about the original
14 case.

15 COMMISSIONER SHAPIRO: And can I -- if I may, Mr. Chair,
16 can I take that one step further, which is even more to the point?
17 This is cross-examination, so if you could just focus on what
18 Mr. Dettman has brought and the rest of the team has brought
19 forward? You absolutely will have an opportunity to make your
20 case down the road, Mr. Poe.

21 MR. POE: I guess what I was getting at is that the
22 Comp Plan requires the character of the community to be
23 considered, as was mentioned in the updated Neighborhood
24 Conservation plan. And that's sort of, I guess, what I was
25 getting out with the stepdown effect with --

1 COMMISSIONER MAY: You can ask the question that way.

2 CHAIRPERSON HOOD: Right, right.

3 COMMISSIONER MAY: The stepdown effects, you know, how
4 is that different under the new Comprehensive Plan? I mean,
5 that's a reasonable line of questioning. That's the way you
6 should ask the question. Maybe Mr. Dettman understands it well
7 enough to answer.

8 MR. FREEMAN: Yeah, I was going to say, that's actually
9 a great question. We do have slides about the Neighborhood
10 conservation area. So, Shane, Mr. Dettman, if you want to pull
11 up those slides? Because, actually, the new Comp Plan more
12 strongly supports the project. So, happy to go through that
13 again.

14 MR. DETTMAN: Yeah. Mr. Young, if you wouldn't mind
15 bringing up -- it's probably around Slide 4, 5. And as I
16 understand the question, you know, is this idea that, you know,
17 the -- that the elevation sort of decreases as you move west
18 along Irving and so, you know, what is the -- what's the logic
19 behind putting the 90-foot building on the higher part of the
20 hill and the lower building on the lower part of the hill?

21 And I'll say, like, maybe the question is, how is it
22 that you can find the project to be not inconsistent with the
23 updated Comprehensive Plan when the higher building is on the
24 higher part of the hill and all that? And, you know, I would
25 say, coming from a design perspective, you want to put, you know,

1 the height up on the corridor and not closer to the neighborhood.

2 It's, you know, the idea that the 90-foot
3 building -- the perceived height of the 90-foot building appears
4 higher from the low point of the hill. That's just a function
5 of the topography. But I think, you know, you want to put height
6 on, you know -- the Comprehensive Plan supports additional height
7 and density up on the corridor. The Comprehensive Plan urban
8 design element, land use element also has several policies
9 talking about how you can go about relating, you know, buildings
10 to a surrounding context. That might differ in the general
11 development pattern. And I think that the project has a
12 significant step down from 90 feet to 60 feet in response to the
13 two- and three-story moderate-density residential to the
14 northwest in the west. But then, also, if you just take those
15 90-foot blocks and 60-foot blocks and look at how those blocks
16 are treated, the massing is broken down by carving out the corner,
17 putting in bay windows. It's further broken down by the
18 articulation, the detailing, and then there's the material
19 variation. And I think all of that, in its totality, makes the
20 project not inconsistent with those urban design and land use and
21 Mid-City Element policies that talk about relating the
22 development to the surrounding context.

23 MR. POE: The Comp plan, though, now looks to floor
24 ratio, not so much to the actual number of floors, and the
25 distinction is not exactly borne out in this. So, the

1 Comprehensive Plan speaks to more intact blocks of well-kept
2 rowhouses, though, in this area and the Mid-City community needs
3 additional --

4 COMMISSIONER SHAPIRO: Mr. Chair, if I may?

5 CHAIRPERSON HOOD: Hold on one second, Mr. Poe.
6 Mr. Shapiro?

7 COMMISSIONER SHAPIRO: Yeah. I just want to -- I hope
8 this is helpful. But, Mr. Poe, I hear the makings of an argument
9 and I would say hold it, because you'll have an opportunity to
10 make presentation. Again, this is just for you to ask questions
11 of the Applicant. That's all it is.

12 MR. POE: Okay.

13 COMMISSIONER SHAPIRO: Thank you. I appreciate it.

14 MR. POE: As far as -- actually, the adverse impacts
15 of the -- of this development is something else that I feel that
16 was teased at in the original transportation impact study that
17 was done the first time around. But certain things that were
18 presented in that transportation impact study, like the crash
19 analyses --

20 CHAIRPERSON HOOD: Mr. Poe, Mr. Poe, Mr. Poe?

21 MR. POE: Yes?

22 CHAIRPERSON HOOD: I need you to tie this into what
23 we're dealing with tonight. The Courts have remanded what we're
24 dealing with tonight back -- to not just the Zoning Commission
25 (audio interference), but it's recorded -- they sent it back to

1 the city. So, they didn't say, look at -- tie it into the updated
2 Comprehensive Plan, again, as my colleagues have already
3 mentioned.

4 MR. POE: The -- well, the first part about -- the
5 updated Comprehensive Plan did not change the generalized policy
6 map, which includes the Neighborhood Conservation area, and I was
7 curious why the zoning -- sorry. Why the Applicant feels that a
8 90-foot building that protrudes 50 feet in -- or, a 8,690
9 feet -- or, square feet, rather, into a Neighborhood Conservation
10 area at 90 feet high somehow in line with conserving the look
11 and character of that neighborhood.

12 CHAIRPERSON HOOD: That's your question? That's your
13 question?

14 MR. POE: That's the question. That's the question.

15 CHAIRPERSON HOOD: That's in line. That's where I want
16 you to go.

17 MR. POE: All right.

18 CHAIRPERSON HOOD: Just what you asked.

19 MR. POE: Okay.

20 CHAIRPERSON HOOD: You're going -- you're batting a
21 hundred.

22 MR. POE: I'm a rookie at this.

23 MR. FREEMAN: All right. So, I would ask Mr. Young to
24 pull up our slide deck and go to page -- Slide 7 of our slide
25 deck. And then, Mr. Dettman will walk through again our analysis

1 of Neighborhood Conservation area. Mr. Dettman?

2 MR. DETTMAN: Sure. I think -- and one of the points
3 I made in this slide, is it's really important to look to the
4 Framework Element -- the updated Framework Element and the
5 changes that were made to the description of a Neighborhood
6 Conservation area to get a full understanding of what
7 Neighborhood Conservation area means. It does not mean all small-
8 scale development, all moderate-scale development. You have to
9 look at what the development pattern in the general area is and
10 look -- and use that as a general policy guidance provided by the
11 generalized policy map.

12 Again, the boundaries, it's embossed right on the map.
13 The boundaries are interpreted as approximate, not precise
14 delineation. It actually leaves it to the Zoning Commission to
15 figure out where that transition is most appropriate when you're
16 looking -- after looking at the FLUM as well as the policies.

17 The most notable change that was made in the updated
18 Comprehensive Plan is in that second bullet, is that the Council
19 felt it necessary to clarify that a Neighborhood Conservation
20 area still allows for development. It does not preclude
21 development, especially when a development is going to help
22 address citywide housing needs. And then, I read some text from
23 the Framework Element. It is not on the slide.

24 Yes, the description talks about compatibility with the
25 scale, natural features, and character of the area. This is why

1 we talked about -- gave some examples of, you know -- if you look
2 up and down the corridor, there are examples of larger buildings
3 that extend into the moderate-density residential area to the
4 west, and you see how those buildings are sculpted both in
5 massing, materials, et cetera.

6 But I'll end with this language that I have already
7 read from the Framework Element, because this is just as important
8 as the language that's on the slide that talks about how a
9 Neighborhood Conservation area does not preclude development,
10 especially when it's going to help address citywide housing
11 needs.

12 The language talks about approaches to managing
13 context-sensitive growth in Neighborhood Conservation areas may
14 vary based upon neighborhood socioeconomic development
15 characteristics. In areas with access to opportunities, service,
16 and amenities, more levels of housing affordability should be
17 accommodated.

18 And I think that language actually was discussed in the
19 letter submitted in support by Councilmember Nadeau, because it
20 talks about the Mid-City area is an area that's rich in amenities,
21 transit, retail, services, and these are the types of areas that
22 we should look to address -- help address, you know, the
23 District's goals for, you know, 36,000 new housing units, 12,000
24 of which is affordable. These are the areas where you want to
25 find opportunities to promote additional density.

1 And where that additional density might kind of across
2 into a Neighborhood Conservation area, you take through the PUD
3 process, you take a finer grain look at it to make sure that that
4 building, that transition, that design is sort of not
5 inconsistent with urban design policies that look about design
6 in relation to the surrounding context.

7 So, sort of that looking at the policy map in
8 combination with the FLUM and the policies of the Comprehensive
9 Plan, I would come to the conclusion that what's proposed is not
10 inconsistent with the policy map.

11 MR. POE: I have an additional question on this matter.
12 And the -- one of the reasons that was listed for discussion,
13 where it was the -- to identify record support for the statement
14 about the -- how the senior building mimics others. And I was
15 curious for some reason why the forego reliance on the Zoning
16 Cases 13-10 for 3212 Georgia Avenue and 10-26 at 3221 Georgia
17 Avenue as precedents for building 90-foot apartments along
18 Georgia Avenue when neither of these were ever built. They remain
19 two-story commercial buildings at the moment.

20 And just curious how that mimics something that already
21 has been -- sorry, how this would mimic something
22 that's -- already has been built when those weren't built
23 already.

24 MR. DETTMAN: Sure.

25 MR. FREEMAN: Sure. Mr. Young, go to Slide 13, because

1 we actually pointed to existing buildings during Mr. Dettman's
2 testimony.

3 MR. DETTMAN: Yeah. And addressing consistency with
4 the policy map, earlier in the process, we identified built and
5 approved projects, where some of those unbuilt projects, as
6 Mr. Poe notes, have not been constructed. But those were
7 projects, where the Commission in assessing Comprehensive Plan
8 consistency, found that a 90-foot building that transitions into
9 a moderate-density residential was considered to be not
10 inconsistent with the Comp Plan.

11 For the purposes of this slide, I wanted to just focus
12 on the built projects. If we pull in those unbuilt projects, I
13 think that it even strengthens our point that the Commission
14 hasn't analyzed this issue in terms of a larger building
15 transitioning in. It can be done successfully in a way that's
16 not inconsistent with the Comp Plan.

17 And Mr. May raised a question during my testimony about
18 how does this actually go to consistency with the current Comp
19 Plan? I think it's a good point. It doesn't necessarily go
20 directly to consistency with the current Comp Plan. You could
21 forego this argument and still come to the conclusion the project
22 is not inconsistent with the current Comprehensive Plan.

23 I think I made the slide simply to make the point that,
24 in assessing consistency with the policy map, setting aside the
25 fact that the boundaries are, you know, subject to

1 interpretation. They're general delineations. When you look at
2 it from a design perspective, in combination with the generalized
3 policy guidance about, the policy map is really saying it's a
4 main street mixed-use corridor on Georgia Avenue, transitioning
5 down as you move west, that our project mimics some of the design
6 gestures that you can find along the corridor that have been
7 successfully done: height changes, massing changes, materials.

8 You can find examples of how those architectural
9 gestures are applied to a building in a way that successfully
10 transitions to the west and leads you to a conclusion that the
11 project is not inconsistent with urban design and land use
12 policies as well as the policy map.

13 MR. POE: And how does the Applicant address that
14 these -- two of these buildings were specifically inside of the
15 Georgia Avenue-Petworth Metro area plan that, under a previous
16 Comprehensive Plan, allowed for such extra height, but it was
17 unprecedented south of Kenyon Street?

18 MR. DETTMAN: I -- and this is why I focused on these
19 three projects; two of which are very close to the subject
20 property. I don't necessarily need to refer to any project up
21 and down the corridor in order to apply a thorough Comprehensive
22 Plan -- updated Comprehensive Plan analysis to this project and
23 to the design of this project to come to the conclusion that I
24 did relative to consistency with the policy map and the
25 Comprehensive Plan policies as a whole.

1 MR. POE: Along those lines, what adverse effects did
2 you discover when doing such a study?

3 MR. DETTMAN: Mr. Young, would you --

4 MR. POE: What adverse effects did you find would have
5 potential?

6 MR. FREEMAN: Can I -- so, Mr. Dettman had a slide,
7 Slide 25, and the Court of Appeals instructions was to -- if
8 we're following instructions, are to identify what adverse
9 effects were identified in the record below. And these were the
10 effects that were potential adverse effects that were identified
11 below and for which the Zoning Commission clearly analyzed as
12 part of the Zoning Commission Order 16-11. So, I'll let
13 Mr. Dettman take it from here, but these were --

14 MR. DETTMAN: Sure. And just to pick up where Kyrus
15 left off, these were potential adverse effects that were asserted
16 by the opposition and that were thoroughly addressed in -- by the
17 Commission. I don't know that the Court actually got it right
18 on this issue because the order was extremely thorough in
19 addressing point-by-point these issues.

20 Mr. Poe, to your question in terms of what potential
21 adverse effects I may have identified in evaluating this point
22 has consistency with the Comp Plan. I mean, certainly, if you
23 compare what's being proposed to what's currently on the site,
24 there could be some adverse effect when it comes to light and
25 air, you know, due to proposed scale and height of the project.

1 That issue was also specifically addressed on the
2 Applicant's rebuttal during the initial process through a series
3 of shadow studies, and the Commission found that, while there may
4 be some impact, that impact is not unacceptable and that it's
5 mitigated through the design of the project and that, to the
6 extent that there are impacts, they're acceptable given the
7 public benefits that would result from the project. I fully
8 agree with the Commission's finding on that. That would be the
9 finding I'd come to.

10 In terms of reduction of public parking, it's public
11 parking, and residents of this project and the project -- and the
12 houses across the street should be able to rely upon that parking,
13 but also that the project is meeting its parking requirements and
14 providing some additional parking on the north-south street. I
15 can offer these -- there are -- I think there are some adverse
16 impacts that have been asserted that have not been substantiated,
17 like crime and loitering.

18 COMMISSIONER MAY: Mister --

19 MR. DETTMAN: I'm not even quite sure what to make of
20 that. I certainly don't think (indiscernible) --

21 MR. POE: I have one more question, if I could?

22 COMMISSIONER MAY: I just want to make sure that we are
23 focused on the Comprehensive Plan.

24 MR. POE: Yes.

25 CHAIRPERSON HOOD: Right, right. Thank you.

1 MR. FREEMAN: -- Mr. Dettman was doing in response to
2 your questions.

3 MR. DETTMAN: That was it.

4 MR. POE: The amended Comp Plan, 2007.3, it's pretty
5 clear on specific policies regarding why a building -- you're
6 building a 90-foot apartment building away from a metro station
7 on green space in a neighborhood of rowhouses that's counter to
8 the intent of the Comp Plan. Yet the Zoning Commission never
9 analyzes or discusses these issues, why there are -- states that
10 there -- that more three- and four-bedroom units are needed to
11 attract and retain families. That new development should be
12 immediately adjacent to a metro station, not a half mile away.
13 Intact blocks of well-kept rowhouses are the character of the
14 neighborhood. That the Mid-City community needs additional park
15 land, not reduced park land by two-thirds.

16 COMMISSIONER MAY: If I may? Mr. Poe, I'm sorry to
17 interrupt. But, Mr. Poe --

18 MR. POE: Yes?

19 COMMISSIONER MAY: Absolutely this is an argument that
20 you can make, but I don't hear this as cross-examination of the
21 Applicant.

22 MR. POE: The question was how this is consistent with
23 the -- how the building is consistent was the first part of my
24 statement. (Indiscernible) elements were clear on these issues
25 and I was wondering how they believe that this -- that such a

1 large structure so far away from the metro is still in the
2 character. How does it meet the neighborhood character?

3 MR. FREEMAN: So, I'll say this. I'll say we -- we're
4 happy to go through our slides again, but I think what we did
5 was a full Comp Plan analysis of how the building, as previously
6 approved, is consistent with the Comp Plan and a Future Land Use
7 Map designation for this site. I don't -- we will look at 2007.3,
8 but I don't know that that condition says that you can only have
9 90-foot buildings near metro. That would be a surprise to me.
10 But we will happily address consistency with Section 2007.3, to
11 the extent that it's applicable, in writing.

12 MR. POE: I would also like to add 2009.4, regarding
13 anticipated population growth and a need for more open space, and
14 how reducing that open green space is somehow congruent with the
15 Comprehensive Plan.

16 MR. FREEMAN: And I think we --

17 MR. POE: How does reducing park space -- how is
18 reducing park space consistent with 2009.4?

19 MR. FREEMAN: Okay. We will talk about 2007.3, 2009.4,
20 and we've already spent a lot of time on the open space issue,
21 but we will put that in writing as well.

22 MR. POE: Okay. Could you also speak on the encouraging
23 historic preservation tax credits; 2008.8?

24 CHAIRPERSON HOOD: No. I'm going to disallow that.

25 MR. POE: Okay.

1 CHAIRPERSON HOOD: Yeah. That's going to be
2 disallowed. And also, I don't want to give you, Mr. Poe, any
3 false impressions. I know my colleagues said you can do some of
4 this on your cross-exam -- I mean, when you do your testimony,
5 but some of those questions I allowed because I was waiting for
6 the nexus, and I think some of it can be an interpretation in
7 the Comp Plan. You find things that go towards your argument,
8 and you also find things that counteract your argument, and I
9 think that's for the Applicant, for all of us. We just have to
10 try to figure out what mitigation methods could be put in place.
11 So, I will tell you that some of what you said will not be allowed
12 on your testimony. We -- I want you to stay -- you were doing
13 excellent when you were asking -- I think when you used the word
14 updated Comp Plan, I think the questions are more geared to what
15 the Courts have -- or, demanded that we remand and look at.

16 So, I think I will let you -- if you have some
17 additional questions. But I'm just trying to bring you back to
18 where we need to be. Any additional questions?

19 MR. POE: Sorry. I had it on mute there for a second.
20 I was going back to the -- some of the racial equity things that
21 Ms. Shonta High was mentioning, and was curious whether the
22 proposed commerce space, the business space on the first floor,
23 would be reserved for black businesses or Park Morton
24 entrepreneurs. That was --

25 MR. FREEMAN: Well, we can't reserve it for black

1 | people, because that would be discriminatory, but we are
2 | providing it at reduced rent and to be neighborhood serving, to
3 | help address the needs of racial equity. In addition, as
4 | indicated on our slides, we are -- we executed a CBE agreement
5 | that will actually incentivize the business opportunities for
6 | all, including minorities. But all of that is outlined on -- in
7 | our submission. We're doing the first --

8 | CHAIRPERSON HOOD: I do want to say something, Mr. Poe,
9 | about -- I don't want anybody leaving here thinking racial
10 | equity -- I've been studying this as well. It's not just about
11 | black or Hispanic. Racial equity -- and I think the Council's
12 | wisdom and the Mayor's wisdom is long overdue. But I think
13 | it -- basically, what it do is it start to level the playing
14 | field. It includes those who have been disadvantaged, left out.
15 | As the former 'Mayor for Life' used to say, the less -- the least,
16 | the lost and the left out. And I think it's not just -- it may
17 | target one classification of folks, but I think what it does is
18 | kind of levels the playing field. So, I want us to be very
19 | careful how we use that and say it just pertains to a certain
20 | class of people because it doesn't. But it levels the playing
21 | field. So, I will tell you, I'm really excited again about the
22 | way the Office of Planning -- I know you have, Mr. Poe, but I
23 | would encourage you to look at what they wrote about racial
24 | equity, which I thought was done in the first case.

25 | And I'm saying this so when the Courts -- if they decide

1 to read this again, that's one of the fundamental things as far
2 as updating this Comp Plan, and I'm glad that the Council and
3 the Mayor put in place -- and the citizens because the citizens
4 have a lot to do with this as well. Anything else, Mr. Poe?

5 MR. POE: Yes. I had a question on the -- it was a
6 statement made earlier by the Applicant about getting additional
7 comments or studies from D.C. FEMs about the emergency response,
8 because the two-line email that everyone speaks of from Tony
9 Falwell back in 2016 was just that; it was a two-line email.
10 Just curious whether that would come as part of the impact
11 study --

12 MR. FREEMAN: So, just to be clear -- I'm sorry,
13 Mr. Poe. I didn't mean to cut you off. I apologize.

14 MR. POE: Is that a thorough impact study, then, without
15 having the families (indiscernible)? Because you did a great
16 job -- you did a very thorough job on the transportation impact,
17 a very -- 126 pages of ink there. I was wondering if there was
18 anything coming down the pike on that.

19 MR. FREEMAN: So, two things. One, I think what
20 Mr. Dettman said is that the record already included whatever
21 reports were going to be included. I don't think we -- well, I
22 don't think -- I know we did not say we were doing additional
23 reports or studies. And in fact, when you look at the actual
24 Court of Appeals decision, because I know this issue was raised
25 in the case, was that there was there was a dispute about agency

1 reports. And what the Court said in the opinion was that the
2 Commission could rely on the reports that were actually received
3 in the record. So, agency reports was litigated during the
4 appeal, resolved during the appeal, and is not one of the seven
5 issues that was identified by the Court of Appeals in this case.

6 MR. POE: So, not Issue 5? Issue 5 mentioned in the
7 Court of Appeals opinion the Zoning Commission failed to
8 independently analyze or discuss the -- how the map amendments
9 would have adverse effects on the community. And I find that to
10 be a key issue because it doesn't seem very thorough to me.

11 CHAIRPERSON HOOD: Was that just a question --

12 MR. POE: You have just a two-line email --

13 CHAIRPERSON HOOD: Mr. Poe, was that just a question
14 or --

15 MR. POE: Yes. Do you consider that thorough? Do you
16 consider that thorough?

17 CHAIRPERSON HOOD: There you go. There you go. That's
18 the question.

19 MR. FREEMAN: I think -- yes. We consider the Zoning
20 Commission's analysis -- of the issues that were identified in
21 the case, we consider the Commission's analysis of those issues
22 to be thorough.

23 MR. POE: Is -- so, you consider two lines to be
24 thorough? That's great.

25 MR. FREEMAN: I think I just answered --

1 MR. POE: Do you consider that to be thorough?

2 MR. FREEMAN: I think I just answered that question.

3 MR. POE: Yes? Okay. Sorry. I was -- I think we were
4 talking over each other. I apologize. I have no more -- no
5 further questions.

6 MR. FREEMAN: Mr. Chairman?

7 CHAIRPERSON HOOD: Okay. Thank you, Mr. Poe. Yes,
8 Mr. Freeman?

9 MR. FREEMAN: I did want to allow Mr. Dettman now to
10 talk about 2007.3 and 2009.4. Mr. Poe mentioned those two
11 policies.

12 CHAIRPERSON HOOD: Okay. Let's do that now. I was
13 going to let you do it in rebuttal because I was going to take a
14 break, but go ahead and let's do that and let's keep it -- because
15 it's written, so let's keep it short.

16 Mr. DETTMAN: Thank you, Mr. Chairman. 2007.3 is just
17 narrative in the Comprehensive Plan. It's not a specific policy.
18 It lists kind of the planning and development priorities that
19 were identified by the community. And if you look at the
20 Comprehensive Plan, there's narrative that then leads to policies
21 that which the Commission balances and looks at inconsistencies.

22 So, I'm seeing things like the concern about the
23 housing opportunity should be increased for people of all income
24 levels, the -- and there's -- I'm sure there's a specific policy
25 in the Mid-City Element that talks about promotes additional

1 housing for everyone at all additional income levels. So, it's
2 just narrative. I've never seen an assessment of just narrative.
3 It's always about consistency with policies and balancing
4 competing policies.

5 In terms of 2009.4, that is a policy, and that's the
6 one that talks about new parks. I think an important point is
7 that this site was never a permanent park prior -- its prior
8 development was an elementary school. And if you look at the
9 record, I believe it's pretty clear that the District had always
10 envisioned at least a large -- a good portion of the site to be
11 developed. Yes, the area needs additional parks. It's going to
12 get a very, you know -- the Mid-City area's going to get a very
13 big park at McMillan. It is in the same planning area.

14 On this site, a portion of the prior Bruce Monroe
15 Elementary School will be developed by the District as a new
16 substantial park. As much as this policy calls for new parks in
17 Mid-City, there are policies in the Mid-City Element that talk
18 about the need for additional housing. And as you know,
19 Commission, the Comprehensive Plan has redundancy and conflict
20 all throughout it. It's just the nature of the Comp Plan and
21 you balance competing priorities.

22 There are competing priorities for new park space and
23 additional housing in this area, and I think the land use element
24 talks about that District-owned property should be used to
25 effectively address, as many as they can, the critical needs of

1 the District. And this -- and the current -- the former
2 elementary school site will be put to great use for affordable
3 market-rate housing in this project, and the remainder will be
4 at a park developed by the District.

5 CHAIRPERSON HOOD: Okay. So, it's a keyword that I
6 want us to -- redundant. We know what the city is planning for.
7 We've got that. Again, I want to focus us back to the updated
8 Comp Plan. So, Mr. Dettman responded to Mr. Poe. Mr. Poe, do
9 you have any additional questions on what Mr. Dettman
10 just -- additional cross-examine questions or what Mr. Dettman
11 just mentioned?

12 MR. POE: Yeah. I think I take issue with the concept
13 of just being narrative. I mean, aren't we talking about change
14 in the Comprehensive Plan?

15 CHAIRPERSON HOOD: Ask it in a question.

16 MR. POE: Yeah.

17 CHAIRPERSON HOOD: Ask -- I want to give you the
18 opportunity --

19 MR. POE: Okay. Non-jeopardy (phonetic). Yes. I
20 assume that's the Comprehensive Plan was more than just a
21 narrative. Is that correct? Is it more than just narrative?

22 MR. DETTMAN: Of course, it is. My point was is that
23 there is -- out of the, you know, 1,300, 1,600, 1,500 pages of
24 the plan, there's the background, there's context, there's
25 narrative that leads to District policies that then are

1 implemented through actions of various District agencies and
2 boards like the Commission. It's really the policies that you
3 look to implement through actions of the agencies.

4 And where there is a conflict between policies, that's
5 where you start to look at inconsistency and balancing competing
6 policy. All the Court opinions talk about balancing competing
7 policy. It does not talk about having to do a thorough analysis
8 of every narrative paragraph in the Comp Plan. That was my point.

9 MR. POE: Does -- do you feel that narrative shows
10 intent?

11 MR. DETTMAN: Of course. And that narrative --

12 MR. POE: Thank you.

13 MR. DETTMAN: -- leads to policies in the Comprehensive
14 Plan and the Mid-City Element that that promote additional
15 affordable housing and additional park space, and I don't see an
16 inconsistency with either in this situation.

17 MR. POE: Do you find inconsistency with the narrative
18 that require -- or, that ask for more three- and four-bedroom
19 units to attract families? And --

20 MR. DETTMAN: I don't. The project proposes a wide
21 range of unit types.

22 MR. POE: Can you -- do you know how many three-bedroom
23 affordable units there are at the site?

24 MR. DETTMAN: That's in our plan.

25 MR. POE: There are four.

1 MR. DETTMAN: I can bring it up.

2 MR. POE: There are four. Out of 270, there are four.

3 MR. POE: Just -- so, that was my last question.

4 CHAIRPERSON HOOD: Okay. Mr. Poe, you're back on mute.

5 MR. POE: Yes. I -- that was my last question for
6 Shawn -- for Shane.

7 CHAIRPERSON HOOD: Oh, okay, okay. All right. Again,
8 I want to make sure that we stay focused on what's before us
9 tonight, because I will tell you the judges will look at not just
10 what the Commission allows in, but what the City talked about.
11 We want to make sure we stay focused. We've had two judges watch
12 us and we have pretty good remarks. I'm not talking about just
13 the Zoning Commission. I'm talking about the City as a whole of
14 staying on point and giving them the information they asked for,
15 so let's make sure that we give them what they asked for tonight.

16 So, anyway, thank you all. What I like to do -- need
17 a five-minute break or a ten-minute break? Five-minute. We'll
18 take a five-minute break, and we will come right back with the
19 Office of Planning, so I will ask the Office of Planning to
20 prepare. And again, I want to thank everyone thus far as you've
21 been very in line for the most part, and we greatly appreciate
22 it. Let's continue to keep it going just like that. So, thank
23 you. Five minutes. 5:51, we'll come back.

24 (Whereupon, the above-entitled matter went off the
25 record and then resumed.)

1 CHAIRPERSON HOOD: Okay. I think we have everybody
2 back. I did see Vice Chair Miller one time, but I know he's
3 back. There you go. Thank you. All right.

4 Ms. Schellin, can we -- I think Ms. Steingasser is
5 going to be speaking for OP, I believe. That's what I see up.

6 MS. SCHELLIN: That is correct.

7 CHAIRPERSON HOOD: So -- yeah. Okay. So we'll turn
8 it over to Ms. Steingasser from Office of Planning.

9 MS. STEINGASSER: Chairman Hood, Commissioners, the
10 Office of Planning did review the PUD against the new
11 Comprehensive Plan now and continue to recommend approval of the
12 project. We looked at the project -- as we looked at the
13 Comprehensive Plan and the project, we looked through a racial
14 equity lens on how the project would further participation of
15 minority groups and, as you said, an involvement of all. Sorry,
16 my notes are a little out of order here. It's a lot to keep up
17 with.

18 CHAIRPERSON HOOD: It's okay. Take your time. It's
19 always out of order.

20 MS. STEINGASSER: Here we go. So as we looked through
21 the project we found -- we found that the project, the PUD as
22 proposed would deliver several benefits that promote racial
23 equity. It will establish a mixed income community that will
24 enhance the neighborhood with new and diverse housing options
25 including 273 new residential units, 90 of which will be public

1 housing replacement units at Park Morton and a hundred --
2 approximately 110 will be Workforce Housing affordable units, 70
3 to 74 units will be market rate and 189 will be in the apartment
4 building and 76 will be for seniors.

5 And then as Mr. Freeman just pointed out the rowhouses,
6 there will be an opportunity of potential for home ownership.
7 The PUD will also provide the Park Morton 90 units which is a
8 part of the Park Morton New Communities Initiative. Its purpose
9 is as a district government program to design to revitalize
10 severely distressed subsidized housing and redevelop
11 neighborhoods into vibrant income communities. The adjacent
12 property, which is not part of this PUD, will become almost an
13 acre-sized permanent park and recreation space and not just a
14 temporary space.

15 In addition, the application -- the Applicant team has
16 a signed First Source Employment Agreement and a Small Business
17 Enterprise Requirement, which will -- which will provide the
18 opportunity for socio-economic involvement in the community. So
19 we find overall that the project does benefit through a racial
20 equity lens that was those elements of the Comprehensive Plan.

21 So I also want to talk to the issue of the Future Land
22 Use Maps and the council affirmative statement in support of the
23 redevelopment of this site through their designation and changes
24 to the Future Land Use Map.

25 The Applicant went through great detail to talk about

1 the medium density residential, medium density commercial. In
2 the Office of Planning report, we provided a more zoning technical
3 analysis step that laid out the zones that were identified as
4 being consistent with the different land use categories, the FARs
5 and the heights that they provided. The MU-8 and the MU-10 were
6 identified as being consistent with the medium density and they
7 ended up with between a 3.5 FAR as a matter of right up to a --
8 upwards of a 8.6 to a PUD.

9 This project came in with an aggregated FAR of 3.6
10 which we thought was completely consistent with that range of
11 FAR. The 90 feet height, which is consistent with the PUD
12 designation, and permission by the Zoning Commission can find on
13 down set the -- that the height is consistent with the
14 Comprehensive Plan. We at the Office of Planning report goes
15 into descriptions of why we recommend the 90 feet as an
16 appropriate height for the apartment building and its ability to
17 accommodate the necessary mixed income housing units and provide
18 for that -- the -- within the boundaries of that site in the
19 subdivision leaving the large permanent open space south of the
20 property.

21 Also we talked to the main street and the General Policy
22 Map and identified the main street mixed use corridor along
23 Georgia Avenue and then also talked about the areas to the west
24 which are neighborhood conservation. Our report goes into detail
25 about why we do not think that the 90 feet in that portion of

1 the Neighborhood Conservation area is inconsistent with the
2 designation on the policy map. The densities in neighborhood
3 conservation areas, as explained by the Applicant and showed
4 through their slides, are guided by the Future Land Use Map and
5 the Comprehensive Plan policies.

6 So when we take the conservation areas on the policy
7 map and then we look to the Future Land Use Map as an embodiment
8 of what is the appropriate density, we come back to the moderate
9 -- the medium density mixed use residential, commercial and the
10 densities as established in the -- as laid out in our report.
11 And again, we find that they were consistent.

12 In summary for the PUD, we find it's not inconsistent
13 with the policy map because the general guiding philosophy is to
14 conserve and enhance established neighborhood, but not preclude
15 development particularly to address citywide housing needs. And
16 I know the Applicant presented that information two or three
17 times both in their initial testimony and through cross-
18 examination and OP agrees that that statement does not preclude
19 development, particularly to address citywide housing needs, is
20 a very critical piece of this PUD.

21 The new -- second bullet is the new development would
22 be compatible with the existing scale, natural features and
23 character of each area, but is not required to be at the existing
24 scale. And clearly this PUD is not at the existing scale, but
25 overall it is a residential. It reads as a residential and it

1 | is not inconsistent with that residential character.

2 | Densities in the neighborhood's conservation areas are
3 | guided by the Future Land Use Map as I discussed earlier. And
4 | approaches to growth in the neighborhood conservation areas may
5 | vary on neighborhood socioeconomic and development
6 | characteristics.

7 | And we did some quick -- some analysis of what that
8 | means and how this project as implements part of the Park Morton
9 | New Communities plan and the socioeconomic and development
10 | characteristics that need to be accommodated through there. More
11 | levels of housing affordability should be accommodated in areas
12 | with access to opportunities, service, and amenities.

13 | OP's report then goes on to evaluate the area of
14 | opportunity, service, and amenities, and discusses how within a
15 | half mile there are several full-service grocery stores, several
16 | hospitals, Children's Hospital, Washington Hospital Center.
17 | There's a Columbia Heights Metro Station, and several high-
18 | capacity bus lines. There's the Columbia Heights retail center,
19 | and many local restaurants, schools, and shopping.

20 | So we found it to be consistent with that issue of
21 | having access to opportunities, service, and amenities. We also
22 | found that the residents in the community particularly are
23 | predominantly people of color and the provision of 90 affordable
24 | replacement housing units would certainly benefit to provide
25 | access to those residential units.

1 We then go through an analysis in our report of the
2 written elements of the framework and the critical need for
3 affordable housing. It's identified as a high priority public
4 benefit and evaluation of residential PUDs. And again, this
5 project certainly brings that forward.

6 It provides new housing where there currently is none.
7 The site is the -- is the previously developed site. It was
8 previously improved with Park Morton Elementary school. It's
9 been cleared for some time. It had been used as a temporary
10 park, so there is currently no housing on the site. And there
11 will be future housing through this PUD and permanent park space
12 through the District's efforts for land that is outside the PUD.

13 The development along corridors we talked to quickly
14 and encourage the growth and development, made corridors
15 particularly priority transit and multimodal corridors. So even
16 though this is not, you know, within a thousand feet or a quarter
17 mile, it is within a half mile of the Metro station and just over
18 a half mile of a secondary Metro station.

19 It then also talks to planned unit developments in
20 commercial corridors and that they can provide high quality
21 development with active ground floor designs and provide for
22 neighborhood commercial uses, vibrant pedestrians spaces, public
23 benefits such as housing, affordable housing, and affordable
24 economic spaces. And I think we've heard from the -- both in
25 the written application and then from the Applicant tonight that

1 | this PUD will provide those.

2 | The PUD consistent with -- there's also the discussion
3 | of buffering requirements and buffer new commercial development
4 | adjacent to residential areas to avoid adverse effects. Buffers
5 | may include setbacks, landscaping, fencing, screening, height
6 | step-downs, and other architectural or site planning measures
7 | that avoid potential conflict.

8 | We agree that the placement of the height along the
9 | Georgia avenue corridor is standard process. And when you look
10 | at what the main street policy corridor from Georgia Avenue calls
11 | for, it's consistent with that. It may be the higher ground of
12 | the property, but when you think about how the sun moves from
13 | east to west, the sun -- there will be no adverse effects due to
14 | sun shading because the sun on the west, the height is on the
15 | east. So the neighborhood in the moderate density zone will
16 | still continue to have full sun and light.

17 | I also wanted to point out that there's the buffer
18 | through the use of a private drive, which we often see throughout
19 | rowhouse areas where there may be an alley or have some kind of
20 | private drive that separates the commercial or the moderate
21 | density from the multi-family density. That's a very common type
22 | of separation that buffers those uses from each other.

23 | Oh, we also looked at the housing element and found
24 | many policies, which most of which were also included in the
25 | Applicant's presentation. We talked to several of the

1 environmental protection elements, the urban design elements, the
2 streetscapes that prioritized the experience, neighborhood
3 character, transition and building intensity. And again, this
4 project is a good example of how it steps down from the commercial
5 corridor of Georgia Avenue to the -- to the 60-foot-high portion
6 for senior housing, then down to the rowhouse across once you
7 cross over the private street.

8 And then on the -- on the southern portion of the PUD,
9 the sliver of rowhouses serve to buffer of that public space that
10 will ultimately be developed outside of the PUD, but by the
11 District government for permanent parks of recreation, those new
12 rowhouses will buffer that public space from the existing
13 residents.

14 We go into the Mid-City Element and the preservation
15 of affordable housing which strives to -- which is part of the
16 Mid-City Elements, talks to the issue of preservation of
17 affordable housing, strive to retain the character of Mid-City
18 as a mixed income community by preserving the area's existing
19 stock of affordable housing units and promoting the construction
20 of new affordable housing giving attention to the most rapidly
21 changing neighborhoods and encourage the use of preservation tax
22 credits. Obviously, there is no historic preservation on this
23 site and those tax credits would not be able to adhere.

24 So overall and on balance, the Office of Planning found
25 the project is not inconsistent with the new Comprehensive Plan,

1 the new maps, and the new and (indiscernible) elements. The
2 project would further many important civic priorities by
3 increasing the number of affordable housing units and units for
4 senior. It provides the provision of new retail and employment
5 opportunities and provides new permanent park and recreation
6 space outside of the PUD boundary to be done by the District
7 Government, and by supporting the New Communities Initiative with
8 the provision of 90 replacement units for Park Morton. With
9 that, I'm available to answer any questions.

10 CHAIRPERSON HOOD: Thank you, Ms. Steingasser and team.
11 I thank you for the report. Anyway, I'll save my comments for
12 last.

13 Commissioner May, any questions or comments for OP.

14 COMMISSIONER MAY: I do not have any questions or
15 comments. Thanks for the report, both written and what you just
16 gave us now. Thank you.

17 CHAIRPERSON HOOD: Okay.

18 Commissioner Shapiro, any comments or questions?

19 COMMISSIONER SHAPIRO: Nothing now. Thank you, Ms.
20 Steingasser.

21 CHAIRPERSON HOOD: And also, Vice Chair Miller, any
22 comments or questions?

23 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank
24 you, Ms. Steingasser for the Office of Planning for your verbal
25 report today and your written report at Exhibit No. 273. I

1 especially appreciate the discussion in both the written and your
2 presentation today on the -- of all of the updated Comp Plan
3 changes, but particularly the land use map changes, the
4 conservation area changes which are really almost as -- both in
5 combination are almost designed for this very project or were
6 intended to affect this very project or strengthen the case for
7 this very project, so -- and the racial equity analysis that your
8 office is developing and has presented here in a couple recent
9 cases.

10 It's an evolving analysis obviously, but -- for you and
11 for us, but I think it's an important component. And I think
12 all the comments you made are welcome and will become our part
13 of our record and we appreciate it. Thank you.

14 CHAIRPERSON HOOD: Ms. Steingasser, I, too, want to
15 thank the Office of Planning of the work, especially when it
16 comes to the racial equity lens. The only question I do have is
17 that -- I mean, more of a comment, not necessarily a question.
18 For me, what we dealt with previously, I think that we had
19 actually jumped early on to the racial equity lens prior to
20 becoming updated in the updated Comprehensive Plan.

21 When I look at this case, I think that's where we were,
22 when we talk about displacement. And I'm going to talk about
23 this more in deliberations, but I think due to -- it's very
24 unfortunate how this displacement is going, because it seems like
25 with us having to wait for the court to give it back to us and

1 going through all these judicial remands and -- it's causing
2 people to be more and more -- it's a snowball effect. More and
3 more people are being displaced because time, you know, is not
4 the cure in this case. Time of getting it done is the cure, but
5 I'm going to talk about it in deliberation.

6 I was going to ask you, do you think that even before
7 it became in the updated Comp Plan, I think as the city was
8 proceeding in this particular case, I believe -- and in other
9 cases, I believe that even though it was not spelled out, I
10 believe that the racial equity lens was always a part of the
11 analysis, the way I look at it. When I look at what we did, and
12 it's been delayed for so many years, and also now that it's
13 updated in the Comp Plan. That's the question. You don't have
14 to answer because I think I answered it for myself. All right.
15 So I'll --

16 MS. STEINGASSER: But I certainly think, Chairman Hood,
17 that especially in regards to the New Communities issue, there
18 was definitely a concept of what we now think of as racial equity
19 in terms of involvement and including the populations into the
20 process and being involved in the early planning and discussions
21 of the future of the site and how it moved forward. So, yes, I
22 agree with you. You're on mute.

23 CHAIRPERSON HOOD: I must be getting tired now. Thank
24 you. Thank you, Ms. Steingasser, for that answer.

25 I think -- let's go to the parties for cross. I've

1 | been informed that Ms. High -- Ms. High represented to me that
2 | she wanted to bring somebody else up along with her to cross
3 | examine. And Ms. High, the courts, we already have a case here
4 | tonight where the courts have sent back to us, and I don't want
5 | them to send it back as they've done in previous (audio
6 | interference).

7 | MR. JORDAN: Yeah. Same here.

8 | CHAIRPERSON HOOD: -- for another case that we've
9 | already done, because I had two people cross examine. So, Ms.
10 | High, let me just say this, you want me to figure out how you're
11 | going to get that? You need to figure out how you want to do
12 | cross-examination, Ms. High, because we don't want to have to
13 | have another hearing just because we didn't do cross-examination
14 | correctly. So I will leave it at that. I will let you, and I
15 | understand the gentleman's name is Mr. Jordan, you all can figure
16 | that out.

17 | And then I may, at the end, if my colleagues will
18 | indulge, I understand Mr. Jordan wanted to ask some questions,
19 | but when we get to the end, we'll bring the Applicant back up
20 | and let Mr. Jordan asked questions on the updated Comp Plan,
21 | nothing else. And I'll move in that fashion. So, Ms. High,
22 | before we get to you, you all can figure out who's going to do
23 | the cross-examination for your organization.

24 | Ms. Schellin?

25 | MS. SCHELLIN: Yes, I spoke to Mr. Jordan, and he

1 | advised that he is supposed to do the cross-examination instead
2 | of Ms. High.

3 | CHAIRPERSON HOOD: Is that memorialized anywhere in the
4 | record? And I'll be -- if I missed it, I missed that.

5 | MS. SCHELLIN: The letter that they submitted was not
6 | clear. It stated that Mr. Jordan and another person would be
7 | assisting in presenting and cross-examining the witnesses. And
8 | -- but he said, internally, their discussion was that he would
9 | do the cross-examination. And I think that Ms. High could answer
10 | that question, and if so, then she could be taken off and Mr.
11 | Jordan can be brought on.

12 | CHAIRPERSON HOOD: Well, let me just state when I was
13 | made aware of this, I looked back through the record quickly and
14 | I didn't -- and I specifically read their submission. I didn't
15 | see it where it was telling me. And I will stand to be corrected
16 | because this record is voluminous. I didn't see anything that
17 | pinpointed who would be doing cross-examination.

18 | So, you know, and I -- as I spoke to her and I said to
19 | her previously, and I'm saying this, so the record is clear, as
20 | I spoke to her previously she said that she wants to assist her
21 | in cross-examination. And, you know, the courts have told us
22 | that we cannot do that. And that's why I was not -- now they
23 | could do a unified effort, and somebody could write questions and
24 | give it to one person, but one person needs to be able to do
25 | cross-examination. If it's Mr. Jordan, it'll be Mr. Jordan. If

1 | it's Ms. High, it'll be Ms. High. I would ask it be Park Morton
2 | Resident Council to get that together, and we will figure out how
3 | to let Mr. Jordan ask the --

4 | MS. HIGH: I would like Mr. Jordan to step up, please.

5 | CHAIRPERSON HOOD: Okay. So, Ms. High, is it your --
6 | are you telling us that you would like to come off and let Mr.
7 | Jordan proceed from this point on?

8 | MS. HIGH: I would like to bring him up to the panel,
9 | yes.

10 | CHAIRPERSON HOOD: Okay. So you would like to be --
11 | take him off the panel. Okay. I just want to make sure. All
12 | right, so let's bring Mr. Jordan up and I will -- I will call
13 | him in the order in which we have.

14 | Let's go to ANC 1A in cross-examination.

15 | MR. BOESE: Thank you. We have no cross for the Office
16 | of Planning.

17 | CHAIRPERSON HOOD: Okay. Let's go to ANC 1B, any
18 | cross-examination. Oh, that's right. I forgot that ANC 1B has
19 | deferred to 1A. So Mr. Jordan is up. Mr. Jordan, you have any
20 | cross-examination for Office of Planning?

21 | MR. JORDAN: Good evening. My name is William Jordan,
22 | and I live at 1337 Newton Street, Northwest, and I'm here to
23 | handle the cross-examination.

24 | So my first question for the Office of Planning is can
25 | you describe the racial equity tool that was used to make your

1 | evaluations in the -- in your report?

2 | MS. STEINGASSER: Well, on Page 2 and 3 of the OP
3 | report, we talked to how we approach the review of the
4 | Comprehensive Plan through a racial equity lens. So we don't
5 | -- we don't have a singular tool that we apply and that gives us
6 | the right answer. Each project has different aspects and
7 | different impacts that are viewed, and equity is discussed
8 | throughout the Comprehensive Plan with -- and in certain cases
9 | there are certainly zoning priorities that stand out and often
10 | these are affordable housing, not just opportunities.

11 | So one of the key ways that the Comp Plan seeks to
12 | address it is by supporting additional housing. And this, on
13 | Page 3 of our report, we kind of talked to how a map amendment
14 | may not, on its own, provide much more than the maximum
15 | opportunities that could be out there.

16 | But Planning and Development provides a detailed
17 | description of the final project, and it is easier to review the
18 | terms of -- I'm sorry -- like the size and the bulk and the design
19 | and the number of units and in this case, also the opportunities
20 | that may be provided through the comprehensive analysis when
21 | looked through a, sorry, a racial equity lens. So the project
22 | itself, we don't come to a conclusion that the project is or
23 | isn't equitable. Our analysis of the Comp Plan, we look at
24 | through an equity lens.

25 | MR. JORDAN: So I'll re-ask the question -- well, I

1 | guess. So you're saying you all did not have a formal tool to
2 | do a racial equity evaluation of this project? And I'll give a
3 | second part of that question. Similar to the way the Council's
4 | CORE office on racial equality analyzed the Comp Plan itself.

5 | MS. STEINGASSER: Well, the Council's office on racial
6 | equity, yes. They -- I'm not sure what they used as a tool. We
7 | -- the Office of Planning looks at the Comprehensive Plan through
8 | a racial equity lens, the Office on Racial Equity that exists
9 | not, not the Council's office, but the District office on racial
10 | equity is working with agencies and is providing training and is
11 | working through the issue of whether there could be defined tools
12 | or defined -- let's just stay there to look at this more
13 | predictably.

14 | But through a zoning case, the Zoning Commission has
15 | very limited authority in terms of how they can review the
16 | Comprehensive Plan and approve zoning. Obviously, Zoning can't
17 | produce budgets. Zoning can't cause another agency to act. So
18 | the broad range of policies that are needed to be -- to support
19 | an equitable inclusive city involve many agencies. So when it
20 | comes to the Zoning Commission, we look at it -- we look at the
21 | Comp Plan land use policies, housing policies through that equity
22 | lens. And I know that sounds like a whole lot of circular talk,
23 | but right now it is -- it's very new, and we are working with
24 | the Office of Racial Equity as we look at these reports and as
25 | we look at projects.

1 MR. JORDAN: So at this moment, on this particular
2 project, in this particular Order, there has been -- there is no
3 formal tool that you all use to help come to the conclusion that
4 you successfully used a racial equity lens in this evaluation.

5 MS. STEINGASSER: We -- well, I wouldn't say that --

6 MR. JORDAN: So --

7 MS. STEINGASSER: -- tool. There is a series of analysis
8 that we look at when we look at the Comprehensive Plan through
9 what we consider to be a racial equity lens. We look at how we
10 -- how does the data present itself in some cases and how to --
11 what does that tell us about the income and the makeup. And as
12 the Chairman said, it's not all black and white, it's people of
13 color and there's opportunities and inclusivity of all groups and
14 participation. And so we do look at all of -- all of those kind
15 of things.

16 MR. JORDAN: Okay. So I'll ask it. Is that available
17 for review outside of -- so I guess is the working material --
18 work product available for review? And I ask that --

19 MS. STEINGASSER: In our report.

20 MR. JORDAN: -- because the Zoning Commission is -- and
21 the new Comp Plan, I think, is very specific that this racial
22 equity lens is to have a tool. And then that tool is used to
23 make sense of it all because they're -- like the Comp Plan itself,
24 there are competing trade-offs in making that evaluation. So is
25 there work product that shows how that was accomplished and led

1 to your not successful, not inconsistent conclusion?

2 MS. STEINGASSER: All the work problem that go -- is
3 in our report. There's no -- there's no additional material or
4 additional notes or documents. As we --

5 MR. JORDAN: Okay.

6 MS. STEINGASSER: -- go through and talk through. It's
7 all reflected in our report.

8 MR. JORDAN: Okay. And then in reading through your
9 report, it seems that prior to using a racial equity lens, which
10 is the previous review, and then the review after the updated
11 Comp Plan to ask you to take a specific racial equity lens view,
12 you've come to the same conclusion.

13 MS. STEINGASSER: That's correct.

14 MR. JORDAN: So my question is so there was -- there,
15 you don't see -- I guess in this case you did not see any value
16 in the updated Comp Plan's emphasis on racial equity in your
17 evaluation, your conclusions?

18 MS. STEINGASSER: No, that's not true. I disagree with
19 that. I find that the updated Comp Plan and the emphasis on
20 racial equity was very important, and we confirmed the importance
21 of the site and the importance of the project in meeting the
22 goals of the New Communities Initiative and moving forward with
23 racial equity as it provided opportunities that didn't exist. So
24 I found it important.

25 MR. JORDAN: So can you share one or two examples where

1 | it made a difference, or more forcefully affirmed the racial
2 | equity lens view?

3 | MS. STEINGASSER: Well, there's a discussion in the
4 | Comprehensive Plan that recognizes the advancing equity requires
5 | a multifaceted policy approach. And we quote that in our report
6 | on Page 2 that, "Equitable development is a participatory
7 | approach for meeting the needs of underserved communities through
8 | policies, programs, and/or practices that reduce and ultimately
9 | eliminate disparities while fostering places that are healthy and
10 | vibrant."

11 | So when I -- when I think about what that statement
12 | means in terms of this project, being able to implement the New
13 | Communities Initiative for Park Morton, it results very directly
14 | in fostering places that are healthy and vibrant and providing
15 | needs. And I think I also referenced the opportunities -- the
16 | areas of opportunity for services and benefits.

17 | MR. JORDAN: Okay. Yeah. So my next question -- oh,
18 | sorry, if you're not done.

19 | MS. STEINGASSER: No, I'm done.

20 | MR. JORDAN: All right. So my next question is the
21 | Comp Plan also, when it talks about racial equity, it begins to
22 | talk about -- there's various languages for underserved
23 | communities, communities that have experienced structural racism
24 | and inequities and all of those kinds of things. So the -- my
25 | question to you, do you consider the Park Morton community as one

1 of those communities, or as an example of that community?

2 MR. FREEMAN: Mister -- Chairman Hood, I'm going back
3 to your instructions and Commissioner May's comments at the
4 beginning of this case. Park Morton is Zoning Commission Case
5 16-12. That case is not currently in front of the Zoning
6 Commission, so I would ask for clear instruction to focus on the
7 project specifics for Bruce Monroe. We, the Applicant, oppose
8 conversation and discussion about Zoning Commission Case 16-12
9 because that's not before the Zoning Commission at this point.

10 CHAIRPERSON HOOD: So, Mr. Freeman, let me -- let me
11 ask you this way; is that an objection?

12 MR. FREEMAN: Yes.

13 CHAIRPERSON HOOD: Okay. So I'm going to uphold that
14 objection. Mr. Jordan, next question, please.

15 MR. JORDAN: Can you repeat? Mister -- Chairman Hood,
16 could you repeat what you said? I didn't quite pick that up.

17 CHAIRPERSON HOOD: Well, I asked Mr. Freeman was -- he
18 mentioned about the case, and I asked him was he objecting as
19 the counsel for the Applicant. He said, yes, he's objecting. So
20 I've upheld his objection and I've asked you to ask your next
21 question. And let me just --

22 MR. JORDAN: Okay.

23 CHAIRPERSON HOOD: -- while I have the mic, Mr. Jordan,
24 let me just explain this to you, while I have the mic. You want
25 to do -- well, I -- you know, I'm not sure what your presentation

1 -- your case is going to be your presentation to us and -- but
2 if I'm looking at that, I pretty much understand where you're
3 coming from. You want to do as much as you can.

4 It's not about asking a thousand questions about the
5 racial equity tool. What it's about -- we get that. We got
6 that. It's a learning process not just for the council, the
7 mayor, the office, our OP, the citizens, me, everybody else.
8 What we want to do is make sure that we follow the directions of
9 the remand back from the court. And to help us see -- whichever
10 way you want to do. I don't want to say which way you are,
11 whether you're pro or con. And I've read your submission -- or
12 the submission from the neighbors, Resident Council. What you
13 want to do is help us see it your way and your line of questioning,
14 it should do that. So I will leave it at that, and you can
15 proceed to your next question.

16 MR. JORDAN: All right. Can I make a clarification on
17 what I mean by Park Morton community?

18 CHAIRPERSON HOOD: You're representing the Park Morton
19 Resident Council, correct?

20 MR. JORDAN: Correct.

21 CHAIRPERSON HOOD: Okay. That's all. That's all you
22 need to say. So you can go ahead and cover your cross-
23 examination. And you can do -- any corrections you want to make,
24 you can do that. If something that was said incorrectly, you
25 can do that when you do your case.

1 MR. JORDAN: Or -- right. I want to clarify in terms
2 of my question. When I said Park Morton community, I wasn't
3 necessarily referring to the physical location, but the people
4 who happen to live on that location. Right. So when we say
5 community, it's more than a physical location. It's a group of
6 people who live and work and play together. And that is who the
7 Park Morton Resident Council represents is those people, their
8 needs, wants, and experiences, adverse impact, all their life
9 experiences that we're representing here. And this Order speaks
10 to how --

11 CHAIRPERSON HOOD: Mr. Jordan. Mr. Jordan, you are
12 testifying.

13 MR. JORDAN: It's just that --

14 CHAIRPERSON HOOD: And let me just tell you community
15 --

16 MR. JORDAN: Okay.

17 CHAIRPERSON HOOD: -- are not the bricks and mortar.
18 Community are the people. Next question, please.

19 MR. JORDAN: Okay. So the -- so the Park Morton
20 community is a community that would be -- I'm asking the question,
21 from the OP's perspective, is a community that would benefit from
22 or experience the advantages of a racial equity lens analysis.

23 MS. STEINGASSER: I'm not sure what the -- what the
24 question is, but our report this evening talks to the Bruce Monroe
25 PUD in Case 16-11.

1 MR. JORDAN: Right. But the PUD refers to providing
2 replacement units and other services and benefits and amenities
3 to the people who will live there. And 90 of those units will
4 be occupied, at least in theory, by residents of Park Morton,
5 meaning part of that community has been shifted to that site and
6 their experiences at that site, I would think, are germane to a
7 racial equity view that the -- that the Commission would then use
8 in evaluating the various proffers and things that the Order is
9 putting forward. So I guess my question is, does that connection
10 that I just tried to make fit with what OP's view was of a racial
11 equity lens?

12 MR. FREEMAN: Objection, Mr. Chairman.

13 CHAIRPERSON HOOD: I think that can be -- I'm going to
14 ask Ms. Steingasser to answer that and I'm going to deny the
15 objection.

16 MS. STEINGASSER: Well, I don't know how to answer it,
17 because I'm not sure the connection that's being made about the
18 broader Park Morton community. I can't project -- and, you know,
19 our analysis looked at this particular PUD and what it was
20 providing in terms of how it may be implementing the Park Morton
21 New Communities plan and that's all I can speak to.

22 CHAIRPERSON HOOD: Okay. That's her answer. Next
23 question, Mr. Jordan.

24 MR. JORDAN: Okay. In using -- so my question would
25 be when the Commission uses your report and takes -- makes use

1 of your racial equity analysis or your racial equity lens to
2 evaluate the questions that the court asked, right, so do you
3 -- do you think that your evaluation helps the Commission evaluate
4 or add value to the questions that the court is asking them to
5 look at?

6 I guess, to put it a different way, in evaluating the
7 questions that the court asked under the updated Comp Plan, it
8 would seem that the Commission needs to do a racial equity lens
9 view of each one of those questions, and your report should help
10 them in that process. And I'm asking you, do you think that that
11 is the case?

12 MS. STEINGASSER: Well, what we were asked to do is to
13 review the PUD for Bruce Monroe against the current -- the new
14 Comprehensive Plan. And per the new Comprehensive Plan that
15 evaluation takes place with a racial equity lens. We think we
16 have provided that, and it will be up to the Commission to
17 determine whether it's helpful to them and how they will balance
18 this -- the recommendations of our report against the
19 recommendations of the other parties. But yes, we do think it
20 would be helpful.

21 MR. JORDAN: Okay. And then going back to -- I think
22 this may be my last question. So going back to my original
23 question because what we're -- my understanding is we are looking
24 at, in essence, the difference that the updated Comp Plan makes.
25 And one of the big differences in the updated Comp Plan is this

1 well-driven racial equity lens tools in analysis. And, so when
2 you considered each one of those questions, did you specifically
3 -- the court's questions, did you specifically use a racial equity
4 lens on each specific question?

5 MS. STEINGASSER: We -- this report represents an
6 analysis of the Comp Plan -- the current Comp Plan. And through
7 -- as part of that analysis, we did it through a racial equity
8 lens.

9 MR. JORDAN: Okay. All right. That's -- and I guess
10 my last -- should have been my last question, but my last
11 question, and this is really just for clarification. So my
12 understanding that our task was to compare -- use the older or
13 the previous zoning regs when the original Order was written, but
14 then view it against the current Comprehensive Plan. So my
15 question would be, in doing that, it seems a little confusing to
16 me because I'm a layperson, but however, does -- what -- can you
17 explain, from OP's perspective, what does that mean in
18 relationship to evaluating this particular Order that was --

19 MS. STEINGASSER: Well --

20 MR. JORDAN: So I guess let me try it again. You have
21 a Order that, I think, was made in 2017 and then we're comparing
22 it to a new Comp Plan that I guess was officially passed in '21.
23 There are regulations that were updated in '16, and so we're kind
24 of bouncing around, back and forth. And so, I guess, when it
25 comes to taking a racial equity lens, do you find that problematic

1 in any way? And if you do or do -- if you do, can you explain
2 what that is? If you do not, can you just state you don't find
3 it problematic?

4 MS. STEINGASSER: I do not find it problematic. And
5 we walked through those -- the zone -- the updated zoning
6 regulations that exists now have basically the same development
7 standards in terms of height, bulk, density, you know, the floor
8 area ratio. And we laid out that comparison in our report to
9 make sure that that translation was what's --

10 MR. JORDAN: Okay. Okay. Thank you. Actually, that
11 raised my last question -- my real last question.

12 CHAIRPERSON HOOD: Mr. Jordan, let me just say this.
13 And I'm going to say this for the record. Your questions have
14 been very repetitious. I've allowed them because you take your
15 time and I see you're putting thought into them, but they've been
16 repetitious.

17 Again, it's not about what Office of Planning thinks
18 or what they -- we are going to look at their report just like
19 I've looked at, I believe, your report. And we're going to use
20 those to balance. Your report is just as germane to me as the
21 Office of Planning's report, even though I have to give Office
22 of Planning great weight. But I'm also going to give the
23 community great weight.

24 So I just want you to know you're asking kind of the
25 same questions and I want you -- I appreciate your thought in

1 | your questions, but you will have time to testify. Even though
2 | I know that was your last question, but I'm saying that now so
3 | you will understand when you testify that you probably are going
4 | to get some questions from us about some of the things you're
5 | asking Office of Planning as well.

6 | MR. JORDAN: Okay. Well, then I will -- fortunately,
7 | I should have written down my question, so I will try to capture
8 | that thought later. Thank you.

9 | CHAIRPERSON HOOD: Okay. Thank you, Mr. Jordan. I
10 | appreciate your line of questioning. But let me just ask you
11 | this. So you're going to be the person that's -- I know Miss
12 | -- that'll be on later. When you get ready to present both of
13 | you all are coming up, correct? But when it comes to cross,
14 | you're the one doing the cross.

15 | MR. JORDAN: Correct.

16 | CHAIRPERSON HOOD: Okay. Ms. Schellin, help me to
17 | remember that please because I didn't see anything in the record
18 | stating that was the way the process was. So that oversight --
19 | towards the end, I will give you a chance, a few moments to ask
20 | the Applicant before we do rebuttal, unless my colleagues
21 | disagree with that format. Okay. Thank you. Let's move on.
22 | Let me pull my agenda back up.

23 | So, Ms. Steingasser, I think we have finished all of
24 | the cross for the Office of Planning. So thank you very much.

25 | MR. FREEMAN: Mr. Hood?

1 CHAIRPERSON HOOD: Yes.

2 MR. FREEMAN: The Applicant. I just have one question
3 for Ms. Steingasser.

4 CHAIRPERSON HOOD: Sure. Oh, did I omit that?

5 MR. POE: You skipped me.

6 MR. FREEMAN: Oh, you can let Mr. Poe go. Then I'll
7 go.

8 CHAIRPERSON HOOD: Okay. But let me ask this. Did I
9 --

10 MR. POE: You're going to -- you're going to go through
11 -- okay.

12 CHAIRPERSON HOOD: Mr. Poe, hold tight. Mr. Freeman,
13 did I omit you all? I'm sorry if I did.

14 MR. FREEMAN: You did, but I'll go last.

15 CHAIRPERSON HOOD: Okay. I don't know. Maybe I -- all
16 right. So let's go to Mr. Poe. Let's do cross and then I have
17 to go back to the Applicant. I don't know how I did that. Okay.

18 MR. POE: No worries. All right. I'd address the
19 Office of Planning. I just have a few questions here. And I
20 was wondering about -- you say this Comprehensive Plan applies
21 to this limited scope hearing, obviously. Yet the -- it seems
22 that a hearing, it's basically in the Exhibit 273, the letter
23 that was submitted on October 12th by the Office of Planning
24 there, it seems to be some back and forth on what zoning
25 designation to use.

1 They frequently refer to the RF-1 and the MU-4
2 sometimes. And then I was wondering what -- it seems like --
3 and the hearing is being conducted based on the 1958 Regulations,
4 but the letter was written referring to the old ones -- or the
5 new ones rather. And I want to know which ones we should be
6 using in this Office of Planning.

7 MS. STEINGASSER: Well --

8 MR. POE: Hello?

9 MS. STEINGASSER: -- the point, if you're -- if you're
10 referring to the table where we talked to the -- to the new zone
11 from the old zones, it was to create that connection between the
12 way the new Comprehensive Plan reflects the new zone names and
13 how -- what those zone names actually mean in terms of the '58
14 Regs.

15 MR. POE: Can you help me out with the page number
16 there? Was that -- because --

17 MS. STEINGASSER: Let's see. I believe it starts on
18 Page 6 at the bottom. So the new Comprehensive Plan, when it
19 talks to the various density levels of the commercial or
20 residential, it also then lists that there are certain zone
21 districts are consistent with that category and other zones may
22 apply.

23 So since the zone names have changed, the table down
24 underneath the heading Planning and Development, makes that
25 translation. You can see that this the C-2-B, which is what the

1 | planned unit development was approved with, is within the -- well
2 | within the density required of the -- of the different medium
3 | density categories.

4 | MR. POE: Based on the most recent zoning map, how does
5 | this correlate for a -- because it's showing an MU-4 for what
6 | was the C-2-A --

7 | MS. STEINGASSER: That's correct.

8 | MR. POE: -- along Georgia Avenue and an RF-1 for the
9 | Neighborhood Conservation area.

10 | MS. STEINGASSER: Right. The RF-1 equates to the R-4
11 | which is a rowhouse -- residential rowhouse. And the MU-4 is
12 | the same as the C-2-A.

13 | MR. POE: And the -- so the PUDs do not specify these
14 | -- this new designation. What would --

15 | MS. STEINGASSER: That's correct.

16 | MR. POE: That's correct. Can you conclude from the
17 | -- from this that it'd be -- that that designation would apply
18 | across the board and could just -- yeah. It seems like there's
19 | not a one-to-one correlation here because the -- for instance,
20 | the R-5-A would allow up to only 4.2 -- or it's just MU-5A would
21 | allow up to 4.2 and a height of 70 feet whereas a C-2-B with a
22 | PUD on top of it is 65 feet with a floor area ratio of 6. And
23 | it seems like the two -- it seems like there is not a good -- I
24 | was just wondering from a Office of Planning perspective, what
25 | is your -- how does that line up with the application?

1 MS. STEINGASSER: Well, that's what the table's trying
2 to point out, that the application is under the C-2-B. The
3 categories that it's referencing here in this table are the
4 categories that are included in the Comprehensive Plan
5 definitions of these land use categories. So the Comprehensive
6 Plan Future Land Use Map changed the category for this site to a
7 medium density mixed use commercial and a medium density
8 residential.

9 And then it listed these two zones as being consistent
10 with that -- with those categories. The MU-8 and the MU-10 zone
11 districts are consistent with the medium density category. And
12 so my point in this table was to show that the planned unit
13 development, even under the previous set of regulations, with the
14 zone name C-2-B, was well within the range of density that these
15 districts anticipate.

16 MR. POE: So you're relating both the old designation
17 and a new designation to the same FLUM designation, but not a
18 one-to-one from one zone to the other. So you're saying the RFs
19 say the C-2-A is, say, a medium density commercial. And then
20 you're finding on all these other designations that could also
21 be medium density commercial, you're saying it's one of those
22 that just happens to fit the size of the building, but --

23 MS. STEINGASSER: No.

24 MR. POE: -- there's no --

25 MS. STEINGASSER: No, that's not what I'm saying. I'm

1 | saying the categories on the Future Land Use Map are defined.
2 | And the -- part of that definition ends with examples of what
3 | zones are consistent. All I did was point out that the C-2-B,
4 | which under the current regulations would be the MU-5A, is still
5 | consistent with these new Future Land Use Map designations.

6 | MR. POE: And does the Comprehensive Plan state that
7 | multiple zoning districts can correlate to the same Future Land
8 | Use Map designation?

9 | MS. STEINGASSER: Yes. Every category says and other
10 | zones may also apply.

11 | MR. POE: Did the Applicant request the zoning map
12 | amendment based on a zoning designation or on a Future Land Use
13 | Map designation?

14 | MS. STEINGASSER: We evaluated the existing planned
15 | unit development application against the current Comprehensive
16 | Plan. We did not go back and reconsider the original application.

17 | MR. POE: So the more recent consideration is
18 | consistent with a new Comprehensive Plan, but the original
19 | application is not?

20 | MS. STEINGASSER: No, I'm not sure what -- where that
21 | link is being made. The application as approved -- as originally
22 | submitted and approved was for a C-2-B PUD-related rezoning. And
23 | what we're showing here through this table is that that
24 | application is still consistent or is still not inconsistent with
25 | the new categories of the Future Land Use Map.

1 MR. POE: And I was wondering from the -- from the most
2 recent zoning map that calls the -- calls the Georgia Avenue
3 corridor area an MU-4, but you have it as an MU-10 on your -- on
4 your height and FAR ratio --

5 MS. STEINGASSER: Okay. What --

6 MR. POE: -- table.

7 MS. STEINGASSER: The table, again, the MU-10 and the
8 MU-8 are setting out the density and height of the -- of the
9 zones that are within the definitions of the new land use
10 categories.

11 MR. POE: So what is that new land use category then
12 for the Georgia Avenue portion of the building?

13 MS. STEINGASSER: The new land is a medium density
14 commercial, medium density residential.

15 MR. POE: When the -- sorry. I apologize for
16 interrupting you. When the new zoning map takes into effect,
17 what will be the new zoning for that area? The --

18 MS. STEINGASSER: When this PUD gets approved, it will
19 then have the MU-5A PUD-related zone underneath it, but the --

20 MR. POE: So they --

21 MS. STEINGASSER: -- used to --

22 MR. POE: -- get approved for a zoning map amendment
23 they didn't apply for?

24 MS. STEINGASSER: No. You're making a leap. The Future
25 Land Use Map and the Comprehensive Plan are not what we call

1 self-effectuating. They don't -- there has to be an action to
2 bring them -- to implement those rezonings. So until such time
3 as a property owner comes forward or an -- for some reason there's
4 an initiated rezoning case, even though the comprehensive Future
5 Land Use Map allows for a higher zone, somebody has to take an
6 action -- an affirmative action to rezone that property. And
7 this --

8 CHAIRPERSON HOOD: Mr. Poe, Ms. Steingasser --

9 MS. STEINGASSER: -- Planning and Development --

10 CHAIRPERSON HOOD: -- let me just stop. Let me just
11 stop all that right now. Mr. Poe, your testimony is outside the
12 scope of what Miss -- I allowed you to go on for a while, but I
13 think it's time for you to come back into her testimony. You're
14 outside of the scope. If you want to convey something to us in
15 that fashion, you will be able to present in a while too, and
16 still -- I'm not saying that, as long as it's fixed within the
17 updated Comp Plan. It's so out -- so far outside. I allowed a
18 few questions, but it's just been so far outside of her testimony.
19 So I'll ask you to ask another question germane to what we're
20 doing here tonight.

21 MR. POE: Fair enough. Page -- on your report on Page
22 9 you described the critical need for affordable -- the new
23 affordable housing as a high priority benefit; is that correct?

24 MS. STEINGASSER: Yes.

25 MR. POE: But isn't that the case that the 90 units

1 of housing is a replacement housing?

2 MS. STEINGASSER: Yes.

3 MR. POE: So they cannot be considered additional new
4 units, it's just replacement?

5 MS. STEINGASSER: They are considered new affordable
6 units.

7 MR. POE: So are they new or they replacement?

8 MS. STEINGASSER: They are both. That's --

9 MR. POE: How --

10 MS. STEINGASSER: -- part of what makes it a critical
11 need is that many affordable units are being redeveloped or
12 disappearing. And part of the critical need is to create new
13 affordable housing.

14 MR. POE: And housing gets the affordability,
15 quote/unquote, from the 60 percent AMI?

16 MS. STEINGASSER: Inclusionary Zoning gets the
17 affordability of the 60 percent AMI.

18 MR. POE: Why does -- what does the 60 percent mean
19 in, like, actual salary?

20 MS. STEINGASSER: You know, I don't have those
21 figures there. That's --

22 MR. POE: Okay.

23 MS. STEINGASSER: -- part of the Comprehensive Plan
24 analysis.

25 MR. POE: Do you know how many market rate studios

1 | might go for?

2 | MS. STEINGASSER: I don't. That's not part of the
3 | Comprehensive Plan analysis.

4 | CHAIRPERSON HOOD: That's totally -- Mr. Poe, let me
5 | -- let me get this do this.

6 | MR. POE: Okay.

7 | CHAIRPERSON HOOD: Hold on. Mr. Poe, let me -- let
8 | me help you.

9 | MR. POE: Page 3 --

10 | CHAIRPERSON HOOD: Mr. Poe, let me --

11 | MR. POE: Yes, sir.

12 | CHAIRPERSON HOOD: -- let me help you.

13 | MR. POE: Yes, sir.

14 | CHAIRPERSON HOOD: I'm asking my colleagues. Is this
15 | line of questioning helping anybody with how we're proceeding
16 | with this case?

17 | So I'm going to start first with you, Commissioner
18 | May. Is this helpful? Could you unmute?

19 | COMMISSIONER MAY: No.

20 | CHAIRPERSON HOOD: Okay.

21 | COMMISSIONER MAY: No, it doesn't go to the essential
22 | issue which has to do with changes to the Comp Plan.

23 | CHAIRPERSON HOOD: Mr. Shapiro, is this helpful?

24 | COMMISSIONER SHAPIRO: No, sir. It feels off task.

25 | CHAIRPERSON HOOD: And Vice Chair Miller disappeared

1 on me, keep moving around on my screen.

2 Vice Chair Miller, is this helpful? Vice Chair
3 Miller? I may have -- I may have lost him for a moment, but I
4 will ask him. But Mr. Poe, it is not helpful to me either, so
5 you can continue your questioning.

6 MR. POE: May I continue? Okay.

7 CHAIRPERSON HOOD: Sure. I think -- I think we sent
8 you a strong signal, but you can go right ahead.

9 MR. POE: Yes, sir. All right. I'll be a good boy.
10 On your report in Page 3, you describe this project having
11 diverse housing options when only 11 of the 270 proposed units
12 are three-bedroom and with only four of those being in the
13 affordable category --

14 COMMISSIONER SHAPIRO: Mr. Chair?

15 MR. POE: -- just curious about that.

16 COMMISSIONER SHAPIRO: Mr. Chair, if I can. Mr.
17 Poe, I hear in the question that you disagree with that. I
18 can't imagine that Ms. Steingasser is going to say anything,
19 but she agrees with that, because it's in her report. So if
20 you could -- if you have a case to make that doesn't feel like
21 a useful kind of cross because I doubt she's going to
22 contradict her report. So respectfully, I hear where you're
23 coming from. It's not rebuttal -- I mean, I'm sorry, it's not
24 cross. I apologize. It's not cross.

25 MR. POE: Okay. The Comp Plan says we must analyze the

1 adverse impact effects, which we've been talking about before.
2 And then the Exhibit 237M, already to the record, Water and Sewer
3 says that they just replaced -- just received Applicant's plans
4 that day and that their email was a preliminary study. And they
5 said that they would work in permitting a process to make sure
6 that the water needs in the neighborhood would be okay. I was
7 curious, do you consider this preliminary email to be a thorough
8 impact assessment as required by the Comp Plan?

9 MS. STEINGASSER: I believe it to be --

10 MR. FREEMAN: Mr. Chairman, it's germane. I think the
11 Court of Appeals, as I said before, had already determined that
12 agency reviewer reports have been resolved. So I object to that
13 question.

14 CHAIRPERSON HOOD: I'm going to -- let me see. One of
15 my colleagues is getting ready to say something, I think. Okay.
16 Maybe I misheard something. I'm going to uphold that objection.
17 And Mr. Poe, I'm going to ask you to move on.

18 MR. POE: Additionally, 237K similar issue, three
19 paragraphs, that's all I'm going to say about that.

20 CHAIRPERSON HOOD: Strike that. Strike that from the
21 record. That had nothing to do with anything. I don't -- I
22 don't understand that. He did not make that relevant to the
23 updating of the Comp Plan. So we'll -- it's in the record, but
24 I'm going on record to strike that from the record. Continue
25 Mr. Poe.

1 MR. POE: Back on Page 9 you suggested there was a
2 4,500 square foot ground floor space. Am I reading from the same
3 thing? And again, I reverse my last statement. That was going
4 nowhere.

5 Do you have any sense of how adding 70-plus market
6 style units at this site will affect the, quote, balance of supply
7 and demand in the area?

8 MS. STEINGASSER: I don't -- evaluation criteria of the
9 Comprehensive Plan.

10 MR. POE: Doesn't the Comprehensive Plan discuss family
11 size units.

12 MS. STEINGASSER: It does.

13 MR. POE: You mentioned this one before. And the
14 Comprehensive Plan says that, where possible, more family size
15 units should be built to attract families, obviously.

16 MS. STEINGASSER: Well, if your question was --

17 MR. POE: So how is this --

18 MS. STEINGASSER: -- about 70 market style units.

19 MR. POE: Sorry, I was getting -- my question was how
20 is -- how is approving a building of this size applicable or how
21 does it entice families to move to the area to use the new one-
22 acre park?

23 MS. STEINGASSER: Well, housing is a critical need
24 throughout the District and market rate, affordable housing,
25 Workforce housing, all housing is needed throughout the District.

1 The mayor has put out a Housing Equity Report that calls for the
2 creation of, you know, 25,000 new housing units.

3 MR. POE: So why not -- why not focus those housing
4 units on actual replacements like, you know, two-to-three-bedroom
5 family units instead of a bulk, you know, mostly studios and one
6 bedrooms?

7 MS. STEINGASSER: Again that --

8 MR. FREEMAN: Mr. Chairman.

9 MS. STEINGASSER: -- that's not covered by my report.

10 CHAIRPERSON HOOD: I was waiting to make sure that my
11 colleagues, those who wanted to have this hearing, I want to make
12 sure that they are getting that information they need. That's
13 why I asked that earlier. So, for the most part, if no one's
14 speaking up I assume that they are fine with what's being said
15 because I think, for me, that last couple of questions have been
16 out of order. So I want everyone to know where this Commission
17 stands. A lot of this is off the context, off of what we're
18 doing, and going into something that was not remanded back to the
19 --

20 VICE CHAIR MILLER: Mr. Chairman, I support all of what
21 you're saying. Because if they hadn't cut off anybody, I think
22 there has to be a lot more cut off.

23 CHAIRPERSON HOOD: Okay. So it's a lot more cut off.
24 That's what I've been trying to do, but it's just not seeming to
25 be getting through. Because the court is going to look at this

1 record and the points that people are trying to make, if it goes
2 back, the points that were -- when they look at it they're going
3 to say -- they're going to be probably upset because they have
4 to read through all of this, and it is not germane to what they
5 sent back to us. And that's the problem.

6 I want to give the courts a clean record for whoever's
7 side and whatever side we come down on. But right now we've got
8 so much stuff that's going to be polluting it, that they're not
9 going to even want to read it. So I'm just cautioning you to
10 stay on course of what they have directed us to do.

11 COMMISSIONER SHAPIRO: Mr. Poe, if you're talking
12 you're on mute.

13 MR. POE: Yeah, I was -- my apologies. I was talking.
14 A new Comprehensive Plan changed the northern half of this site
15 to a medium density commercial, medium density residential.
16 However, I -- as pointed out by the Applicant in the red box area
17 showed a sizeable portion of this development that would extend
18 over the zoning -- the zoning designation from the MU-1 -- MU-4,
19 rather, to the RF-1. And I wanted to find out. This is
20 technically a Comprehensive Plan issue, whether this violates the
21 concept of protecting the neighborhood as a Neighborhood
22 Conservation area and -- or is it like a de facto rezoning to
23 extend the zoning into that area to allow for the, you know, the
24 building to exist.

25 MS. STEINGASSER: It is not a de facto rezoning. The

1 density in the Neighborhood Conservation areas. And this is --
2 this is defined within the -- within the Framework Element of the
3 Comprehensive Plan. Quote, densities in neighborhood
4 conservation areas are guided by the Future Land Use Map and
5 Comprehensive Plan policies. The Future Land Use Map was changed
6 in this new Comprehensive Plan to make it clear that mixed use
7 medium density, residential and medium density commercial were
8 appropriate for this site.

9 MR. POE: How does the -- how does the Board of Zoning
10 address the D3 reg that prevents the zoning lines from crossing
11 lot lines and as far as it applies to the Bruce Monroe site?

12 CHAIRPERSON HOOD: That question is out of --

13 MS. STEINGASSER: That's not --

14 CHAIRPERSON HOOD: -- that question's out of order.
15 Let's go to the next question, please. That is totally out of
16 order. Next question. And this is the Zoning Commission, not
17 the Board is Zoning Adjustment. And I don't even think the remand
18 went back to them. I think it came to the Zoning Commission. So
19 next question, please.

20 MR. POE: Okay then. So based on the Comprehensive
21 Plan changes and the new designations, should the Applicant
22 resubmit their application or is -- in your opinion?

23 MS. STEINGASSER: Our conclusion is recommend approval
24 of the application.

25 MR. POE: I have no further questions.

1 CHAIRPERSON HOOD: Thank you. And let me just add --
2 then we'll go to you, Mr. Freeman, but I want to, again, reiterate
3 to all of the parties the job is to help us see it your way,
4 whether it's the Office of Planning, whether it's the Park Morton
5 Resident Council, whomever you are, Applicant, whoever, Mr.
6 Poe's, organization, Bruce Monroe, whoever you are, just help us
7 to see it your way in the updating of the Comp Plan. Thank you.

8 Mr. Freeman, I'm sorry I omitted you. You were supposed
9 to go first.

10 MR. FREEMAN: It's okay, but I have no questions. Ms.
11 Steingasser answered my question earlier, so no questions.

12 CHAIRPERSON HOOD: Okay. I think I've gotten everyone,
13 Ms. Schellin. Let's bring up, I think 1A, who 1B has conceded
14 to. Let's bring up 1A, I think Commissioner Boese, Commissioner
15 Wray, and Commissioner Love Wade.

16 MS. SCHELLIN: And Rashida Brown.

17 CHAIRPERSON HOOD: And Rashida Brown. Oh.

18 MS. SCHELLIN: Yeah.

19 CHAIRPERSON HOOD: We left somebody out. I'm sorry.
20 Let's bring all of them up. I think they are a panel. And the
21 other groups, make sure that you have your panel together as
22 well. So I will -- once everyone comes up, I will turn it over
23 to Chairman Boese. And however you all had it situated, how
24 you're going to present, you all may begin at that time or when
25 you're ready.

1 COMMISSIONER BOESE: Let's hope we're all still here.
2 I see Commissioner Brown. I see Commissioner Love Wade.
3 Commissioner Wray may have had to drop. So with that, I guess
4 I'll start. I'll try to keep this as short as possible
5 considering the hour and considering that this is a limited scope
6 hearing. Of course, we thank you for this opportunity.

7 As you'll see in the record, we responded to the first
8 request for a review of the areas in remand in July of 2020, in
9 Exhibit 256. This time around, we did not go to the great depth
10 because we were focused more on changes in the Comprehensive
11 Plan. We do want to say that we are strongly of the opinion that
12 we reaffirm our Commission's previous strong support. We remain
13 strongly supported.

14 As we see it, there are two primary issues relevant to
15 the new Comprehensive Plan that we had not previously covered.
16 Those are changes to the policies and Future Land Use Map that
17 show a clear intent for more density to be built along Georgia
18 Avenue, in general, and at the Bruce Monroe site, specifically,
19 and the need to review this case with regards to equity and
20 specifically through a racial equity lens.

21 Regarding the Comp Plan policy and FLUM changes, ANC
22 1A was extremely active and participated in the amendment cycle
23 of the Comprehensive Plan. We submitted a total of 181
24 recommendations and comments to the Office of Planning as a result
25 of this process. Of the 117 recommendations, OP accepted 24,

1 they acknowledged 72, and they rejected 21. We considered this
2 to be a huge success in our participation.

3 Our Commission is particularly proud of our
4 recommendations and support to increase density along Georgia
5 Avenue that were accepted and included in the new Comprehensive
6 Plan that we're evaluating today. Examples include increasing
7 the density of parcels above the Georgia Avenue Metro Station
8 from commercial moderate density, residential moderate intensity
9 to commercial medium density and residential medium density.

10 We supported the proposals to change the density of
11 Howard University properties on Georgia Avenue just to the south
12 of the Bruce Monroe site from institutional only to include
13 residential medium density. And we supported the Bruce Monroe
14 site proffer to change the property from institutional use to
15 commercial medium density, residential medium density on the
16 Northern half. And we worked with Councilmember Nadeau and others
17 to ensure that parks, recreation, and open space were an improved
18 use for the southern half.

19 Collectively, these changes signal that larger, taller
20 buildings are appropriate for Georgia Avenue. More importantly,
21 larger development is the only reliable way to produce both the
22 moderate and deeply affordable housing, which is so desperately
23 needed in Ward 1, in our community, and in the District of
24 Columbia as a whole, and this -- why we -- and which specifically
25 benefits communities of color. It is not an accident that this

1 is also the type of housing that this approved PUD is designed
2 to create and deliver.

3 With regards to equity, I think others, the Office of
4 Planning and the Applicant, have covered this. Particularly, the
5 Office of Planning have covered this well, but we do want to say
6 that we were very sensitive to equity from the very beginning of
7 this project. We want to emphasize that ANC 1A not only took
8 this into consideration during the remand process, but from the
9 beginning.

10 It is important to our Commission there were seats at
11 the table for all impacted by this project. In addition to ANC
12 1A, standing members of the Park Morton Steering Committee
13 included ANC 1B, the United Neighborhood Coalition, the Luray-
14 Warder Neighborhood Association, the Georgia Avenue Economic
15 Development Taskforce, and the Council at Park Morton.

16 While all parties haven't always seen eye to eye on
17 every aspect of this project, all voices are and continue to be
18 at the table and heard. We know that when this stalled, we
19 recognize and supported, in principle, Ms. Shonta High and the
20 Park Morton Equity Plan. We also want to say that, even though
21 I think this is a little outside the scope of this hearing, those
22 conversations have also improved the -- both projects and the
23 equity being delivered in both projects.

24 So with all of this in mind, we believe that this zoning
25 case not only meets, but exceeds the equity goals and requirements

1 of the amended Comprehensive Plan. We, therefore, ask the
2 Commission to, again, vote to support this important development.
3 Thank you.

4 CHAIRPERSON HOOD: Okay. Is another Commissioner
5 going to speak?

6 COMMISSIONER BOESE: I think Commissioner Brown would
7 like to --

8 CHAIRPERSON HOOD: Well --

9 COMMISSIONER BOESE: I think Commissioner Brown should
10 go next as it's single member district, followed by Commissioner
11 Love Wade who is --

12 CHAIRPERSON HOOD: Okay.

13 COMMISSIONER BOESE: -- the vice chair of the
14 Commission.

15 CHAIRPERSON HOOD: Okay. It's your show. Go right
16 ahead.

17 COMMISSIONER BROWN: Thank you, Chairman Hood and
18 members of the Zoning Commission. My name is Rashida Brown, and
19 I am the advisory neighborhood commissioner for the 1A10 single
20 member district where the Bruce Monroe property sits. I also
21 live at 430 Irving Street Northwest.

22 I'm here to affirm my strong support for Zoning Case
23 16-11 and join my fellow commissioners in sharing comments
24 regarding the issues that were subject of the remand Order from
25 the District of Columbia's Court of Appeals and in response to

1 the updated Comprehensive Plan.

2 ANC 1A submitted to the Office of Planning
3 recommendations for the D.C.'s Comprehensive Plan, future map,
4 land use map element including the Mid-City Element and its
5 proposed policies and actions. These recommendations supported
6 two critical areas affecting this project. One, promoting
7 moderate density for commercial and residential uses on Georgia
8 Avenue, particularly at Bruce Monroe within the FLUM and the Mid-
9 City Element. And, two, changing the use of the FLUM on the
10 Southern half of the Bruce Monroe site to include a park and
11 green space.

12 ANC 1A continuously supported this planned unit
13 development application because it offers a greater supply of
14 affordable housing, retail space, and a permanent one-acre park,
15 and human capital services and other community benefits for lower
16 Georgia Avenue and as guided by the Comp Plan policies and FLUM.
17 As the city changes and becomes less affordable, we need to
18 increase the supply of affordable housing and offer a mix of
19 affordable housing types to keep our neighborhoods diverse and
20 equitable.

21 The updated Comprehensive Plan allows for larger
22 development that would support the District schools on housing
23 and equity, placing an emphasis on the urgency to address racial
24 inequities involving gentrification and a displacement of black
25 and brown people. This redevelopment at the proposed density and

1 scale would ensure the one-for-one replacement of public housing
2 units and affordable housing mix that is necessary for addressing
3 race equity and as guided by the FLUM and new Comprehensive Plan
4 policies.

5 The Park Morton and Bruce Monroe sites are also
6 geographically located in close proximity of one another, and
7 therefore providing a greater pathway for residents to stay or
8 return to their own community. The Mid-City Element is one of
9 the most diverse areas of the city and Georgia Avenue is the
10 heart of Hispanic and African American businesses and landmarks,
11 yet over the years it has experienced a significant population
12 increase seeing its growing share of white residents and
13 shrinking populations of black and brown residents.

14 From 2000 to 2013, African American residents, more
15 than 20,000, were displaced from their DC neighborhoods by
16 affluent white newcomers according to the National Community
17 Reinvestment Coalition. The redevelopment plan for Bruce Monroe
18 would provide the right amount of density to offer ample
19 affordable housing, family style housing for residents of all
20 income levels, and most importantly, Park Morton residents who
21 make up predominantly black female heads of household and their
22 children.

23 We need to provide clear pathways for our residents at
24 Park Morton to return. Without it, we'll be perpetuating the
25 continuous cycle of systemic racism that pushes black and brown

1 residents out of their homes and away from our beloved community.
2 We believe this redevelopment plan for Bruce Monroe as the Build
3 First site for Park Morton aligns with the city's Comprehensive
4 Plan, key priorities and Framework Elements addressing Mid-City,
5 equity and affordable housing policies that were subject of the
6 remand Order. Thank you for allowing me the opportunity to
7 testify.

8 CHAIRPERSON HOOD: Okay. Thank you. Commissioner Love
9 Wade? Commissioner Love Wade, you are on mute. Hit your mute
10 button on your space button. There you go. You're off mute now.

11 COMMISSIONER LOVE WADE: Okay. I can't find my video
12 to download, so I'll just read it to you.

13 Hi, I'm Dotti Love Wade, Advisory Neighborhood
14 Commission for ANC Single Member District 1A11, representing
15 Columbia Heights Northwest. My address for the past 47 years is
16 1116 Columbia Road Northwest. My Single Member District abuts
17 the Bruce Monroe project, and our residents will be directly
18 impacted by this development. Our Chair and Single Member
19 District Commissioner has strongly and clearly presented our
20 support for Zoning Case 16-11. So I will not be redundant,
21 however, I would like to speak to the issue of equity on behalf
22 of the extensive community outreach and involvement that occurred
23 during the entire project development of the Bruce Monroe site.
24 Scores of public meetings were held throughout the 1A Commission
25 community over many years and almost every issue taken into

1 consideration to ensure equity and inclusion.

2 While there was plenty of support in opposition and no
3 one got everything they wanted, we were able to craft a design
4 for the Bruce Monroe parcel that will benefit our community
5 greatly and be a model for truly inclusive, mixed-use development
6 throughout the District of Columbia. The PUD creates a one-acre
7 permanent park on the Columbia Road side of the property and on
8 Irving Street a 76-unit apartment building for seniors, 189-unit
9 market and affordable rate apartment building, and ground level
10 retail space, all of great benefit to the community.

11 To further ensure equity as required in the Comp Plan,
12 inclusive and extensive community outreach, collaboration, and
13 cooperation resulted in our Commission's multiple resolutions of
14 continued support. This process ensured development of community
15 friendly sports and recreational areas, a direly needed green
16 space park in this barren area of our community, and diverse
17 retail space bringing employment to our community.

18 This building and park recreation will be ADA
19 accessible. Our ANC 1A Commission also negotiated a heated
20 therapy pool to be built into the senior building to be staffed
21 by a physical therapist. This benefits the health and well-being
22 of our most vulnerable population. The 273 affordable housing
23 units on this site will ensure diversity in age, race, income,
24 and abilities as we build an all-inclusive neighborhood and city
25 as directed by the revised Comprehensive Plan of 2021. Because

1 of this community collaboration to ensure equity for our
2 residents on the Bruce Monroe site and on behalf of the residents
3 of ANC 1A11, we continue our strong support of Zoning Case 16-11
4 and the ANC resolution in support of the adoption of the PUD.
5 Thank you.

6 CHAIRPERSON HOOD: Thank you, Commissioner. Chairman
7 Boese, did we get all the Commissioners that wanted to speak?

8 Let me just say, before we get started, when you gave
9 the stats on how many amendments that you all provide to the --
10 to the Office of Planning, that just shows a lot of work that
11 ANC commissioners do. When I heard those numbers I was thinking
12 more in line with maybe three or four, you know, and accept one
13 or two. But with what you all have done, I want to continue to
14 impress upon you all to continue to do the great work, whether
15 the pro or con. At the end of the day, I've always said, if
16 somebody is doing some work, I just appreciate that. So I want
17 to commend ANC 1A. When I -- could you give me those numbers
18 again? And I'm sure the judge don't mind me asking these
19 questions, because I really want to know for myself. So I'll
20 put that on the record. Could you give me those numbers again?

21 COMMISSIONER BOESE: Sure. We submitted a total of 181
22 recommendations and comments, 117 of those were recommendations.
23 And some of those comments were simply that we supported a
24 recommendation, or we made, you know, a little commentary on what
25 we thought that proposal meant. Twenty-four of them were

1 | accepted, 72 recommendations were acknowledged, and only 21 were
2 | rejected.

3 | If you -- if -- since you want this on the record, I
4 | will also tell you that we reviewed every city-wide element. We
5 | reviewed the Future Land Use Map, and we reviewed the Mid-City
6 | and Rock Creek East area elements because those directly affect
7 | our residents.

8 | CHAIRPERSON HOOD: Thank you. I wrote those numbers
9 | down so I can -- I'm going to be with my ANC tomorrow, and I'm
10 | hoping (indiscernible) rushing. And I'm going to ask them how
11 | much did we do? So I'm just -- I just want to see what they did.
12 | So I have some numbers here, so I appreciate all the work that
13 | you all are doing. Just see if we have any --

14 | COMMISSIONER BROWN: Can I also add that we worked with
15 | several of our committees to engage community members and other
16 | stakeholders in on the process. We are extremely transparent.
17 | It was during COVID, so a lot of it's on our website. A lot of
18 | the community committee meetings have been -- recordings have
19 | included on our website. So it was a real community-wide effort.
20 | And we acknowledge that need to come up with the recommendations.

21 | CHAIRPERSON HOOD: Okay. Again, I want to thank you
22 | all for what you've done. I wanted those for selfish reasons.
23 | But I just never have heard those numbers again, so I want to
24 | commend our first line city official volunteers for what you all
25 | have done.

1 Let me see if my colleagues have any questions or
2 comments. Commissioner May?

3 COMMISSIONER MAY: I do not, but I do appreciate your
4 testimony and the fact that you've stuck it out for three hours
5 just to get to this point. So thank you very much.

6 CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

7 COMMISSIONER SHAPIRO: Only to say at some level, Mr.
8 Chair, to amplify that what you were saying. I'm a former
9 Advisory Neighborhood Commissioner myself, and I'm just tired
10 listening to all the work that you all did. So thank you. Thanks
11 for the -- for the public leadership. I'll leave it at that,
12 Mr. Chair.

13 CHAIRPERSON HOOD: Great. Great. Vice Chair Miller?

14 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
15 you, Chairman Kent Boese and Commissioners Rashida Brown and
16 Dotti Love Wade for your testimony this evening and all of your
17 longstanding community engagement on this issue and so many
18 issues in your neighborhood and city-wide including the updated
19 Comp Plan both in your community and with the mayor, the council,
20 your councilmember, and the Office of Planning. It's all been
21 very helpful. And your support of this case today and previously,
22 along with ANC 1B, you know, only strengthens the case for this
23 project, and we appreciate all the work that you've done, so
24 thank you.

25 CHAIRPERSON HOOD: Okay. Let's see if we have any

1 cross for any of you. Let me go to the Applicant first. And
2 that's what I'm supposed to do, so hopefully I get it right this
3 time. The Applicant, Mr. Freeman, you have any cross?

4 MR. FREEMAN: No cross, but I did just want to, kind
5 of, add to the one point. Always great to see the --

6 CHAIRPERSON HOOD: Mr. Freeman, is it testimony or you
7 just want to say something to the Commissioner?

8 MR. FREEMAN: I just want to thank Commissioner Dotti
9 Love Wade --

10 CHAIRPERSON HOOD: Yeah.

11 MR. FREEMAN: -- who's been on the ANC over 18 years.

12 CHAIRPERSON HOOD: Okay. Kudos to Ms. Dotti Love Wade
13 who we've known for over 18 or 20 -- it seems like 25 years, I'm
14 sure, but she's done a -- all of -- everybody has done a yeoman's
15 job in ANC 1A. So I don't want to just single -- I know Ms. Wade
16 probably has tenure, but I'm sure you all have worked together.
17 And if it wasn't -- you didn't have good colleagues, Ms. Love
18 Wade, you probably wouldn't still be there. So you must have
19 great colleagues as well.

20 All right. Let's call the Park Morton Resident
21 Council. Any cross? And if you have cross with somebody, just
22 identify who it is for.

23 MR. JORDAN: Okay. This is the William Jordan for the
24 Park Morton Resident Council, and I only have a few quick
25 questions. They're kind of a repeat. I guess any commissioner

1 can answer. So I wanted to find out did the Commission use a
2 racial equity tool in its evaluation of -- in your -- in your
3 continued support, did you use a racial equity tool, and do you
4 have any particular advice to the Commission on how they should
5 bring racial equity into their decision-making related to this
6 case?

7 COMMISSIONER LOVE WADE: Well, I can speak to my tool
8 that I used through my 40 years -- 47 or 50 years in this
9 particular neighborhood. Working with the community, we were
10 able to assess throughout multiple meetings what the neighborhood
11 looked like prior to gentrification, what the neighborhood looks
12 like now, what services would attract and keep our displaced
13 residents or our black and brown residents in the neighborhood.

14 We looked at social services being offered. We looked
15 at the economic impact. We looked at the income generating
16 factors. We also know that through past experiences, where you
17 put all public housing together, economic development did not
18 follow. In fact, economic development left the area.

19 So my lens is a well-honed personal lens based on, I
20 guess, 17 years of experience in this city, looking at racial
21 injustices of the past, being a citizen and victim of redlining,
22 having been -- seeing my family and neighbors displaced. I have
23 a keen sensitivity to the equity needs of the whole city, in
24 fact, because I know that we cannot grow staying stagnant.

25 So my equity lens is not a full William, as I'm sure

1 | yours is not a tool. But when you have served and worked in your
2 | community and you know your community as well as you do, having
3 | worked within the federal government, where the majority of my
4 | coworkers were white; having lived in Columbia Heights for almost
5 | my entire life, where the majority of my community was black; I
6 | think I have a pretty keen eye on what should happen and does
7 | happen. And we made sure that every step of the way we considered
8 | all of the community. We considered the children. We considered
9 | those people with ability difficulties. We considered those with
10 | health issues. We considered seniors. So to me, equity is when
11 | you include everybody in the process and that everyone is treated
12 | as fairly as possible. And I think during this process, we did
13 | everything we could do to make sure that we listened to all the
14 | citizens. We listened to people who had invested a lot of time
15 | in the neighborhood, years, and work. We listened to people who
16 | had invested a lot of money in the neighborhood to -- who had
17 | been negatively impacted. (Audio interference) we listened to
18 | businesses. So as not just racial, equity is economic, it is
19 | social, and it is (audio interference) related.

20 | Make sure that our neighbors have easy access to the
21 | multiple medical facilities that are within easy distance. All
22 | this is a part of equity that we consider when we're looking at
23 | well, what I consider when making my judgments and making my
24 | presentations to my constituents in our community, that it wasn't
25 | just like a racial equity issue, but it's also all the ones that

1 I identified, jobs as a part of the equity. So when we're
2 building these new facilities it creates jobs for our entire
3 community. And we encourage always our residents to apply for
4 these jobs as they come available. So I don't know if I answered
5 your question, Mr. Jordan, but that's the tool I use.

6 CHAIRPERSON HOOD: Ms. Love Wade, I'm going to help you
7 here. You answered his question. Mr. Jordan, do you have any
8 more questions? Any more to (indiscernible)?

9 MR. JORDAN: Sure. You know, so, you know, that it
10 will -- it will -- it'll be quick. So I know in the presentation
11 one of the commissioners mentioned the Bruce Monroe site as a
12 Build First site. As part of the Order is that -- should the
13 Commission still consider Build First for Bruce Monroe a part of
14 their view given the displacement that's already occurred from
15 the neighborhood?

16 COMMISSIONER BROWN: That was in my testimony, and I
17 can answer that. The answer is yes. I think that Bruce Monroe
18 has been considered as a Build First site and it should remain
19 as a part of that conversation. I think that through the Park
20 Morton Steering Committee and engaging all of the agencies and
21 folks in the community, we worked really hard to ensure that
22 displacement -- we can avoid displacement as much as possible.
23 But if they were, they would remain in Ward 1.

24 So, I think that we're all disappointed about the
25 delays, but regardless, we want to see Bruce Monroe happen. We

1 want to see the one-for-one replacement and we want to see
2 affordable housing come to our community, and we want the Park
3 Morton residents to have the opportunity and a clear pathway to
4 stay or return.

5 MR. JORDAN: So I'll ask that again because,
6 unfortunately, part of the consideration is --

7 CHAIRPERSON HOOD: You're testifying. You're
8 testifying, Mr. Jordan.

9 MR. JORDAN: Okay. Okay.

10 CHAIRPERSON HOOD: Go right to the question.

11 MR. JORDAN: All right. So -- okay. No, you're right.
12 You're correct. Final question to the Commission or the
13 Commissioners. When considering the equity and racial equity
14 benefits of this project, particularly for the residents of Park
15 Morton, the Park Morton residents, did you include both sites in
16 that analysis in terms of meeting the equity goals of this
17 project, and should the Commission include both sites in their
18 evaluation as to whether the racial equity needs of Park Morton
19 residents are being made -- being met?

20 COMMISSIONER LOVE WADE: That was not a part of the
21 remand, and we did not consider that. It was not a part of the
22 remand. And we were -- we were very specific in only addressing
23 those two items that were a part of the remand. Park Morton is
24 not a part of it, so it was not a part of our discussion.

25 CHAIRPERSON HOOD: Okay. Any other questions now?

1 MR. JORDAN: So -- no, that will -- that's it. Thank
2 you.

3 CHAIRPERSON HOOD: Okay. Thank you. Did I get -- oh,
4 I'm sorry. Let's go to Bruce Monroe Park neighbors. Mr. Poe,
5 do you have any questions for any of your Commissioners?

6 MR. POE: May I -- may I open a question for the Office
7 of Planning again or is that -- is that closed?

8 CHAIRPERSON HOOD: Mr. Poe, when you, when you get
9 ready to do your presentation, remind me of the question, and I
10 will ask it, if it's germane. If it's not germane, I'm not going
11 to ask it. So you do that. I will ask the Office of Planning.

12 MR. POE: Thank you.

13 CHAIRPERSON HOOD: Okay. All right.

14 MR. POE: For the office of the -- for the ANC I had
15 -- I had a question related to this new Comprehensive Plan. I
16 was wondering how Rashida felt about the -- this -- the big
17 changes that have been proposed here. And I -- honestly, I don't
18 think I have any questions for the ANC at this -- at this moment.
19 I can't think of anything.

20 CHAIRPERSON HOOD: Okay. Well, thank you. Again, I
21 want to thank ANC 1A and also 1B who, obviously, has agreed to
22 yield to what your views are. So again, I want to thank ANC 1A
23 to continue to do the great work that you all are doing. Okay.

24 So let's go to Ms. Schellin. Okay. Let me just say
25 this.

1 MS. SCHELLIN: Yes.

2 CHAIRPERSON HOOD: Other government agencies, we did -
3 - we did have a letter from DMPED strongly supporting. And I
4 also want to acknowledge that we had a letter from the
5 councilmember, Councilman Nadeau of Ward 1, and I'm going to read
6 the last part of her letter. I think it's very important. It
7 shows where I'm hearing a lot tonight.

8 It says outside of the Comprehensive Plan, Council has
9 voted to enable development at this site on multiple occasions.
10 She didn't say one occasion, multiple occasions, including four
11 votes on surplus and disposition, a contract approval. She goes
12 on and on what the Council has done, very supportive of what's
13 going on up there along with some others. And this is coming
14 from the councilman, our Councilmember Brianne Nadeau.

15 So thank you for -- and she also starts off, which I
16 thought was very interesting. She says, "I typically do not
17 submit testimony on zoning cases as I take very seriously this
18 council's limited role in zoning decisions and the Zoning
19 Commission's independent status."

20 I really liked the way she crafted that. I liked her
21 detail letter, which is Exhibit 345, I believe, if I can see that
22 good. I think the last one is a five. So I appreciate the
23 Councilman submitting that submission to us for the record.

24 VICE CHAIR MILLER: Mr. Chairman, I want to just echo
25 your comments because I think the Councilmember's testimony,

1 having worked for a councilmember or two or three or four or five
2 for 27 years, I discouraged them from commenting before the
3 independent zoning agency, but I think she explains why she is
4 involved in terms of the Comprehensive Plan interaction with this
5 particular case. And her testimony or her comments on October
6 18th at Exhibit 345 I think are excellent and I appreciate all
7 of her work on this project and on so many other projects. But
8 I think her comments are all on point, and I would recommend the
9 public to look at -- to look at Exhibit 345.

10 CHAIRPERSON HOOD: And I would agree. I just want to
11 say that while we know she's not the only councilman who's coming,
12 they don't come often, but they come when it's very important.
13 I think this model is what she wants for her Ward, and I think
14 this is just her stick-to-itiveness of something that she's
15 probably worked on for years as well.

16 We've only had one or two -- I think two mayors, as I
17 can recall. We don't really get a whole lot of mayors and
18 councilmembers, but when we do, we know the significance of it.
19 But we still have to look at our rules. And in this case, the
20 courts have given us clear direction for us to give them some
21 answers. They want us to answer what our action -- whatever
22 actions are, they want us to answer. And that's what I think
23 that we are up to do, but we want to finish getting testimony.

24 Any other comments from my colleagues? Again, thank
25 ANC Commission 1A and I did mention about the councilman's letter.

1 Let's go to -- Ms. Schellin, I believe we go to --

2 MS. SCHELLIN: Individuals and organizations.

3 CHAIRPERSON HOOD: Individual and support. Right.

4 Right. Thank you.

5 MS. SCHELLIN: Yes. All right. Let me see what's --

6 CHAIRPERSON HOOD: So if you all could help me with
7 that.

8 MS. SCHELLIN: I will switch screens, and I believe if
9 Mr. Young wants to take off everyone else so that he'll be able
10 to pull up the other people. The parties can be pulled up for
11 cross-examination when needed. So let me --

12 CHAIRPERSON HOOD: Okay. Everyone except for -- except
13 for our counsel.

14 MS. SCHELLIN: Except for the counsel, of course.

15 CHAIRPERSON HOOD: Yeah. We might need to go to our
16 counsel.

17 MS. SCHELLIN: So once he's done that, I'll start
18 calling people so he can look for them. Okay. So first we have
19 -- in support, we have Alex Baca, B-A-C-A, if I'm pronouncing
20 that correctly; Cheryl Cort.

21 CHAIRPERSON HOOD: So let me ask you this. I know we
22 called two names, but do we -- how many --

23 MS. SCHELLIN: And that's it.

24 CHAIRPERSON HOOD: -- people do we have in support?
25 That's it?

1 MS. SCHELLIN: That's it.

2 CHAIRPERSON HOOD: Okay. And it's --

3 MS. SCHELLIN: The others are ANC or part of the
4 Applicants.

5 CHAIRPERSON HOOD: Okay. Let's bring it up. Ms. Baca
6 and Ms. Cort. I don't see Ms. Baca, yet.

7 MR. YOUNG: I don't see her on.

8 CHAIRPERSON HOOD: Okay. Well, in that case, we called
9 for Ms. Baca. Let's go to Ms. Cort.

10 MS. CORT: Good evening, Chairman Hood. How many
11 minutes -- oh, I have three. I have three minutes?

12 CHAIRPERSON HOOD: Are you representing yourself or
13 your organization?

14 MS. CORT: I'm -- my organization, yeah.

15 CHAIRPERSON HOOD: Okay. You have five minutes -- five
16 minutes.

17 MS. CORT: Great. Okay. Well, that's right, it's good
18 evening, Chairman Hood, and Commission members. I'm Cheryl Cort
19 with the Coalition for Smarter Growth. And we're here to
20 reiterate our continued support for the Bruce Monroe PUD in light
21 of the Comp Plan amendment of 2020.

22 We have been involved with this project for many years
23 and, in fact, submitted a joint -- with a number of groups to
24 submit an amicus brief related to it when it went to the court.
25 By implementing the Bruce Monroe PUDs, we will be fulfilling both

1 the 2006 Comp Plan and the 2020 amended Comprehensive Plan.

2 We are pleased that the updated Comp Plan strengthens
3 the city's focus on prioritizing affordable housing, preventing
4 displacement, and elevates the importance of equitable
5 distribution of affordable housing opportunities throughout the
6 city and also asks us to take a racial equity lens to all of our
7 land use decisions.

8 The publicly controlled lands of Bruce Monroe and Park
9 Morton offer the Park View neighborhood a significant role to
10 play in addressing the economic and racial equity divide that the
11 2020 Comp Plan called out as overriding concerns for the city.
12 The Bruce Monroe PUD is a linchpin to ensuring that Park Morton
13 residents have quality replacement homes to enable them to remain
14 in the Park View neighborhood as well as to allow new low-income
15 families to have the chance to live in this transit accessible,
16 centrally located neighborhood.

17 With rapidly increasing property values and the loss
18 of African American and other people of color residents over the
19 last decade in this area of the Park -- the Bruce Monroe PUD is
20 an important contribution to achieving the goals set out by the
21 2020 amendment to the Comp Plan to prevent displacement of low-
22 income and African American residents and people of color from
23 their communities.

24 The Comp Plan amendments of 2020 clarify and remove
25 much of the (indiscernible) or ambiguity about previously

1 | questioned interpretations of the -- of the 2006 Comp Plan in the
2 | PUD decision. But I'll just briefly address the last -- or of
3 | the -- of the many important things that the comp -- the new
4 | revised Comp Plan does. I wanted to -- the -- I guess the newest
5 | thing is really kind of how do we apply this racial equity lens
6 | to this decision-making.

7 | And the Comp Plan really calls out concern around
8 | displacement of black and Hispanic households who experience
9 | higher rent burdens and are more likely to be displaced. And
10 | that this project specifically provides for stable and secure
11 | affordable housing that can support Park Morton other low-income
12 | residents as they work to overcome the quote -- from the Comp
13 | Plan, I'm quoting, result of historic systemic practices, such
14 | as redlining, racial covenants and predatory lending that's
15 | limited access to housing, restricted wealth-building
16 | opportunities for communities of color, and created highly
17 | segregated development patterns.

18 | As Park Morton residents have encountered many of these
19 | challenges, the Comp Plan racial equity and equitable development
20 | goals for revitalization of their homes is important. The PUD
21 | fulfills this important goal for addressing racial equity and
22 | access and opportunity to remain in the neighborhood and also
23 | fulfilling the goal of expanding affordable housing opportunities
24 | in this neighborhood. So we see it as an important counterweight
25 | to the strong current of rising prices and displacement of lower

1 income people of African American households from Park View
2 neighborhood which are advancing the 2020 Comprehensive Plan
3 goals.

4 And I recommend to you my written statement, which is
5 much more extensive. And it shows a map of one of the two major
6 gentrification studies that was done in the last couple of years
7 that shows the central part of the city showing the highest low-
8 income displacement in the city. So it sort of does a good job
9 of illustrating why the Park View neighborhood is particularly
10 important to addressing the need to both place -- to replace Park
11 Morton residences and also to expand affordable housing
12 opportunities in this neighborhood. Thank you.

13 CHAIRPERSON HOOD: Thank you, Ms. Cort. If you could
14 hold tight, we may have some questions for you, and then we have
15 -- I'll go to the parties, see if they have any cross. I think
16 we have Ms. Baca on now. Ms. Baca.

17 MS. BACA: Hi there. Yeah, I was able to join. Can
18 you hear me?

19 CHAIRPERSON HOOD: Sure. We can hear you. You may
20 begin.

21 MS. BACA: Okay. Thank you so much. Good evening. My
22 name is Alex Baca, and I am a proponent of 16-11. I fully support
23 the redevelopment of Bruce Monroe and Park Morton. My only wish
24 is that both projects were denser and taller with the resulting
25 increased value reinvested into more subsidized affordable units

1 from studio apartments to family size flats and townhomes.

2 However, rather than to -- rather than object to this
3 project on the grounds that it is not enough of one thing or
4 another, I spent about three years advocating for higher density
5 FLUM designation disputes, including the ones in question here,
6 in my work on amendments for the Comprehensive Plan as policy
7 manager for Greater Washington.

8 Please note, however, that I am testifying tonight as
9 a Park View resident and that my comments should not be construed
10 as on behalf of my employer--even though GGWash and I think the
11 same from time to time. Like GGWash, I believe that the
12 production of more homes, paired with greater tenant or project-
13 based subsidies for extremely low and low-income households in
14 particular, is not the sole need, but certainly the greatest need
15 of the majority of District residents at this time.

16 My understanding of this hearing is that it is only on
17 the matter of whether the revised order for Bruce Monroe meets
18 the requirements of the D.C. Court of Appeals' remand. In my
19 reading, Bruce Monroe is consistent with both the Comp Plan as
20 written in 2006, and amendments to that document, which were
21 finalized this past September. Therefore, I am a proponent. I
22 honestly think the development team and Councilmember Brianne
23 Nadeau's testimony covers all the bases that I would point to.
24 So I don't really want to reiterate them here.

25 So since my elected officials are capably representing

1 me, it's not necessary for me to testify. While I'm happy to be
2 here, you know, comments at the Zoning Commission's July meeting
3 about holding this meeting being the right thing to do because
4 people want to have public input, were not so much a call to
5 civic duty to me, as it were a red flag.

6 People who, like me, are totally fine with Bruce
7 Monroe, and are thrilled that Park Morton is breaking ground,
8 don't tend to show up to these things, because they expect
9 representative government to be working for them. And in this
10 specific instance, it actually is. Satisfaction, and the belief
11 that government processes are working fine enough, is not a
12 motivator, but righteous opposition, or sometimes anger, fear,
13 and shame tends to be.

14 I've learned that without careful organizing and
15 outreach, people who show up broadly have bones to pick, even
16 well-intentioned ones. Those bones tend to be ideological and
17 romantic, and therefore are hard to match up with the much more
18 prosaic bones of something as complex and bureaucratic as
19 redeveloping public housing. So we're working with two different
20 skeletons, if you will. Fusing them may be possible, but doing
21 so at this particular point in time is a deviation from the sort
22 of critical path that I, personally, try to hew to when managing
23 projects.

24 To me, the District has so far failed to provide one-
25 to-one replacement of public housing, which is one of the few

1 | surefire anti-displacement policies. Redeveloping Park Morton
2 | and Bruce Monroe represent our best opportunity to build
3 | dignified places for people to live, regardless of their income.

4 | This was true under the 2006 Comp Plan from the outset,
5 | and the recent amendments make it clearer that the proposal for
6 | Bruce Monroe was not and is not in conflict with the text or the
7 | FLUM.

8 | As a Park View resident, I would prefer not to be asked
9 | about this again. I look forward to finally the replacement of
10 | a temporary park with housing that will, in part, be more
11 | affordable than the private market can or will provide. Thank
12 | you.

13 | CHAIRPERSON HOOD: Okay. Thank you both, Ms. Baca, and
14 | Ms. Cort. Let me just say to Ms. Baca, thank you. You mentioned
15 | that you were not representing Greater Washington, but we
16 | appreciate your comments. And we also appreciate the work that
17 | Greater Washington does.

18 | And Ms. Cort, I appreciate the -- you were always of
19 | Smarter Growth, you always do your research. We may not always
20 | agree, but you all do your research, and you always give food
21 | for thought. So thank you for all that you all do as well.

22 | Let me open it up to my colleagues and see if we have
23 | any comments.

24 | Commissioner May? Okay.

25 | Commissioner Shapiro?

1 And Vice Chair Miller?

2 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
3 you, Cheryl Cort and Alex Baca, for all of the work that you do
4 to try to expand housing in our city at all income levels,
5 particularly affordable lower income housing and particularly at
6 transit-rich, amenity-rich neighborhoods that deserve to have the
7 diversity.

8 But the -- I think the old Comprehensive Plan, but --
9 called for, but the -- because it was an inclusive city that I
10 think the 2006 Comprehensive Plan was called for -- I mean was
11 entitled by, I think, Mayor Williams, but the strengthened
12 Comprehensive Plan under this mayor and council definitely calls
13 for a more inclusive, equitable city. And I think all the work
14 you do helps to make that happen. And you help make the mayor
15 and council's work better and our work better too, and we
16 appreciate that.

17 CHAIRPERSON HOOD: That's for sure, and I ditto with
18 my colleagues previously and also the Vice Chair's comments. So,
19 Ms. Cort and Ms. Baca, if you all could stick around. Let's see
20 if we have any questions for you.

21 Does the Applicant have any questions or cross for
22 either one of these witnesses?

23 MR. FREEMAN: No, Chairman. Thank you.

24 CHAIRPERSON HOOD: Okay. Does Chairman Boese, ANC 1A,
25 have any cross of either one of these witnesses?

1 COMMISSIONER BOESE: No cross, but I would like to
2 express my appreciation for their constant and continued support.

3 CHAIRPERSON HOOD: Mr. Jordan, Park Morton Resident
4 Council, do you have any cross of either one of these witnesses?

5 MR. JORDAN: Yes, I do.

6 CHAIRPERSON HOOD: Okay.

7 MR. JORDAN: In terms of using the racial equity tool
8 and advising in racial equity and advising the Zoning Commission
9 on evaluating this, do you believe that income and wealth are
10 critical points of analysis for understanding racial equity in
11 evaluating a project? Specifically, in this case for Park Morton
12 residents, that a project or this process should solidify their
13 income and wealth position within this new community?

14 CHAIRPERSON HOOD: Is that a question to both of them
15 or?

16 MR. JORDAN: Yes, both.

17 CHAIRPERSON HOOD: Okay. Whoever would like to go
18 first. Ms. Cort, I think you're still on mute.

19 MS. CORT: Okay. Thank you. Yeah, I spoke to this in
20 my testimony. Housing security is the first step for building
21 your opportunity to pursue other things. You're not just worried
22 about, you know, having a safe place, a roof over your head. And
23 so the first step for people who are very low income who may not
24 be in a position to become homeowners anytime soon, the first
25 thing we need to do is to ensure that they are provided with

1 quality safe housing that gives them access to transit, to
2 amenities, to schools, to lots of things.

3 And so I think that this project, which is focused on
4 affordable rental housing, does a good job of doing that, and
5 addressing how are we going to overcome historic discrimination
6 that's left people of color with less wealth and less opportunity.
7 And I think that that's how by creating quality new homes and
8 also a permanent park and helping people remain in a neighborhood,
9 that has increasingly more access to more opportunity, more
10 transit, is an important way that this addresses the direction
11 we have from the Comp Plan to assess how racial equity is
12 accomplished through our land use actions.

13 MR. JORDAN: So could you be more specific of how this
14 -- how this particular application -- how the Zoning Commission
15 should see this particular order achieving that. I mean, can you
16 connect the dots a little bit more specifically of particularly
17 related to Park Morton residents and their equity out of this
18 process?

19 MS. CORT: Well, from the Comp Plan, the Comp Plan says
20 that quote, "The District's black and Hispanic households
21 experienced higher levels of rent burden that increase the
22 likelihood of displacement." So when actually examining the
23 position of Park Morton residents, what we know from the
24 relocation plan, is that Park Morton households, who are
25 predominantly, African American, have an average annual income

1 of \$18,000 --just a little over \$18,000 for -- with an average
2 family household of two persons. However, the income range for
3 Park Morton residents from zero to over \$87,000.

4 Now, we know that the average income -- this average
5 income is far below 30 percent of median family income, which is
6 around \$30,000 for a two-person household. So given the incomes
7 of Park Morton community members, the Bruce Monroe planned unit
8 development will advance a major equity goal -- racial equity
9 goal by improving and expanding housing affordable for very low
10 and extremely low-income housing households, especially those who
11 are African American in the Ward 1 neighborhood.

12 Seventy-four percent of the housing proposed for the
13 site will be either replacement housing for the D.C. Housing
14 Authority households or housing affordable at 60 percent median
15 family income. This replacement will -- this replacement housing
16 will address deteriorated public housing which has really,
17 unfortunately, in the last (indiscernible), led to the
18 displacement of residents who are waiting for their Build First
19 homes at the Bruce Monroe site. And it's just a travesty that
20 they have been displaced from their neighborhood. And so we just
21 eventually need to move forward so we can bring these residents
22 back to their neighborhood.

23 MR. JORDAN: Okay. So my question was about the
24 contribution to income and wealth improvement for this project.
25 We -- I don't want to testify. So I was trying to --

1 MS. CORT: Yeah, it's about housing security.

2 MR. JORDAN: -- get you to advise the Commission on
3 those two points of how this project will specifically
4 contribute, how they should judge this project contributing
5 directly to income and wealth improvement for Park Morton
6 residents.

7 MR. FREEMAN: I think she just answered that question.
8 To the extent it's relevant, I think she just answered that
9 question.

10 MR. JORDAN: If I'm asking the question, I guess I
11 would determine whether I think she answered it.

12 MS. CORT: Well, I'll just go back to saying, it's
13 about housing security as the first step towards building your
14 ability to improve your earnings, be in the position to be a home
15 buyer, and pursue other aspirations and things that you want to
16 do. And so I think that, at base, this is a very important way
17 to not displace people and to ensure that people can afford to
18 live in this neighborhood, have access to the -- to the
19 opportunities of this neighborhood.

20 MR. JORDAN: Okay. And then, again, I'll ask it -- ask
21 a related question. If someone already lives in the neighborhood
22 and they get to stay in the neighborhood, should the Commission
23 see that as a plus -- a significant plus if in terms of location
24 and et cetera with this project, is that really a significant
25 plus that requires a PUD? Or should they see the PUD as that?

1 So they're making a judgment.

2 CHAIRPERSON HOOD: Mr. Jordan. Mr. Jordan, help me
3 -- and if I missed it, because I've read the remand Order -- help
4 me understand. Ms. Cort, if you will -- you or Ms. Baca want to
5 answer that, you can. But help me understand the nexus and where
6 it is and what our assignment has been from the courts of your
7 questioning. Because I keep hearing you talk about the tool and
8 what the Commission can do. We can speak for what we can do.
9 Asking somebody else is not helpful to us. We're just going
10 through a sequence of events and I'm ready to question you. I
11 can't wait to get -- so I can question you about this equity
12 tool. So I want to hurry up and get there to you, so you and I
13 can have a deliberation on that, because equity is top of my
14 list.

15 MR. JORDAN: I will respond to your question and say I
16 respect Ms. Cort deeply, and her opinion and how she views things
17 matter. I think it makes a difference. I think if, as you even
18 implied, that what she thinks, how she sees things, I think either
19 contributes and it may agree or disagree with me, but -- so that's
20 why I was asking the question because there's a connect. There
21 is supposed to be a nexus between racial equity, this project,
22 and your evaluation of how it contributes to racial equity, and
23 that racial equity should apply to the people in most need of
24 that, which is Park Morton residents. So that was the nature of
25 my question. And I'll take -- you know, I think she answered

1 | that -- I interpretate her answer that it speaks to some elements,
2 | but not particularly the income and wealth element, and that's
3 | fine.

4 | CHAIRPERSON HOOD: So again, I just want to caution
5 | you. Her testimony was not necessarily in line with most of
6 | that. You're really outside the scope of our hearing, and we're
7 | being repetitious. And I'm saying this because if it goes back
8 | to the judge, I don't want for him to think that we've been --
9 | and I keep saying that because, you know, this is not my first
10 | rodeo with stuff going back to the judge. I do know that I try
11 | to make it -- we try to make a clean record so we can answer the
12 | questions that they have given us. And they don't have to run
13 | around in the transcript and look and find what -- how do I get
14 | to connect the dots.

15 | So I'm asking you, on behalf of the Commission, and
16 | even the city, all the people involved in this project, let's see
17 | what -- how you want to use the equity tool. And I appreciate
18 | the comments and I'm sure Ms. Cort does too. We all respect what
19 | Ms. Cort has to say, but we have a defined line, Mr. Jordan, and
20 | I need you to help me get there.

21 | MR. JORDAN: Okay. And then, so my last thing is always
22 | the same question I already asked. Do you believe -- I will
23 | phrase it this way. Do you, Ms. Cort, believe that the Commission
24 | should have a well-defined racial equity tool in their evaluation
25 | of this PUD?

1 MS. CORT: I mean, I think that we're getting the
2 assessment. The racial equity approach is something that's being
3 built in to how -- I mean, it must be built in, but it is sort
4 of evolving into all the future decisions and deliberations of
5 the Zoning Commission. So I appreciate the assessment that the
6 Office of Planning has provided thus far, and we will, you know,
7 build on that. And, hopefully, I've also contributed to that
8 with my testimony, which is more extensive in the written record.

9 MR. JORDAN: Thank you. That's all I have.

10 CHAIRPERSON HOOD: Okay. Thank you, Mr. Jordan. Also,
11 let's see if -- Mr. Poe, do you have any cross of either, Ms.
12 Cort or Ms. Baca? Mr. Poe, if you could unmute.

13 While we're waiting for Mr. Poe to unmute, Ms.
14 Schellin, if you can look and see if we can find --

15 MR. POE: Yes. Apologies. I had to unmute. Alex Baca
16 said something on the order of my only wish is to have both
17 projects denser and taller. I was just wondering, taller means,
18 like, a more adverse impact on the surrounding community and
19 denser could mean, like, more cramped conditions with more
20 people, you know, in smaller apartments. What do you think that
21 denser and taller is in the spirit of the Comp Plan?

22 MS. BACA: It's my understanding that the future land
23 use designation map -- or Future Land Use Map designation for the
24 site in question is only up to in some -- sorry, Park Morton is
25 moderate, and Bruce Monroe is medium -- or maybe it's just

1 moderate. This is still super confusing. I would be more than
2 happy to see high density residential at these parcels. I believe
3 that what is being built at Bruce Monroe will be -- or is up to
4 about the relativity of the Petworth Metro station. That's
5 completely acceptable to me as a neighbor.

6 To alleviate overcrowding, I think it's extremely
7 necessary to increase height, to allow for greater floor sizes
8 in family size units actually, or create them to be larger. So,
9 you know, we're talking about medium and moderate density here.
10 The FLUM already has a high rise or a high-density designation.
11 We're not even going there. But that's something that's legally
12 allowed in many parts of the District already. I don't worry
13 about those things as a neighbor.

14 MR. POE: So just to, just to be sure, you would
15 alleviate overcrowding by increasing crowding in one place.

16 MS. BACA: No. No, Mr. Poe.

17 MR. FREEMAN: It was asked and answered.

18 MS. BACA: That's not what I said.

19 MR. POE: I'm sorry. It's I have -- that's my --

20 MS. BACA: I think, sir --

21 MR. POE: -- that's my only --

22 MS. BACA: Sir, I think you're crowding arguments are
23 specious, and you don't alleviate overcrowding by increasing
24 crowding. That is not what I said. I think that this product
25 should be larger so that you can increase the number of units

1 and so that they can be larger. You need more height, and you
2 need more density to do that, but that is not a feature of what
3 we're talking about today, which is whether or not this conforms
4 with the previous Comprehensive Plan or the amendments to it,
5 which I worked on. It does.

6 CHAIRPERSON HOOD: Thank you, Ms. Baca. With that said
7 I don't think Mr. Poe --

8 MR. POE: Thank you.

9 CHAIRPERSON HOOD: -- has any additional questions.
10 Thank you, Ms. Baca. And also thank you, Ms. Cort. I think I've
11 covered everyone in the party, so thank you both. We appreciate
12 your testimony, always helpful. Okay.

13 MS. BACA: Thank you.

14 CHAIRPERSON HOOD: Let's see. Where am I?

15 Ms. Schellin, where are we now? We need to go to the
16 parties and opposition and --

17 MS. SCHELLIN: Thank you. Opposition.

18 CHAIRPERSON HOOD: Okay. Does anybody need a --

19 MS. SCHELLIN: And plus we have come up --

20 CHAIRPERSON HOOD: -- two-minute break or does anybody
21 need a five-minute break? Okay. Since you all don't I'm -- oh,
22 okay. Let's take a five-minute break.

23 And, Ms. Schellin, we will start -- if you can work
24 with the parties in opposition while we're taking a five-minute
25 -- well, they probably need a break too. So let's all take a

1 five-minute break. We'll be back at 8:10.

2 (Whereupon, the above-entitled matter went off the
3 record and then resumed.)

4 MR. POE: If I could start my 16 minutes now?

5 CHAIRPERSON HOOD: You can start the PowerPoint, then
6 you can start once you start the PowerPoint.

7 MR. POE: Now, do I just tell you when to flip through?
8 Or can I flip through on using your app, this Webex app? Okay.
9 So there's only a few images here. I am just going to talk
10 through my, my written statement here and I just -- my name is
11 Mark Poe. I live at 782 Columbia Road, and I'm representing the
12 party of Park Neighbors in this hearing.

13 I acknowledge that a response must be related to the
14 seven areas of concern, unlike some of my cross-examining
15 earlier, must not introduce new information and it's limited to
16 the existing record.

17 The party consists of residents within 200 feet of
18 Bruce Monroe park site, directly affected by Zoning Order 16-11.
19 On June 25th, 2020, the District Court of Appeals vacated and
20 remanded this Order for further proceedings.

21 Within the limited scope of this hearing, we will show
22 that the zoning map amendments and related PUD continue to violate
23 the Comprehensive Plan, even as amended. A proposed 90-foot-
24 high apartment building will protrude substantially into the
25 Neighborhood Conservation area.

1 The Future Land Use Map of the Comprehensive Plan was
2 revised via 9933.1, changed the land designation of -- no, 9933.1
3 and 2, designation of Square 2890 from local public facility.
4 More than half of that square was to be designated as a mix medium
5 density residential and medium density commercial from -- that's
6 9933.2.

7 The Southern half would be designated as a modern
8 density residential, but that was, I believe that was overturned
9 by the ANC. Since we are using the 1958 Zoning Regs for this
10 hearing, referring to 10A-226E, the designation of an area with
11 a particular land use category does not necessarily mean that the
12 most dense zoning district described in the land use definition
13 is automatically permitted.

14 The zone is consistent with the land use designation
15 when depending on prevailing character, quote, unquote. The GPM
16 for this square, while also part of the Comp Plan, has not changed
17 since it was amended. The proposed 90-foot-high apartment
18 building would still protrude into the Neighborhood Conservation
19 area by 800 square feet, I believe -- 1085 square feet -- it will
20 protrude into the neighboring zoning area.

21 And both it and the senior building would still be
22 inconsistent with the adjacent uses. The areas adjacent to the
23 western portion of the PUD are designated moderate density, not
24 medium density residential, because the FLUM also designates the
25 area as moderate density residential.

1 By definition, this applies to the areas characterized
2 by a mix of single-family homes, two-to-four-unit buildings,
3 rowhouses, low rise apartments, as far as DCMR 10A, 225-1. Zone
4 districts R3, R4, and R5-A are generally consistent with this
5 category. On the other hand, the senior building is more in line
6 with, quote, moderate density residential category, defined in
7 10A, 225.5, as midrise, four to seven story apartment building.
8 Therefore, the senior building is not consistent with the
9 character of the surrounding area. And number three, the 99-
10 foot building and the 60-foot building are not generally
11 consistent with the medium density commercial designation on the
12 FLUM. This is from 210A, 226.1, Part D, of the zoning of any
13 given area should be guided by the FLUM, interpreted by the
14 Comprehensive Plan.

15 The area to the west of the proposed development,
16 adjacent to the senior building is zoned R4, has a matter of
17 right height of 40 feet. And to give you some idea of what this
18 might look like, I can -- am I allowed to flick through these
19 slides? How do I -- okay.

20 This is the zoning area. Let me get to the last slide.
21 Just to show a 3D rendering off of Google Earth of what these
22 two buildings might look like in this area, if they were built.
23 And I believe that the drawings, architectural drawings
24 themselves don't quite give a good sense of what this area might
25 look like with those buildings, and how out of character it is.

1 And that the area on Georgia Avenue is C-2-A, which has a matter
2 of right of 50 feet, which is much, much less than this.

3 Even if the PUD was approved in these zones, the heights
4 would increase to a max in -- would only be increased to a maximum
5 height of 60 and 65 feet, respectively, without the PUD. The
6 building standing at nine stories is considered a high-density
7 project, according to all FLUM designations. High density
8 commercial is characterized by office, mixed office retail
9 building greater than eight stories in height from DCMR 10A,
10 225.11. While high density residential is more like high rise,
11 eight stories or more, 10A DCMR 225.6 contrasts -- Zoning
12 Commission thinks that the apartment building fits the medium
13 density residential, moderate density commercial designation, and
14 that these architectural features can be considered in
15 determining the density of the apartment building. The quote
16 proposed -- the proposed apartment building on the PUD will have
17 eight stories and significant step-downs, is consistent with the
18 number of stories that could be built in the zone districts listed
19 as being consistent with the medium density commercial.

20 The Appeals Court has ruled that features such as step-
21 downs that are designated to soften the appearance of a building
22 do not aid in conferring a particular use definition under the
23 FLUM. Because the FLUM's definitions focus on a building's actual
24 physical characteristics, rather than on how the building would
25 look to an observer from Durant v. D.C., The Zoning Commission's

1 | flawed logic interpretations regarding the FLUM and the scale and
2 | density of the project, are in direct conflict with the language
3 | of the applicable regulations. Therefore, no conclusion stemming
4 | from these findings can be considered rational.

5 | Identified record support for the statement that the
6 | senior building mimics, quote, mimics many other apartment houses
7 | that have been built as infill developments to the area. The
8 | FLUM, even with the recent amendments to the Comprehensive Plan,
9 | designates this area as moderate density residential.

10 | And approved PUD in this zone would have permitted a
11 | building of up to 60 feet to be constructed. However, there are
12 | no PUD's built in the jurisdiction adjacent to the proposed senior
13 | building that would allow this. Therefore, the Zoning Committee
14 | should forgo reliance on this consideration.

15 | For the same reason, the Commission should forgo
16 | reliance on Zoning Cases 13-10, and 10-26, as precedents for
17 | building, as neither of these have been built. As mentioned in
18 | the Appeals Court opinion, the zoning -- the Commission failed
19 | to independently analyze and discuss whether the PUD and zoning
20 | amendment would have adverse effects on the surrounding
21 | community. Passage of the Comp Plan has not changed the
22 | surrounding community. It has not replaced the century old water
23 | mains, nor has it widened the streets to allow for greater traffic
24 | flow. It has not improved emergency response times to the areas
25 | only level one pediatric trauma center, or has it? I mean, we

1 wouldn't know from the two-line email from Deputy Fire Chief Tony
2 Falwell, because a thorough investigation was never conducted by
3 FEMS.

4 The Zoning Commission has yet to address the adverse
5 effects that a building would have on the surrounding area.
6 Nothing has -- was submitted by -- with the original application,
7 and nothing, and nothing -- the issue has not been addressed
8 since the order was vacated.

9 The Transportation Impact Study, Exhibit 33, submitted
10 by the Applicants, noted that intersections around developing
11 -- development are currently at or near failing. The study also
12 concluded that the crash rate was, quote, triggered further
13 study, yet no study was ever concluded on what future crash rate
14 may be after 370 additional residents, and their vehicles are
15 crammed into these 1.75 acres.

16 The Zoning Commission did not independently analyze and
17 discuss whether the PUD is consistent with specific policies of
18 the Comp Plan. D.C. Reg 10A 226 states the zoning is to be guided
19 by the FLUM, interpreted by the -- in conjunction with the Comp
20 Plan, include the city elements and area elements. Mid-City
21 Elements of the amended Comp Plan, 2007.3, as mentioned earlier,
22 are very clear on specific policies regarding why a building, a
23 90-foot apartment, away from metro rail stations, on green space,
24 in a neighborhood of rowhouses, runs counter to the intent of the
25 Comp Plan. If the Zoning Commission never analyzes or discusses

1 | these issues, one, the Comp Plan specifically states that more
2 | three and four bedrooms are needed to provide -- this development
3 | would provide only four affordable three-bedroom units out of the
4 | 270. New developments should be directed to the areas immediately
5 | adjacent to Metro rail stations. These -- this building is half
6 | a mile from both the closest Metro stations.

7 | And another thing that the Zoning Commission didn't
8 | analyze was how intact blocks of well-kept rowhouses should be
9 | zoned for rowhouses, not for tall apartment buildings.

10 | And the Mid-City community needs additional parkland,
11 | and the area has a shortage of active play fields and recreation
12 | facilities. 2009.4, anticipated population growth further
13 | compounds the need for higher quality open space, and all
14 | recreation areas should be retained, and new recreation areas
15 | should be provided where possible. Based on the language of the
16 | Comp Plan, D.C. should be preserving green space along with
17 | existing subsidized naturally affordable housing, where
18 | development is necessary, more three and four bedrooms, truly
19 | affordable housing units should be built.

20 | The District doesn't need more 90-foot-tall filing
21 | cabinet apartments that do nothing but concentrate poverty, while
22 | creating an incubator for the next pandemic. And along with
23 | that, I wanted to say that in addition to the points mentioned
24 | above, the Zoning Commission must reject the zoning map amendment
25 | and associated PUD for the following reasons:

1 One, most of the discussion has been about the PUD
2 application but the Commission Order also included a zoning map
3 amendment. Any further discussion must include how the changes
4 to the zoning map amendment portion of this joint Order are
5 affected by the amendments to the Comp Plan.

6 For instance, and if I could go back in my presentation.
7 I have three minutes left. If I could go back a couple pages.
8 Is there -- this is a copy of the surveyor plats, book 214, page
9 124, that shows that the area was subdivided into two plots. The
10 application was part of 289 -- Square 2890, Lot 849, which
11 obviously does not exist in this, in the new subdivided plot.
12 Where is this site? Who knows? So for this reason, for the
13 central reason, the original applications can't stand because the
14 zones don't exist anymore. That's simple purpose. The original
15 intent of this project was to serve as Build First, for Park
16 Morton public housing. But the plan has since changed. DCHA
17 has emptied Park Morton by throwing out housing vouchers to the
18 point where only 27 of the 175 units are still occupied.

19 This changed to a Build First approach -- builder first
20 approach is a precedent that I would not like to see be set. The
21 Zoning Commission must reject the application as submitted
22 because it no longer is consistent with either the Comprehensive
23 Plan, or the official zoning maps. The Comprehensive Plan map is
24 the, is the previous slide on the -- next one -- showing the
25 MU-4 and the RF-1. The Applicant has offered the opportunity to

1 find another site to build this monstrosity. It's no longer
2 needed to renovate Park Morton, as there -- the -- and it does
3 not serve the public good.

4 That's the end of my statement. I would like to say
5 that D.C. Code 1-306.04 was not mentioned and that the Comp Plan
6 Implementation Policy, Element Policy Number 3.22, AKA 10A DCMR
7 2515.3, or regulations that govern these amendments. And with
8 that, I forward the balance of my time to William Jordan, all 48
9 seconds of it.

10 CHAIRPERSON HOOD: Okay. Thank you. Before we give
11 those, we're going to stop the clock. I think it was 47 or 48
12 seconds. It doesn't matter. 48 seconds. We will give those to
13 Mr. Jordan when he comes up. But we want to ask questions of
14 Mr. Poe at this point.

15 Commissioner May, do you have any questions?

16 COMMISSIONER MAY: I do not have any questions.

17 CHAIRPERSON HOOD: Okay. Commissioner Shapiro, do you
18 have any questions?

19 COMMISSIONER SHAPIRO: I just have one brief question,
20 Mr. Chair. Something you said, Mr. Poe, toward the end where
21 you said one of the reasons why you oppose this project is because
22 it would concentrate poverty. Can you -- if you look at the
23 totality of this project, can you articulate that for me again?
24 How do you think this project is concentrating poverty?

25 MR. POE: That's based off of the, the square foot size

1 of the apartments at Park Morton, based on the average square
2 foot of the new apartments being proposed at the Bruce Monroe
3 site. It would actually quite -- even the two-bedroom units
4 would be quite a bit smaller than the existing Park Morton sites.
5 So poor people living in smaller houses is, ergo, concentrating
6 poverty.

7 COMMISSIONER SHAPIRO: I'll leave it at that, Mr.
8 Chair. That's all I've have, Mr. Chair.

9 CHAIRPERSON HOOD: Okay. Thank you.

10 Vice Chair Miller?

11 VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank you
12 for your testimony, Mr. Poe. I hesitate to ask any questions.
13 I probably should not, but it's late, so I'll do it.

14 Well, one thing you said, the site is -- you live
15 adjacent to the Bruce Monroe site, is that --

16 MR. POE: I do. Yes.

17 VICE CHAIR MILLER: And you're a half mile from the
18 closest metro, which is -- what's the closest one?

19 MR. POE: It's about equal to Columbia Heights and to
20 Petworth, but it's a half mile each way.

21 VICE CHAIR MILLER: Right, half mile.

22 MR. POE: If you go any further, you are basically at
23 the Hospital Center.

24 VICE CHAIR MILLER: So I know our zoning regulations
25 use a quarter mile. I don't know about whether they use a half

1 mile in any cases, but I know they use a quarter mile to adjust
2 parking ratios, but you don't consider yourself close to a Metro
3 site being one half mile from a Metro station?

4 MR. POE: I don't believe my house is a nine-story
5 building.

6 VICE CHAIR MILLER: I wasn't asking that. I just asked,
7 do you consider your -- do you ever walk to the Metro?

8 MR. POE: I do.

9 VICE CHAIR MILLER: Yeah, I do too. I'm exactly one-
10 half mile from the Connecticut Avenue, Cleveland Park Metro. I'm
11 over -- maybe three times that to the Wisconsin Avenues and
12 Tenleytown Metro, which I'm actually closer to Wisconsin Avenue.

13 MR. POE: You're breaking up. Sorry.

14 VICE CHAIR MILLER: Not to get into --

15 MR. PETRIE: You froze.

16 VICE CHAIR MILLER: To the point that this wasn't a
17 transit-rich site or something -- or wasn't close to transit, I
18 think a half mile, maybe not for seniors that are going to be in
19 building, although I would qualify maybe for a senior, but the
20 not the affordability level. I certainly would qualify for the
21 senior and even with my bad knees, when we used to go down to
22 Judiciary Square three times a week or whatever, it was only a
23 seven-minute walk down and a ten-minute walk up for my bad knees.
24 So I thought that was close to metro. And so I think this is a
25 transit -- and that doesn't even include the public bus routes

1 on Georgia Avenue. But one other question. Well --

2 MR. POE: To answer your comment though, is that the
3 Comprehensive Plan statement was about a building being adjacent
4 to Metro. And I don't think that -- yes, it's easy to walk a
5 half mile, but it's not adjacent to a Metro.

6 VICE CHAIR MILLER: Okay. That's fair enough. That's
7 fair. And then just -- your criticism for this no longer being
8 a Build First site, I just cannot resist saying how rich, rich
9 that statement is. It's not a Build First site because four
10 years ago, we approved this as a Build First site, but for the
11 litigation, it would have been there for Build First, for at
12 least the 90 of the public housing replacement units. So it's
13 just -- I'm not asking for a comment, but you can give it if you
14 want to in a very short amount of time since I've criticized you
15 for making that statement. But it's just unbelievable that you
16 would say that, and criticize it now, for not being a Build First
17 site, when it was the litigation that stopped it from being a
18 Build First site.

19 CHAIRPERSON HOOD: Okay, thank you, Vice Chair. And I
20 will echo your comments, Vice Chair. I would echo your comments
21 100 percent.

22 Let me just ask this, Mr. Poe, I'm going to decipher
23 through your submission. I think your submission, I'm going to
24 digest it again, as I've already read it, will help me more than
25 your testimony just did. I just want to make sure I put that on

1 the record.

2 But you do have a submission in here that I think will
3 be very helpful. But I do have one question. I'm just curious.
4 How long have you been involved in the overall process? I'm just
5 curious.

6 MR. POE: I've been involved since 2016, maybe.

7 CHAIRPERSON HOOD: Okay. That's all I need to know.
8 Thank you very much. I appreciate it. Let's see who has
9 questions for you. Does the Applicant have any cross?

10 MR. FREEMAN: No, Mr. Chairman.

11 CHAIRPERSON HOOD: Does ANC 1A, Chairman Boese, do you
12 have any cross?

13 COMMISSIONER BOESE: No, Mr. Chairman.

14 CHAIRPERSON HOOD: Okay, great. Mr. Jordan, who's
15 representing the Park Morton Resident Council, do you have any
16 cross?

17 MR. JORDAN: No, I do not.

18 CHAIRPERSON HOOD: Okay. Thank you. All right.

19 Well, thank you, Mr. Poe. We appreciate your
20 testimony, and we will -- as we move forward. So Mr. Jordan,
21 Mr. Poe graciously gave you 48 seconds, so I will ask that they
22 put that on the -- add that on to Mr. Jordan's time. Maybe we
23 can feel the record, be equity to, which I can't wait to question
24 you about.

25 All right. Mr. Jordan, you may begin when you're ready.

1 MR. JORDAN: So is Ms. High, is she on? Because she
2 was going to make an opening statement.

3 CHAIRPERSON HOOD: Okay. Can we bring up Mr. Jordan's
4 team? I'm not sure, if you can let us know who everybody needs
5 to come up.

6 MR. JORDAN: That's primarily Ms. High.

7 CHAIRPERSON HOOD: There she is, Ms. High. You may
8 begin.

9 MS. HIGH: Thank you, Commissioners. Just one moment.
10 As I was stating earlier tonight, thank you all for the
11 opportunity to be able to speak this evening. Thank you. We
12 are -- you all heard me say that I celebrated my 20th anniversary
13 here, and I thank you, Mr. Hood, for your acknowledgment.

14 I have attended every meeting, helped to design the
15 original blueprint plans for Park Morton when we dealt with Landex
16 and Warrenton Group, redevelopment team in 2007. And I met Dantes
17 Partners and the community builders in 2014, because they did not
18 engage the community in designing our homes, the way that Landex
19 and Warrenton group did. They only created a plan, showed us
20 the designs, then pressed us to get on board with it.

21 I've attended the Steering Committee meetings as the
22 resident, followed by being the chair, as the president, and now
23 co-chair. I've organized resident council meetings to inform
24 residents of the truth of what was truly happening with our
25 property, and while I was quietly trying to be bought off, but

1 when my price for equity, when my price to have equity to own a
2 home, to be free of this enslavement and oppression of these
3 failed Hope 6, and revamped new communities initiative was too
4 high of a cost to be paid, well, then this is what a battle to
5 bury Ms. High and residents like her began.

6 So I just want to let you all know for many years that
7 our residents have lived in squalor. Lived in cracking paint,
8 lead pipes, lead dust, even asbestos flooring underneath our
9 feet, that have caused us to have, you know, lifelong health
10 conditions, myself included. However, this doesn't give them
11 the right to use this situation to disrupt our lives abruptly the
12 way that they have with interim controls, in 2019, to forcefully
13 remove families from our homes in the middle of the coronavirus
14 pandemic throughout 2020. Have them taking full advantage of the
15 2019 situation when I was stuck by a car. The powers that be
16 moved very quickly to hamper whatever progress I had made with
17 my residents to connect with my community, helping them to fully
18 understand this redevelopment process. Connecting them with
19 lawyers to help them fight illegal 30 day and 90-day notices that
20 was served as a part of their intimidation tactics, to get
21 residents to move.

22 Park Morton went from having 131 occupied units, to
23 having roughly about 20 occupied units in less than one year.
24 The coronavirus pandemic did not stop this redevelopment one bit.
25 It seems to have sped it up. Sped up the process. Not having

1 the resident council president at the table to contradict a lot
2 of the things that were necessary to speak on, makes it easier
3 for the process to work in the favor of the developers, of the
4 politicians, and of the rich. You're stealing from us, and you
5 do not want us to argue with you about it. You're displacing us
6 from our homes. You're lying to us, smiling to our faces,
7 laughing behind our backs, and expecting us to be fine with that,
8 when we are not fine with that.

9 I am the voice that is going to say, we are not fine
10 with that. And in a news report on MSNBC, on August 16, 2021, I
11 saw and listened to them say there is a \$220 billion wage gap
12 between black and white Americans, and a \$1.6 trillion wage gap
13 for small black-owned businesses. I snapped a photo of this and
14 tweeted it because it shook me to my core.

15 As the founder of High Alert Emergency Preparedness, a
16 small, black-owned, woman-owned, disabled Section 3 register
17 owned business, I immediately thought, well, what does this mean
18 for me and my girls? I was befuddled. And we do not -- if we
19 are not given equity now, we will never start to close this gap.
20 And the Park Morton Equity Plan means that our community, that
21 our families, that our children get invested in.

22 DMPED, DCHA, NCI, and everyone that is at this table,
23 has taken my Park Morton Equity Plan, and whatever parts that
24 have suited them, and worked for them, to make themselves shine
25 in the brightest light that they can glow. Because as you can

1 see, this thing is moving forward, with not a single promise
2 fulfilled. And the Park Morton Equity Plan was introduced to the
3 Board of Commissioners in January of 2019 and introduced to the
4 Steering Committee in March of 2019. We asked for the phasing
5 to be changed so that construction could begin at Park Morton
6 footprint, at the already vacant 640 and 630 buildings, to avoid
7 displacement of our residents. We were told that it could not
8 be done; however, now it is being done. They're changing the
9 plans, but have not notified the Zoning Commission.

10 The first lie, we're going to keep you in
11 Ward 1. Most of the families have been moved outside of Ward 1.

12 Second lie, we're going to minimize disruption. Total
13 crock if I ever heard it. First, with the interim controls,
14 where they had everyone pack up all their belongings, shrink wrap
15 them in the middle of the room, put us in hotels for a week, gave
16 us gift cards to eat off for fast-food.

17 People returned home to their belongings being broken,
18 stolen, deep freezers and refrigerators had been unplugged and
19 people lost all their food. DCHA refused to replace it, or their
20 deep freezers. They wanted residents to produce receipts for
21 their food and for their deep freezer they had had in their
22 possession for many years. It was their way of not ponying up
23 the money, for their personal items, although DMPED had gave DCHA
24 \$4.5 million for interim controls, and DCHA did not spend it all.

25 The third lie, you have the right to return. They have

1 | told families this, but I have not seen any legal black and white
2 | documentation that solidifies this.

3 | The fourth lie that I'm going to leave you with here
4 | because I've told you so much stuff, and Mr. Jordan has to get
5 | to his presentation, there won't be any more stringent
6 | requirements to return than there were before. Well, there
7 | certainly won't be enough units for everyone to return because
8 | there have been promises being made to everyone since 2014, that
9 | they can return. I certainly, like I said, have not seen -- have
10 | not covered everything in my testimony; however, I will be adding
11 | and/or revising what I had submitted. I will also reserve the
12 | right to submit documentation, facts and findings of law, after
13 | the conclusion of this hearing.

14 | And I would like to thank you. My name is Ms. Shonta
15 | High, president of the Council at Park Morton. And as a side
16 | note, you can Google search 601 Morton Street right now, and you
17 | can see the workers who did the interim controls, lying around
18 | on the ground. Thank you very much.

19 | MR. JORDAN: If you could bring up the PowerPoint
20 | presentation and go to Slide 4, please. I'll try to do this as
21 | quickly as possible.

22 | So what we want to do is to lay out before you, how we
23 | believe the Commission should approach this racial equity lens
24 | and evaluate this project. And the goal is really to use the
25 | racial equity elements of the Comp Plans to really drill down to

1 | how this project really impacts the residents of Park Morton in
2 | real life, and then expand out into the greater impacts, both
3 | positive and potentially adverse.

4 | So our recommendations to the Commission is as follows:
5 | Utilize a racial equity list as described in the Framework, the
6 | updated Comp Plan, and the CORE report; incorporate D.C. Court
7 | Appeals rulings, especially those that give more rights to
8 | residents, or recognize residents' rights; recognize that the
9 | Park Morton Resident Council and its residents are covered under
10 | multiple "protected traits," under the D.C. Human Rights Act;
11 | recognize that the Park Morton community constitutes a community
12 | of color, black particularly, which has been impacted by
13 | structural racism; be concerned with racially equitable outcomes,
14 | impacts specifically as they relate to Park Morton, NCI program,
15 | currently and historically; utilize a higher, more careful level
16 | of scrutiny when using the racial equity lens to evaluate whether
17 | the PUD 16-11 is not inconsistent with the updated Comprehensive
18 | Plan; develop and adopt a racial equity tool as intended by the
19 | updated Comprehensive Plan; adopt the Park Morton Residents
20 | Equity Plan in the Comprehensive Plan -- view of the Comprehensive
21 | Plan as part of building that tool; recognize the Applicant's
22 | burden of proof for using a racial equity lens analysis and equity
23 | tool in what they've presented; and recognize the Applicant's
24 | inherent conflict of interest, as they are the developer, the
25 | supplier to the developer, the overseer of the developer, because

1 | they are both the developer and government at the same time.

2 | Getting to the updated Comprehensive Plan, equity and
3 | racial equity are critically important, broad and encompassing
4 | tools for the entire District government and are fundamental to
5 | the new updated Comprehensive Plan, and then I cited those. They
6 | cover land use, economic development, transportation, and have
7 | to be understood, each one of those elements, through a racial
8 | equity lens. And it focuses on the District's black and white
9 | wealth and income and opportunity gaps, seeking to close those
10 | gaps, but make the difference in population demographics non-
11 | consequential, meaning that using this equity plan in evaluating,
12 | should have an impact. It shouldn't just be a paper element.
13 | Use the racial equity lens in evaluation development decisions,
14 | plus 16-11. Use process tools tailored to the various programs
15 | and activities. I won't read it all, but I will read this.
16 | Identify, consider past and current systematic racial inequities;
17 | identify who benefits or is the burden from the decision;
18 | desegregate data by race; analyze the data, considering different
19 | impacts and outcomes by race; Evaluate the program, activities,
20 | decisions; identify measures, such as policies, plans, that
21 | reduce systematic racial inequity, eliminate race as a predictor
22 | of results; and promote equitable development outcomes. Use an
23 | any information needed method. I know this is a limited scope,
24 | but if you're going to do racial equity, you got to go broad and
25 | deep. Urges equitable partnerships is what the Comp Plan does,

1 and the comp -- and the equitable partnership in this case must
2 be with the residents of Park Morton, and that's represented in
3 their equity plan.

4 COMMISSIONER MAY: Mr. Jordan?

5 MR. JORDAN: Yes.

6 COMMISSIONER MAY: Are you reading from another page
7 of a presentation?

8 MR. JORDAN: Oh, I'm sorry. Click once more - actually,
9 click twice. That's where I ran off, and then click one more
10 time, and this is where I am not. I'm sorry.

11 COMMISSIONER MAY: It's okay. I don't think we have
12 that in the record at this moment. It would be helpful to be
13 able to read it.

14 MR. JORDAN: Have what in the record?

15 COMMISSIONER MAY: So I don't know how we get that, Ms.
16 Schellin, but if it can be somewhat made accessible to us, that
17 would be --

18 MS. HIGH: Excuse me, I'm sorry to interrupt. It was
19 emailed to --

20 COMMISSIONER MAY: I understand it was emailed to us,
21 but not to the Commissioners themselves.

22 MS. HIGH: Oh.

23 COMMISSIONER MAY: It was emailed to --

24 MS. HIGH: I can make sure --

25 MR. JORDAN: You want me to try to do that now?

1 COMMISSIONER MAY: Mr. Jordan, hold on a second.

2 MR. JORDAN: Uh-huh.

3 COMMISSIONER MAY: I'm speaking to Ms. Schellin and Ms.
4 Young.

5 MR. JORDAN: Oh, I'm sorry. Oh, sorry.

6 COMMISSIONER MAY: If you could make it available to
7 the Commission, that would be helpful.

8 And Mr. Jordan, you can just continue.

9 MR. JORDAN: All right. Thank you. I'm sorry. I
10 didn't, didn't get it.

11 COMMISSIONER MAY: It's okay. It's okay.

12 MR. JORDAN: So the next page, this page is really
13 dealing with how the council's office on racial equity use
14 equitable development -- I mean, use the racial equity lens to
15 evaluate the Comp Plan itself.

16 So the Comp Plan that we know as the updated Comp Plan,
17 began and got an -- and the result was that exacerbates racial
18 equity -- racial inequities. It makes things worse. The base
19 Comp Plan. Then the council, through its process, added the
20 elements that basically say you must do a racial equity tool, you
21 must take a racial equity lens, and really drill it down
22 throughout. And then the result was, it said, this Comprehensive
23 Plan is now -- maintains the status quo. It improves the
24 document, but it maintains the status quo because it doesn't do
25 enough to move us towards a city that is racially equitable.

1 So using that, we have come up with several analytic
2 points that we wanted to make, that you must use a really high
3 bar test in your evaluation of 16-11. You need to have an equity
4 tool, and you really need to understand that dynamic.

5 The other thing we wanted to make some points -- next
6 slide. Is with the Court of Appeals findings in the past,
7 Commissioner findings included should not be arbitrary, and et
8 cetera. The Order should reflect careful and independent
9 consideration.

10 Number two, new community initiatives have triggered
11 appeals, but one thing the courts have said, use more scrutiny,
12 look deeper and take more responsibility for the outcomes --
13 talking to the Commission. The Commission must have
14 Comprehensive Plan provisions, as having substantial force, even
15 if not mandatory. The Commission should recognize conflicting
16 comprehensive policies and explain why one outweighs another, and
17 in this case, through a racial equity lens.

18 I won't read them all, but the point being is that the
19 use of this racial equity tool must drill down, and must drill
20 down deeply. I don't have time to present it, but the Park Morton
21 Resident Council created the Park Morton Equity Plan. And that
22 plan is the residents' perspective on what equity should look
23 like in this new community's project, and what you do in the
24 future should be weighed against what came from working with the
25 residents and expressing their needs, specifically to 16-11, but

1 for residents, 16-11 to 16-12 bind together.

2 So thank you.

3 CHAIRPERSON HOOD: Thank you very much, Mr. Jordan. I
4 know I have a few questions. Let me, let me just ask this
5 question, then I'll go to my colleagues, while this is on my
6 mind.

7 I know most of your updated Comp Plan was around racial
8 equity. That's probably where mine would be as well. But are
9 there any other facets to the Comp Plan that you want to -- this
10 is your time to do it, take a few moments, one or two minutes
11 and see if there's anything else you want to expound upon about
12 this updated Comp Plan, besides the racial equity. If not, you
13 don't have to answer because that's, that's one --

14 MR. JORDAN: No, no. I just, I would just reiterate
15 that the point of our testimony is that whatever elements are in
16 this plan, have to really, in our case, we have to drill down to
17 see the view from the residents of Park Morton. So I'll just
18 leave it at that.

19 CHAIRPERSON HOOD: Okay. So basically, you're
20 focusing, and the Park Morton residents, basically, the only
21 thing that really is pushing is the racial equity lens, is what
22 you're basically, what your whole testimony is about, which I
23 think is very important, not just in this case but in a number
24 of cases. But the other thing is, there are other facets that
25 we have been challenged to answer by the courts. So racial equity

1 I know is very important, as I mentioned. Community is not just
2 bricks and mortar. Community are the people. We get that.

3 MR. JORDAN: Yeah.

4 CHAIRPERSON HOOD: This not our first rodeo.

5 MR. JORDAN: Right.

6 CHAIRPERSON HOOD: This isn't our first time. All
7 right. Let me see --

8 MR. JORDAN: I didn't understand what you were really
9 asking me.

10 CHAIRPERSON HOOD: Okay.

11 MR. JORDAN: With that, and with the other elements,
12 particularly, I would say, around the considering neighborhood
13 conservation and the size of the buildings, and how all those
14 things relate, you know, together.

15 So the first point would be for the residents, the
16 issue with the current program is for them to have options. And
17 they should have options that if they choose Bruce Monroe, it's
18 similar to the option of staying at Park Morton. Right?

19 And so when you're evaluating the 90-foot building, the
20 concern with the 90-foot building is that it forces residents to
21 really choose two separate environments. And I think if you go
22 back and read some of the original testimony, some of the
23 residents who wrote their own testimony said, you know, putting
24 Build First there is great, but I wouldn't want to live there.

25 So in evaluating and getting back to the courts, that

1 | concept of neighborhood conservation, yes, while it can't
2 | preclude more development, it still has to be understood in this
3 | case is residents having choice, real choice, of where to go,
4 | since you're splitting the community up. And so that would be
5 | you know, one area that I think is important in terms of beginning
6 | to answer the questions. I'm trying to get to the slide that
7 | answers that. Can I stop there and come back to that, unless I
8 | can find that slide?

9 | MS. HIGH: Mr. Hood, you're muted.

10 | CHAIRPERSON HOOD: Who was that that said I was muted.
11 | Was that Ms. High?

12 | MS. HIGH: It was.

13 | CHAIRPERSON HOOD: Thank you so much, Ms. High. You
14 | know what Ms. High, all of us need some help, and I need help
15 | too sometimes.

16 | MS. HIGH: You're welcome.

17 | CHAIRPERSON HOOD: Not sometime, all the time. Thank
18 | you very much. I'm just talking to myself. Maybe my wife could
19 | hear me upstairs.

20 | But anyway, in the letter, there are certain things
21 | about -- let me just say, I think this letter was very well
22 | written. Ms. High signed it, but I'm not sure if you had
23 | any -- I'm not sure who really wrote the letter. So I'm glad to
24 | have you and Ms. High both here.

25 | In the new Comprehensive Plan, 2011.14, the action in

1 the Comp Plan talks about it. And I'm not sure if you -- if we
2 are talking the same thing. I would like for you to give me a
3 little -- expound upon that a little bit. Not now, but in
4 writing, just expound upon that, because the way I read it, it
5 says, "continued redevelopment of Park Morton as a new community
6 replacing the existing public housing development with an
7 equivalent number of new public housing units, plus new market
8 rate," and it goes on and on. That's the way I read it if you
9 have the right one. But if that's the one, I'd like for you to
10 expound upon that. It doesn't have to be a long dissertation,
11 but --

12 MR. JORDAN: Can you repeat that number for me? I
13 didn't get -- I didn't have my pen.

14 CHAIRPERSON HOOD: It's in your, it's in your -- it's
15 actually on your page, I think I just saw it. Hold on one second.
16 It's in your submission.

17 MR. JORDAN: You mean the written one?

18 CHAIRPERSON HOOD: Yeah, the written one. The one that
19 was very well -- I think it was very well done. But anyway, I
20 think it's -- I saw it, I was just looking at it, 2011.14. I'd
21 like for you to expound upon that.

22 MR. JORDAN: 2011.14, okay.

23 CHAIRPERSON HOOD: I need a little more clarity on
24 that. I think that would help the Commission as well. It doesn't
25 have to be a book, but just so you get us straight to the point

1 MR. JORDAN: Right.

2 CHAIRPERSON HOOD: And also, under 2502.11 --

3 MR. JORDAN: 2502.11.

4 CHAIRPERSON HOOD: The policy -- yeah, 1.6, and most
5 of these are on your page 7, 8, and 9. It talks about to the
6 extent that the following factors are relevant for consideration
7 in showing the zoning case reviews on matters such as PUDs are
8 informed by transportation, infrastructure studies -- I'd like
9 for you to expound upon that a little more as well.

10 MR. JORDAN: Okay.

11 CHAIRPERSON HOOD: Now, you talk about this equity
12 tool.

13 MR. JORDAN: Uh-huh.

14 CHAIRPERSON HOOD: We all are going through a training
15 thing for equity tool. I think we're going to be having training
16 too. I'm looking forward to it. Could you supply the equity
17 tool, and you may have, but you know it may be in here. And I
18 think, I think I know where you were going with that, but could
19 you supply -- could you give us the tool? Or tell me where I
20 need to go find it in this record. Because you been asking
21 everybody about a tool, I've talked, since we've been doing this,
22 I kind of put my own tool together. So I would like for you to
23 supply to me, your tool, which I would also recommend to you,
24 that as we proceed in this, and I'm sure you're probably involved
25 at some point, not just with the Zoning Commission, that you get

1 involved with the stakeholders and help develop this tool.
2 Because as we are developing this, and I applaud the mayor and
3 the council, I think this should have been done a long time ago,
4 but with this council and this mayor, we've gotten to this point,
5 so now we need to capitalize on it. Because I think, for me, we
6 may disagree on the equity tool, but for me, I think the Office
7 of Planning, at least to start, now can we expound upon it? Can
8 we improve upon it? Yes. And again, it's disheartening to hear
9 what Ms. High had said to us, and I don't -- I'm not saying that,
10 that I didn't, I didn't cut her off because you know, those are,
11 those are real issues. I said the same thing in a couple other
12 cases, which I won't name because I'll be in trouble again. But
13 I think those are real issues that affect residents of this city
14 and I'm glad that we're starting to bring them to the front, and
15 starting to look at them, and starting to build on that. I do
16 know that there are federal laws that protect people as well. So
17 I don't want to get into something that the Court didn't tell me
18 to get into. They're probably going, when they read what I'm
19 saying now, I'll probably have overstepped my bounds, but if you
20 can supply that tool, I think that would be very helpful.

21 MR. JORDAN: Okay.

22 CHAIRPERSON HOOD: Those are the three things I need
23 from you.

24 MR. JORDAN: Can I clarify one thing on the tool?

25 CHAIRPERSON HOOD: Sure.

1 MR. JORDAN: One of the things I really put in here was
2 how to build the tool, the elements to build a tool rather than
3 to actually have created a tool. So I can outline a tool, but I
4 was really trying to describe the elements that should build a
5 tool in this process. And so I can -- I'll write both, but I
6 don't know that I have the expertise alone to build a tool. But
7 I can really get to the elements, particularly based on how
8 listening to the hundreds of meetings, sitting in the hundreds
9 of meetings with Ms. High, and listening to residents, and I just
10 wanted to make that point. You know, as you probably gather,
11 residents will say things in front of Ms. High that they won't
12 say in front of developers or maybe DCHA, or DMPAD, or other
13 people. And so what we try to do is to translate what we heard
14 into bullets and things that, you know, could be shared that
15 address the need and the issue. So I will gladly do those things
16 that you ask, but I just wanted to, you know, clarify that I
17 don't have a magical tool either.

18 CHAIRPERSON HOOD: So, so --

19 MS. HIGH: Excuse me, Mr. Hood, if I may chime in real
20 quick.

21 CHAIRPERSON HOOD: Sure.

22 MS. HIGH: Piggybacking off of that, the tool is
23 communication. Communicating with the residents, understanding
24 the residents' need. Understanding the programs that are out
25 here to service those needs. That is the tool. That's what we

1 | were building. Like Jordan said, my residents feared DCHA. They
2 | feared many counterparts of DCHA. So they would not put in
3 | writing a lot of the things. They'd say, oh, Ms. High, I got a
4 | 30-day notice from DC Housing Authority, what do I do? They gave
5 | me a 90-day notice, what do I do. So they would talk to me in
6 | privacy, but wouldn't say that in a meeting aloud. Whereas me,
7 | I would bring the 30-day notice to the meeting and say look,
8 | housing just served me with an illegal 30-day notice. I'm going
9 | to get a lawyer to fight this. Five times, they did that to me
10 | and my --

11 | CHAIRPERSON HOOD: Ms. High.

12 | MS. HIGH: So --

13 | CHAIRPERSON HOOD: Ms. High.

14 | MS. HIGH: Yeah. And I'm just saying with that --

15 | CHAIRPERSON HOOD: I get it, I get it.

16 | MS. HIGH: -- we need to utilize the programs to build
17 | that tool.

18 | CHAIRPERSON HOOD: I got it, Ms. High. And what --

19 | MS. HIGH: Okay.

20 | CHAIRPERSON HOOD: -- I'm asking for -- let me just say
21 | this to you, Ms. High, and I appreciate your comments, while I
22 | think it's very heartfelt, I think it's sad, I don't discount it.
23 | I never have. If anybody's watching me up here, this is not the
24 | only case that we've had that really gets to me. I try to do
25 | all we can do within our power. Some other cases, but right now,

1 | we're in a very unique situation. This tool is something that I
2 | want to look at, and as Mr. Jordan has already mentioned, the
3 | reason why I'm asking Mr. Jordan about this tool is because, Mr.
4 | Jordan, I'm calling -- I'm finding myself trying to create a tool
5 | for the Commission as well. We're in the development status.
6 | Nobody has all the answers. So just like what you said could be
7 | part of a tool, because guess what, the tool is going to vary.
8 | The tool is going to vary depending upon the case. The way I'm
9 | understanding it, and I'm looking forward to learning from the
10 | experts, but I just know that what I've heard tonight, and what
11 | I've seen -- I can tell you, you may disagree with us, in the OP
12 | plan. One time, we didn't have that at all. So now we got it.
13 | So now we'll be doing some improvements upon that. So I think
14 | it's important, and Ms. High, I hear you loud and clear. Loud
15 | and clear. But again, the courts have given us something back.
16 | And it may be covered in your PowerPoint, for the most part, Mr.
17 | Jordan, but I would just like, for me, to expand on those three
18 | points. And it's basically on your page -- I think I gave you
19 | the page earlier. It's in Exhibit 759, and basically pages 7,
20 | 8, and 9, which I think will be very helpful, especially when
21 | you talk about 211.14, 2502.11, and the equity tool. Give me,
22 | give me -- tell me what the tool is because actually, from the
23 | conversation I'm hearing, even though we might have different
24 | -- I'm using Ms. High's word, communication, communicative ways
25 | of the tool, I think that you're saying stuff similar. It might

1 not be the exact same, but similar. So I would like to make sure
2 we do a full analysis in that situation. So I think I've said
3 enough. And I will -- and again, Mr. Jordan, please make it kind
4 of precise and to the point to help us, because it sounds to me
5 like you're going to help us develop this tool. And again, this
6 tool is being developed. The council gave us direction, and this
7 tool is (audio interference). Does anybody have any questions
8 or comments?

9 MR. JORDAN: I'm going to do my homework; I mean to get
10 it to you. Is there a particular time frame that I have to
11 respond?

12 CHAIRPERSON HOOD: No, I'm going -- we'll do that
13 towards the end, Mr. Jordan.

14 MR. JORDAN: Okay.

15 CHAIRPERSON HOOD: We'll do that towards the end and
16 see if it meets your schedule. Commissioner May, any -- oh, I'm
17 sorry. Let me go to Commissioner May and then I'll go to
18 Commissioner Shapiro.

19 Commissioner May, any questions or comments?

20 COMMISSIONER MAY: No, Mr. Chairman. You covered it
21 very well. Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you. Make sure that
23 we record this so I can play that back for Commissioner May, when
24 he says I didn't cover it well. No, I'm just -- Commissioner
25 Shapiro, do you have any comments or questions?

1 COMMISSIONER SHAPIRO: Just a couple quick ones. One
2 is, Mr. Jordan, I thought from reading your written testimony
3 that what you were referring to about the tool was the Council's
4 Office of Racial Equity tool. That it was their tool that you
5 were referring to. Is that -- did I misunderstand that?

6 MR. JORDAN: It's, (indiscernible) plus. So --

7 COMMISSIONER SHAPIRO: So that's the right direction
8 but --

9 MR. JORDAN: Right.

10 COMMISSIONER SHAPIRO: -- you want to do more.

11 MR. JORDAN: Right.

12 COMMISSIONER SHAPIRO: Okay, okay.

13 MR. JORDAN: Yeah.

14 COMMISSIONER SHAPIRO: Okay. The second thing is, I
15 don't know if it's relevant to this case or not, and what is
16 before us, related to this case and the Comprehensive Plan update,
17 but I'm quite curious to see the Park Morton Equity Plan and that
18 wasn't a part of the record, I don't believe, correct?

19 MR. JORDAN: Right. It's just that -- well, I think
20 we submitted it last year as part of the response to the remand.
21 I think it was included.

22 COMMISSIONER SHAPIRO: Okay. So it could be in the
23 record, just a long -- I need to go farther back in the record.
24 Okay.

25 MR. JORDAN: Right. But I can -- it's in this

1 PowerPoint, it's attached to the -- it's part of the PowerPoint,
2 I just didn't get into it. So you can, in fact, it's the next
3 slide or the slide after the one that I stopped at, is the actual
4 equity plan.

5 COMMISSIONER SHAPIRO: You had an extra 48 seconds but
6 didn't get there. That's all I have Mr. Chair, and I appreciate,
7 Ms. High and you, Mr. Jordan, I appreciate all of your testimony.
8 I'll leave it at that and thank you.

9 CHAIRPERSON HOOD: All right. Thank you.

10 Vice Chair, any questions or comments?

11 VICE CHAIR MILLER: Thank you, Mr. Chairman. I think
12 you and Commissioner Shapiro covered a couple of things I was
13 going to ask about. So we'll look forward to seeing further
14 submission in the record from Mr. Jordan. And I, too, need to
15 go back and look at the Park Morton Equity Plan that Ms. Shonta
16 High's letter referred to, because I didn't remember that. And
17 I don't know how relevant it is to what this case is all about.
18 But on that point about that equity plan, generally, and that
19 part of her letter that talked about it, talked about the
20 displacement that's occurring -- that has occurred at Park Morton
21 so far because the first site didn't get Build First because of
22 the -- in my view, because of the litigation, and would have been
23 there. But anyway, so that's -- I mean, that's very upsetting,
24 I understand, to all the Park Morton residents. We share the
25 frustration about the promises that have been made, the length

1 of time that this new community, so-called new community has
2 taken to become real. We certainly wanted it to become real. It
3 seemed almost four years ago, which was still late in the process
4 because I think, I think I was on the council staff in 2007 or
5 '08, when -- or '06, or whenever it was when that development
6 plan was sent by Mayor Williams and approved by the Council. So
7 it's a long time coming. It's very frustrating. It's very
8 upsetting, and I'm -- and we share in your frustration about all
9 of that, and the displacement that's occurred. But there will
10 be sites, there will -- if this thing gets approved, finally,
11 soon, without appeal or with appeal, and it happens sometime in
12 our lifetimes, unit will be available. There's supposed to be
13 90 units, 90, at least 90 replacement units. And then I think
14 some additional might have been available and senior affordable
15 housing for those who are eligible for that. But we realize that
16 others have been displaced in the meantime.

17 I guess, I don't know if I have a question, because I
18 think the Chairman and Commissioner Shapiro have asked my
19 questions, but maybe Mr. Chairman, when OP -- when we ask for
20 additional submissions, maybe OP and the Applicant just can
21 further elaborate on the displacement issue in terms of the
22 updated racial equity lens that we are viewing Comp Plan
23 consistent cases through now, even though I agree with you, that
24 we really have always been concerned about the right to return,
25 about displacement, about relocation plans. We were asking about

1 that when we were told by counsel and others -- Applicant, that's
2 not your jurisdiction. We were asking about it and it was in
3 our record, but in any event, I don't know whether -- how much
4 is germane to the issue, but this is a very important point about
5 the displacement and very upsetting, that's occurred so far.
6 Hopefully it's not a permanent displacement and they'll be back
7 in the neighborhood either on the Park Morton site, which is
8 being redeveloped, which is being redeveloped and this site,
9 which is -- which was supposed to be a Build First replacement
10 site. But maybe we can have a bit further elaboration in response
11 to Ms. High's letter on the whole displacement issue, just so
12 that our record is -- we make sure our record is complete. It
13 may all be there. I've read a lot and I may have missed it. And
14 I appreciate everything that's been submitted by everybody, and
15 the time that's been taken. But maybe we get some specific
16 response to the displacement issue that Ms. High raised in her
17 written submission, I think it was Exhibit 275, if I've got it
18 right. Ms. Schellin will maybe, or somebody will correct me.

19 Thank you, Mr. Chairman.

20 MR. JORDAN: If I could --

21 CHAIRPERSON HOOD: Okay, thank you.

22 MR. JORDAN: -- briefly respond, because I think it
23 will help with some of the questions and the statements. Part
24 of the goal, as we know, with the new community is to build a
25 mixed income community. When we say equity, we assume that

1 previous development process, that the residents themselves would
2 move economically and socially, income and wealth-wise, and they
3 will become their own mixed income community, right? So they're
4 not just the low-income people in this larger community, they
5 make up through this -- because this process is going to spend
6 \$200 million or more in the end. After spending \$200 million,
7 if 30 percent of these residents don't move to Workforce, and
8 maybe 10, 15, move to be able to afford market rate, that is what
9 racial equity is, is that if we're making this investment,
10 building these units, doing this project, that the sum total
11 force of this project should make the residents themselves part
12 of what makes the income -- makes the income. They don't always
13 have --

14 CHAIRPERSON HOOD: So let me do this, Mr. Jordan. Mr.
15 Jordan, let me do this, because I don't want to be seen as giving
16 -- let me ask this.

17 Vice Chair Miller, is this helpful to your response?
18 If not, Mr. Jordan, you can submit that, what I asked for, because
19 I don't want to look like I'm giving you additional time. And
20 you believe me, the Court will come back at me because I've given
21 you additional time to testify and I didn't give it to Mr. Poe.
22 So I've asked you for some things and you can streamline that,
23 but I want to go back to the Vice Chair.

24 Mr. Jordan's response, is that answering a question
25 that you had, or did -- or are you fine with where we are with

1 that?

2 VICE CHAIR MILLER: I'm fine with where we are. I
3 think I'm asking for Office of Planning and the Applicant to
4 further respond, or point me to where they already have responded
5 to the displacement issue, to the extent that it's germane to a
6 case on a site where nobody is being displaced. It's a vacant
7 site. It's temporary park. It was a former school site. But
8 anyway, all that being said, I was asking for -- I was really
9 making all that statement to say it was an important point that
10 they raised; it may be already addressed in the record that we
11 have. If OP or -- and Applicant, in any further submissions can
12 just point me to where they've already addressed that or provide
13 further elaboration. I think it's an important issue, given the
14 updated racial equity lens that we're required to consider.

15 CHAIRPERSON HOOD: Okay. So thank you, Vice Chair.
16 And Mr. Jordan, thank you. I had to cut you off because it was
17 becoming testimony again. And again, I know that this record
18 will be looked at because we have responses that we have to, we
19 have to report. Everybody has somebody to report to. We have
20 to report back to the court. And I'm very respectful of the work
21 they do too. I don't want to make light of what our judges and
22 those who look at what we do, at all, because I appreciate the
23 work that everybody does. Because I believe, I've already said
24 this, and I'm not going off on a tangent, but I am. I believe
25 that everybody's input, whether you're pro or con, disagree or

1 -- everybody's input, as Ms. High mentioned, communication.
2 Sometime, I think most of the time, we come up with a better
3 outcome. That's my wish and that's my hope, for this case and
4 others that we will be hearing. Let me also, let me just do
5 this, see if there's any cross, Ms. High and Mr. Jordan, see if
6 anybody has any cross. Or does the Applicant have any cross or
7 -- any cross?

8 MR. FREEMAN: No cross, no, Mr. Chairman.

9 CHAIRPERSON HOOD: Does ANC 1A have any cross?

10 MR. BOESE: No cross, sir.

11 CHAIRPERSON HOOD: Okay. And Mr. Poe, the neighbors,
12 Park Neighbors, do you have any cross?

13 MS. HIGH: Yes. I have a couple questions.

14 CHAIRPERSON HOOD: Hold on. Ms. High, this is your
15 group that's being crossed.

16 MS. HIGH: Oh, I'm sorry.

17 CHAIRPERSON HOOD: Do you have a question for Mr.
18 Jordan? I've never seen that. I don't think I can allow that.

19 MS. HIGH: Oh, I thought we were talking to the
20 Commissioner in the corner down there. I'm sorry.

21 CHAIRPERSON HOOD: No, no.

22 MS. HIGH: Mr. Miller. I thought we were talking to
23 him. I'm sorry.

24 CHAIRPERSON HOOD: No, no. Mr. Poe, do you have any
25 cross of either Mr. Jordan or Ms. High? Mr. Poe?

1 MR. POE: No, sir. I do not. I do not.

2 CHAIRPERSON HOOD: Okay. Thank you. All right, well,
3 thank you Mr. Jordan and Ms. High. We appreciate your testimony
4 and I'm looking forward, Mr. Jordan and Ms. High, to the
5 submissions that I've asked for. It may be in that PowerPoint,
6 but again, I want to make sure I have -- that we have it.

7 MR. JORDAN: Okay.

8 CHAIRPERSON HOOD: And maybe --

9 MR. JORDAN: Can I ask a quick procedural question?

10 CHAIRPERSON HOOD: Sure.

11 MR. JORDAN: So after this, because this is where I'm
12 a rookie. So after this hearing closes, and we want to -- are
13 we able to share additional -- because I know we're responding
14 to you, but are we able to respond to other things and submit
15 that as well?

16 CHAIRPERSON HOOD: No. Not in this case. No. Because
17 it's a -- let's get there, and we will understand it because
18 there's certain things that I've heard mentioned --

19 CHAIRPERSON HOOD: Mr. Poe, I need you to mute.

20 So, Mr. Jordan, hold tight. You're not going anywhere,
21 are you?

22 MR. JORDAN: No.

23 CHAIRPERSON HOOD: Okay. Hold tight because this is,
24 I'm sure that there's certain things that we cannot do because
25 it's a remand. We have to treat this a little differently, so

1 | just hold tight. We'll discuss that.

2 | All right. Let me bring back up the Applicant for any
3 | rebuttal if needed. I think this has really been fleshed out.

4 | MS. SCHELLIN: We need to go to --

5 | CHAIRPERSON HOOD: Oh, that's right.

6 | MS. SCHELLIN: -- individuals in opposition.

7 | CHAIRPERSON HOOD: Yeah, you're right. We got people
8 | in opposition. Forgive me, the folks in opposition. It's getting
9 | late, so forgive me.

10 | MS. SCHELLIN: Yes.

11 | CHAIRPERSON HOOD: All right. Let's bring up the folks
12 | in opposition, Ms. Schellin.

13 | MS. SCHELLIN: Okay.

14 | CHAIRPERSON HOOD: How many do we have?

15 | MS. SCHELLIN: Let me get to my list. I'm not sure
16 | how many are on there. I got to switch screens real quick. Okay.
17 | Let me go to the list and just start calling names. Adam Green
18 | Andre -- sorry, my list has moved. Andres Felipe Sanchez Pena?

19 | MR. GREEN: Sorry, Adam Green is here. I didn't realize
20 | I was supposed to say something.

21 | MS. SCHELLIN: Yeah, I know he's here.

22 | CHAIRPERSON HOOD: Okay. We're going to bring other
23 | people up, Mr. Green, just hold tight.

24 | MR. GREEN: Okay.

25 | MS. SCHELLIN: Peter Wood?

1 CHAIRPERSON HOOD: Let's see if we can bring up five,
2 Ms. Schellin. Let's --

3 MS. SCHELLIN: Okay.

4 MS. HIGH: -- around five.

5 MS. SCHELLIN: Christina Houtz? Let's see, how many
6 is that, one, two -- Laura Milanowski? And let's see, I think
7 that might be five. Is that five?

8 MR. YOUNG: I only got two of those people on.

9 MS. SCHELLIN: Okay. How about -- boy this computer
10 is going crazy. Let me see who else I can give you. How about,
11 let's see, we've got -- okay, opposition. Mark Poe was part of
12 the party. I can go with -- I'm sorry, this long list is actually
13 not working for some reason.

14 Okay, so we've called -- who is the last one I gave
15 you?

16 CHAIRPERSON HOOD: You gave us Laura Milanowski.

17 MS. SCHELLIN: Milanowski.

18 CHAIRPERSON HOOD: I can't even -- Laura. Excuse me,
19 Laura, I'm sorry.

20 MS. SCHELLIN: Laura, okay.

21 CHAIRPERSON HOOD: Milanowski. Milanowski. I got it.

22 MS. SCHELLIN: Okay. Then okay, opponents, Mark Poe
23 --

24 CHAIRPERSON HOOD: It could e --

25 MS. SCHELLIN: How about Mohammad Kahn (phonetic)?

1 CHAIRPERSON HOOD: Mohammad Kahn.

2 MS. SCHELLIN: Uh-huh.

3 CHAIRPERSON HOOD: Do we see him?

4 MR. YOUNG: No.

5 CHAIRPERSON HOOD: Okay. He's not on.

6 MS. SCHELLIN: Okay.

7 CHAIRPERSON HOOD: Were they on earlier? Do we know?

8 MS. SCHELLIN: I don't think so.

9 CHAIRPERSON HOOD: Okay. Maybe they just signed --
10 maybe they --

11 MS. SCHELLIN: Yeah, it may be. Some of these did
12 submit their testimony, and so they may not be -- they may have
13 decided not to testify in person. So that's very likely. Okay.
14 So, okay. After Mr. Kahn, then we go to, let's see, Tina Roslin
15 -- I'm sorry, Tara Roslin. I did see her on earlier. She should
16 still be on. Do you see her, Mr. Young?

17 MR. YOUNG: I don't.

18 MS. SCHELLIN: Okay. Nicole Rousell.

19 MR. YOUNG: No.

20 MS. SCHELLIN: Okay. How about C. Kelly? Juan
21 Caicedo?

22 MR. YOUNG: I don't see them.

23 MS. SCHELLIN: Okay. Next page. This is making
24 everything go to -- let me see if it's -- let me just double --

25 CHAIRPERSON HOOD: Ms. Schellin, while you're working

1 on that, let's go with Mr. Green, and then Ms. Milanowski.

2 MS. SCHELLIN: Okay.

3 CHAIRPERSON HOOD: Mr. Green, you may begin, and I
4 think he has, what, three minutes, or five? Is he a group or an
5 organization?

6 MS. SCHELLIN: That's three.

7 CHAIRPERSON HOOD: Mr. Green?

8 MR. GREEN: I'm with an organization.

9 CHAIRPERSON HOOD: Okay. You may begin.

10 MR. GREEN: Thank you, all. So every one of us who
11 lives in the eight unit building at 705 Irving, where I'm
12 representing the HOA, is a first-time homeowner, who made a
13 decision to move to the Park View Community, for reasons that are
14 directly contemplated and addressed by the Comprehensive Plan.

15 The court said, quote, the Commission did not
16 explicitly identify a single respect in which the PUD, as
17 approved, would have an adverse effect, or would be inconsistent
18 with the policy in the Comprehensive Plan. That led to the fifth
19 question from the Commission today, asking us to independently
20 analyze and discuss adverse effects. Now for context, Section
21 2502.6 is entitled specifically Development Impacts. And it
22 gives the District a precise mandate that the court is clearly
23 looking at, quote, to the greatest extent feasible, not mildly,
24 not plausibly, not good enough, to the greatest extent feasible,
25 you --

1 COMMISSIONER SHAPIRO: Mr. Green?

2 MR. GREEN: Yes.

3 COMMISSIONER SHAPIRO: Just a reminder --

4 MR. GREEN: Can you pause? Can you pause my time,
5 please?

6 COMMISSIONER SHAPIRO: Our interest today is in --

7 MR. GREEN: Pause my time, please.

8 COMMISSIONER SHAPIRO: -- how does the Comprehensive
9 Plan affect your take on the project. Right? It's not rearguing
10 the original case. It's about the changes in the Comprehensive
11 Plan. So I think you may get there with what you're saying, but
12 we really do want you to focus on the changes to the Comprehensive
13 Plan, and how they should affect what we are doing. That was
14 the purpose of this hearing. Not to rehear the original case.
15 Or to even hear the issues to remand.

16 MR. GREEN: Okay. Am I restarting?

17 COMMISSIONER SHAPIRO: Whenever you're ready.

18 MR. GREEN: Okay. So the zoning guidance did mention
19 those six specific questions and to address the Comprehensive
20 Plan, and I do want to make clear what our interests are as an
21 HOA. That the Comprehensive Plan says that to the greatest extent
22 feasible, use the development review process to ensure that
23 potentially positive impacts are maximized, and potential
24 negative impacts, including transportation, parking,
25 environmental quality, and other issues, including construction

1 impacts, are assessed and adequately mitigated.

2 And one thing that the Comprehensive Plan calls for,
3 including some changes that reinstate, you know, that underscore
4 this charge, is to respect the character of rowhouse
5 neighborhoods.

6 Now, I got to say, Chairman Hood, I admire your
7 cognizance of the courts will do with this record. It's a little
8 bit like in section, like we're talking about something that will
9 be relevant later. You know, but as of tonight, there is a new
10 part of the official Commission record, where many adverse
11 effects were stated by over 60 people in the community, who sent
12 in comments, including our association. And the court will see
13 them in the record and ask how responsive this Commission is
14 being to concerns like these. Mekela Whyte-Nesfield, an ICU
15 physician at Children's Hospital, entered testimony asking you,
16 the Commission, to help identify under the Comp Plan, how the
17 inevitable increase in traffic from 100 new parking spots, and
18 all the guests, to 300 new units, will delay ambulances going
19 down Irving Street to Children's Hospital, which she says could
20 delay lifesaving care. And I asked that question too. And as
21 we said before, you know, Exhibit 44 from the Department of
22 Transportation, is really the gold standard in full assessments.
23 They have sections like site design, and they talk about their
24 travel assumptions, and the analysis, weighing pros and cons.
25 They have a mitigation section, which is called for in the Comp

1 Plan. They have a continued coordination plan, which says, given
2 the complexity and size of the action, the Applicant expected to
3 continue working with DDOT on the following matters. And they
4 list six more areas. It's a 13-page masterpiece. But the court,
5 if you issue another Order, will realize that the transportation
6 department deferred the ambulance assessment to the fire and
7 emergency management folks. And right now, the only thing in
8 your record assessing Mekela Whyte-Nesfield's concern is a short
9 two sentence email, hours before a 2016 hearing, that said with
10 a typo, fire department access needs appears to be on point at
11 this stage.

12 The Comp Plan requires you, the Commission, to ensure
13 to the greatest extent feasible that adverse impacts were
14 assessed and adequately mitigated. And also in the record, many
15 people, you know, over 60 people, brought up things like mental
16 health, physical health, social cohesion, especially during
17 COVID. Things that will happen as a result of the open space
18 being replaced by a giant tower.

19 Others, including myself, brought up water quality and
20 the environment. And all that's in the record are -- in 237M
21 and 230K, the Water and Sewage Department and Department of Energy
22 and Environment, have boilerplate paragraphs, each sent on the
23 same day, each saying we received it today and here's a
24 preliminary advisory, these are okay.

25 I got to say, this is embarrassing and it's extremely

1 | germane, it's not non-germane. The court did not say agency
2 | review was proper, as someone said before. I'm going to repeat
3 | that. The court did not say agency review was proper. This is
4 | a live ball. They said it was relevant, but it wasn't properly
5 | addressed as an issue before the Commission, which is precisely
6 | why I am talking about it now, sir.

7 | Chairman Hood, I learned on week one of law school that
8 | with a vacate order, the old order is dead. There is now a new
9 | record, and a new order will have to be issued from the
10 | Commission, if you issue one at all. It will start from square
11 | one. At a minimum, this will be part of the record. At a
12 | maximum, a whole new record will start from square one that you'll
13 | have to start from scratch. Either way, going forward, before
14 | you consider any order, we ask you to demand that all assessments
15 | of adverse impacts by the District agencies, be thorough to the
16 | maximum extent feasible, so that you, as a Commission, can avoid
17 | the court once again saying the Commission did not explicitly
18 | identify a single respect in which the PUD as approved, would
19 | have an adverse effect, or be inconsistent with the policy in the
20 | Comprehensive Plan. It's extremely --

21 | CHAIRPERSON HOOD: Mr. Green --

22 | MR. GREEN: -- thank you.

23 | CHAIRPERSON HOOD: Your time is up.

24 | MR. GREEN: Thank you, so much.

25 | CHAIRPERSON HOOD: Your time is up. Hold tight. We

1 | may have some questions for you. Ms. Milanowski. And I know
2 | I've messed up your name, but I apologize in advance.

3 | MS. MILANOWSKI: Good evening. Thank you so much for
4 | the option to speak today. Sorry, can you hear me? I think
5 | there was an echo.

6 | CHAIRPERSON HOOD: If everybody else can mute. I think
7 | we should be fine. And Ms. Schellin, we have one other person,
8 | can we bring them up too? So Ms. Milanowski, you may begin.

9 | MS. MILANOWSKI: Okay.

10 | CHAIRPERSON HOOD: How do you pronounce your last name,
11 | please?

12 | MS. MILANOWSKI: Milanowski. You got it.

13 | CHAIRPERSON HOOD: I got it. Okay. Chalk one up for
14 | me, I got one tonight. Okay.

15 | MS. MILANOWSKI: Thank you. I don't want to, you know,
16 | rehash all the points that Adam Green just made in his testimony,
17 | but I am in opposition of replacing Bruce Monroe Community Park
18 | with the nine-story penthouse, as it stands, because I do feel
19 | that we need a thorough impact assessment plan.

20 | I live on this block. I see the traffic to the end of
21 | this street every morning, when I'm outside walking and doing my
22 | business. And you know, it just -- there has not been any
23 | indication to the residents in our neighborhood that there has
24 | been assessments done on the negative impacts on this
25 | neighborhood.

1 The transportation, the environmental quality, all
2 those other issues that need to be assessed and adequately
3 mitigated. I respect you know, obviously, the need for affordable
4 housing, as well as the park. You know, I moved to this
5 neighborhood because of that. I embrace all of those items
6 and you know, there are many vacant buildings along Georgia Avenue
7 that I would love to see developed into housing, including one
8 on my alley. But I don't feel that the city has done its due
9 diligence in this way right now. And for that reason, I believe
10 that there needs to be a very thorough impact assessment done to
11 ensure that everything is taken into consideration, when 120-
12 foot tower goes up on this park, and we all have to deal with
13 the impact of this. So I am in opposition of replacing it as
14 is, and request that there's a thorough impact assessment in
15 order to determine, you know, the real negative impacts that
16 could come from this sort of high-rise tower. And that is all.
17 Thank you.

18 CHAIRPERSON HOOD: Okay. Thank you, and we have Nick
19 Dellega (phonetic). Nick Dellega?

20 COMMISSIONER MAY: I think he's on mute, Mr. Chair.

21 CHAIRPERSON HOOD: Yeah, I see he's on mute. Sometimes
22 it takes a minute for your computer to catch up to unmute. And
23 then sometimes you have a delay. I think that's what was going
24 on with Mr. Poe tonight. He had a delay. There we go.

25 MR. DELLEGA: Excuse me. I'm on the list by error. I

1 entered it, but I was told that I wasn't going to be able to
2 speak tonight, so I'm not prepared.

3 CHAIRPERSON HOOD: Did you want to speak?

4 MR. DELLEGA: Not now. Thank you.

5 CHAIRPERSON HOOD: Oh, okay.

6 MR. DELLEGA: I appreciate it.

7 CHAIRPERSON HOOD: All right. I'm sorry, whoever told
8 you that you could not speak. So I don't know who that was, but
9 I apologize.

10 MR. DELLEGA: Well, I'm enjoying it very much, and I'm
11 learning a lot. Thank you.

12 CHAIRPERSON HOOD: Okay. Thank you. Actually, I'm
13 glad you said that, thank you.

14 All right. Let's see if we have any questions of any
15 of -- Ms. Milanowski or Mr. Green. Commissioner May?

16 MS. MILANOWSKI: I also believe Andre might be on the
17 line as well, now. I'm not sure if the -- if that can be
18 confirmed.

19 COMMISSIONER MAY: Is Andre on the line?

20 MS. SCHELLIN: Yes.

21 CHAIRPERSON HOOD: Okay. You can go ahead if you want
22 to provide testimony. You have three minutes.

23 MR. SANCHEZ: Thank you. So first of all, thanks for
24 the time, forgive my English because I'm not an American. I'm a
25 Columbian but I'm also (audio interference). So I provided

1 written testimony with more specific details, but I just wanted
2 to say some of the things that I saw in the presentation, that I
3 believe that the company, based on the role of the building that
4 is going to have when the community comprehensive, and when they
5 say Comprehensive Plan. And some of the things might be relevant
6 with relation to what Laura was saying. And it is that the
7 (indiscernible) states that, that this is not a dense part of the
8 city, for wherever (indiscernible) the D.C. planning, in the
9 paragraph 2000.2. It says that the Mid-City Park is the most
10 dense park of the city, and it also says in 2011.1 that there
11 are still challenges that remain in the city, in Columbia Heights,
12 they're part of the Avenue Georgia, Park View and so on. That
13 are related to a insecurity and some other things that most affect
14 our community. Other things that I believe, and I trust, and I
15 know that because we've seen it, and especially from the country
16 I come from, which is Columbia, is that giving and granting a
17 place for the kids or for the families, for the society to share,
18 giving social cohesion and especially those will bring some other
19 things that are more important to the community than having
20 buildings and a couple of stores that might not have the -- the
21 expected scenario of this, for the really diverse and very unique
22 kind of the Park View neighborhood.

23 Another important thing that I did not see, I've
24 listened to the presentation, but it is very related to the D.C.
25 Comprehensive Plan, it is that the courtyard, and this is stated

1 on the (indiscernible), the courtyard that this Georgia and
2 Irving, is one of the main transportations avenues for going
3 through. Like going up and down and across the city. And having
4 that building is going to have a very, a very important impact
5 in the transportation. And I have not seen scenarios, and I'm
6 also on the corner, and I'm not convinced with (indiscernible).
7 Again, this is not related to the building, or to a building, or
8 to a condo that I own, or that we own. It is related to the
9 community, the safety of their place, and trying to keep a safe
10 environment for everyone.

11 And then there are like other things, such as the 11
12 parts that the D.C. Comprehensive Plan states. Two of them are
13 related to the environment, and the other one is like the part
14 -- two parks and recreation areas. And as far as I know, or as
15 I see, either in Google Maps or somewhere on the place, a park
16 of this dimension, a park with these facilities, with the
17 combination of factors that it has besides recreations. For
18 kids, animals, the community, and so on and so forth, is a unique
19 combination of factors for our property that is owned by the
20 government, that can grant a lot of positive things besides a
21 building that are related to the safety of the society. And
22 that's it for me. The rest is in the letter that I sent. Thank
23 you.

24 CHAIRPERSON HOOD: Thank you, very much, Mr. Sanchez.
25 I greatly appreciate your testimony. Let's see if we have any

1 | questions of either one of the three witnesses. Commissioner
2 | May?

3 | COMMISSIONER MAY: Mr. Chairman, no, I do not have any
4 | questions.

5 | CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

6 | COMMISSIONER SHAPIRO: No questions, Mr. Chair.

7 | CHAIRPERSON HOOD: Vice Chair Miller?

8 | VICE CHAIR MILLER: No questions, Mr. Chair, and thank
9 | you for your testimony.

10 | CHAIRPERSON HOOD: Mr. Green, I appreciate your
11 | comments about the hospitals and what you said about being able
12 | to -- ambulances and everything. You know, the court has given
13 | us as I've mentioned, and I know you have been to formal school,
14 | the court has given us a direction and I just want to assure you
15 | that we are following what we've been given by the courts. They
16 | didn't add some of those comments to it. We can debate this all
17 | day. If it comes back, we will continue to -- continue to answer
18 | the court's questions. So I want to just say that since I know
19 | I was mentioned a few times, which is fine. But I appreciate
20 | your comments. But I just want you to know that -- actually, I
21 | think I will go ahead and say it. I wasn't going to say it at
22 | first. There was another case, near a hospital, that I personally
23 | had some issues with. It was a development. And I specifically
24 | asked for something from the hospital. And I just knew it was
25 | going to come back with some concerns. And it came back with a

1 decision of everything was fine, it'll work out. And that was
2 what came back. And it went to court. The courts never said a
3 word about it. So again -- so I heard what you said, and I heard
4 the former attorney, and I respect it, but I just know what I
5 had witnessed over the years. This is not our first court case
6 where we have to answer questions. So I -- you know, and I don't
7 necessarily want to get into a debate, but I did want to respond
8 to you that we are, we are doing exactly what the court has asked
9 us to do. You may disagree. You said one thing, someone else
10 says something else, other people say something else. We have
11 to balance all those competing interests.

12 MR. GREEN: Understood, Chairman. And I will say, on
13 a human level, I appreciate all that you and the other
14 Commissioners are doing tonight. I need to cut some of my
15 pleasantries from my comments, to fit under five minutes. And I
16 respect that point, but I do want to say that the court -- I
17 wouldn't -- the court laid out several things that they said were
18 basically live balls in the case they were adjudicating, that
19 they flagged for you on vacate and remand. But they then went a
20 step further, if you read the following paragraphs, I'll read it
21 to you. They then say, almost as another argument, petitioners
22 -- I'm going to read this. Petitioners argue that the Commission
23 failed to obtain reports from the District agencies, that the
24 Commission was required to consider before deciding on the PUD
25 application. They're acknowledging this as a really important

1 threshold matter. They conclude, however, that this argument was
2 not properly preserved before the Commission in that old case.
3 Okay? As previously explained --

4 CHAIRPERSON HOOD: We have, we have the court decision,
5 Mr. Green. I didn't want us to get into a debate.

6 MR. GREEN: Okay.

7 CHAIRPERSON HOOD: I appreciate it. I think -- you and
8 I can have that debate. When the case is over, we'll get together
9 and have that debate.

10 MR. GREEN: Okay.

11 CHAIRPERSON HOOD: When the case is over. When it's
12 over.

13 MR. GREEN: Well, I guess what I'm saying, sir, is that
14 if there's another case, right, if you issue an order, and if it
15 goes back to court, this -- it will be a threshold matter, and I
16 just wouldn't consider that a dead ball. I would consider it a
17 live ball. And frankly, almost to a tee, the comments that you
18 received, the 60 plus comments you received for this record, are
19 about adverse impact. And that's why I wanted to give voice, as
20 head of a condo association to that threshold matter for all of
21 us, right?

22 CHAIRPERSON HOOD: So are you speaking in terms, let
23 me just ask you this quick question, yes or no. Are you speaking
24 in terms of the -- some of the form letters?

25 MR. GREEN: I would --

1 CHAIRPERSON HOOD: You're talking about the form
2 letters?

3 MR. GREEN: I wouldn't say -- they weren't form letters.

4 CHAIRPERSON HOOD: Okay. Okay. All right. That's
5 fine. We can debate on that, but I just want you to know for
6 sure, I don't discredit your testimony, I appreciate it, and
7 we're going to move on. Okay.

8 Any other questions? Does the Applicant have any
9 questions of either one of these witnesses? Can we bring the
10 Applicant back up?

11 MS. SCHELLIN: We have undeclared.

12 CHAIRPERSON HOOD: Yeah, I'm -- the Applicant's coming
13 back up to question the witnesses.

14 MS. SCHELLIN: Oh, okay. I'm sorry.

15 CHAIRPERSON HOOD: Yeah, we're doing -- it's getting
16 late.

17 MS. SCHELLIN: I'm jumping ahead.

18 CHAIRPERSON HOOD: Mr. Freeman?

19 MR. FREEMAN: It's not a cross, it's just a
20 clarification. Mr. Green, Mr. Sanchez, Ms. Milanowski, you all
21 live at 705 Irving Street; is that correct?

22 MS. MILANOWSKI: I live at 757 Irving Street.

23 MR. SANCHEZ: I live at 705.

24 MR. GREEN: I live at 705.

25 MR. FREEMAN: Thanks, that was my only question.

1 CHAIRPERSON HOOD: Okay. Thank you, Mr. Freeman. I'm
2 going to consider it clarification and cross.

3 Anyway, let's go to Chairman Boese. Do you have any
4 cross of either one of the witnesses?

5 CHAIRMAN BOESE: No, I do not. Thank you.

6 CHAIRPERSON HOOD: Okay. Mr. Jordan, who's doing the
7 cross for the Park Morton Resident? Do you have any cross of
8 either one of the witnesses?

9 MR. JORDAN: No, we do not.

10 CHAIRPERSON HOOD: Okay. Thank you. And Mr. Poe?

11 MR. POE: Yes, I have a few questions to ask Adam Green.
12 I was listening to your comments, and you said that the court
13 did not, in fact, say that the agency review was proper. Can
14 you say more about what the court did say, and how it might relate
15 to the new Comp Plan?

16 MR. FREEMAN: Mr. Chairman, I don't think he testified
17 about that.

18 MR. GREEN: Well, I think that invokes what we were
19 just actually talking about, that the court --

20 COMMISSIONER SHAPIRO: Mr. Green, I think it's the
21 Chairman's turn to talk.

22 MR. GREEN: Okay. I'm sorry.

23 CHAIRPERSON HOOD: Yeah, I'm trying to remember the
24 conversation because unless I'm hearing something, Mr. Poe said
25 something totally different than what Mr. Green just said. So

1 I, you know, I'm trying to find the relevance.

2 Could you repeat that question, Mr. Poe, please?

3 MR. POE: Sure. I just asked if he could say more
4 about what the court said about the agency having a proper review,
5 and how does it relate to the new Comp Plan.

6 CHAIRPERSON HOOD: Okay. Okay. So you just rephrased
7 that, and I'm going to go back and look at this record, because
8 you just rephrased that totally different from what you said the
9 first time.

10 MR. POE: I'll say it the way I said it the first time.

11 CHAIRPERSON HOOD: Okay, go ahead.

12 MR. FREEMAN: I guess what I'm saying -- Mr. Green
13 didn't talk about the court's evaluation of the comp. So I don't,
14 I don't see how Mr. Poe's question is --

15 CHAIRPERSON HOOD: Mr. Poe's -- Mr. Poe, I'm going to
16 rule that in order. Mr. Poe did -- I mean, Mr. Green did mention
17 about the governmental reports. He did mention that. I'm not
18 saying it's germane, but since he mentioned it, I'm going to let
19 Mr. Poe ask that question. And I'm going to ask Mr. Green to be
20 very brief.

21 COMMISSIONER SHAPIRO: Mr. Chair, may I --

22 CHAIRPERSON HOOD: Yes.

23 COMMISSIONER SHAPIRO: One second, if I may.

24 CHAIRPERSON HOOD: Yes.

25 COMMISSIONER SHAPIRO: So I think we're all crystal

1 clear with what's going on here. I think Mr. Green has made it
2 clear that he thinks that the court wants us to consider the
3 government agency reports, and he believes that we have not
4 considered adequately, the government agency reports. I think
5 that Mr. Poe teeing off Mr. Green to say that again, is
6 categorically repetitive. And I believe that --

7 CHAIRPERSON HOOD: Okay.

8 COMMISSIONER SHAPIRO: -- what Mr. Green is going to
9 do is make the case again --

10 MR. GREEN: I'm fine saying nothing. That's fair. I
11 --

12 CHAIRPERSON HOOD: Okay. So my colleague has spoken,
13 and I'm going to actually agree with my colleague. That's done
14 all the time, as we know, to drive a point home, and I appreciate
15 Commissioner Shapiro chiming in. It's done all the time. This
16 is nothing new. This is not our first time doing something like
17 this. It's done all the time. So Mr. Poe, do you have anything
18 else?

19 MR. POE: Well, I hope this next question will be
20 accepted by the Zoning Commission, but I'll go ahead and start
21 with that.

22 Adam, you said something, you talked about the
23 character of the neighborhood as a standard in the Comp Plan.
24 Can you say more about what the court said about that, and how
25 does it relate to the Comp Plan?

1 MR. GREEN: Yes. I did mention this, and Commissioner
2 May, this might speak to your first question to me about the Comp
3 Plan. I mentioned, you know, the court's majority opinion notes
4 that placing a 90-foot building across the street from two story
5 rowhouses is clearly intentioned with the policy reflected in the
6 Comp Plan, as it was. And that section, that was section 309.1,
7 and that's now been renumbered in the new Comp Plan to 310.12,
8 which call on the District, I do have that, to quote, carefully
9 manage the development of vacant land, and alterations to
10 existing structures, to be compatible with the general design,
11 character, and scale of the existing neighborhood and preserve
12 civic and open space.

13 Now one thing I've noticed, with some fascination, just
14 reading the exhibits, is that proponents of this project point
15 to a subsequent clause, which is 310.14, which calls for the
16 district to quote, respect the character of rowhouse
17 neighborhoods by ensuring that infill development is compatible
18 with existing design patterns and maintains or expands the number
19 of family size units. It says upward and outward extension of
20 rowhouses that compromise their design should be discouraged.
21 And that's what proponents are pointing to. I don't quite
22 understand why. It's like it's against their interest. But just
23 from a commonsense perspective, if the common -- if the Comp Plan
24 discourages relatively minor upward and outward extensions of
25 rowhouses, and they say that, that contradicts the -- you know,

1 that -- the existing design patterns and character of the rowhouse
2 neighborhoods, what on earth argues for a giant 60 foot plus
3 building, let alone 90 feet, right next door. And if the court
4 is specifically pointing to the Zoning Commission to, you know,
5 saying that you have --

6 CHAIRPERSON HOOD: I'm going to stop this. I think
7 you've answered his question. I think that's been answered
8 because --

9 MR. GREEN: Okay.

10 CHAIRPERSON HOOD: -- we're now getting to testimony.
11 So I would ask that --

12 MR. GREEN: Okay.

13 CHAIRPERSON HOOD: -- Mr. Poe to ask another question.
14 I don't -- we don't need you to testify, Mr. Green, just answer
15 Mr. Poe's question.

16 Mr. Poe, I've seen it done before, obviously, you and
17 Mr. Green know each other. You're -- I'm not saying you all have
18 planned this. You know each other, but just understand, help us
19 to help you. That's the kind of questions that you may want to
20 frame.

21 MR. POE: I would just ask if -- would there be any
22 way to like, to -- based on what you said, how the Comp Plan
23 might give duty to the District to maximize positive impacts, and
24 to minimize the adverse impacts. Are there -- is there any way
25 for that to be consistent with such a big building, you know,

1 | like maybe, maybe one story off the top, two?

2 | MR. FREEMAN: Mr. Chairman.

3 | MR. GREEN: I don't know, I don't know if I understand
4 | that question.

5 | CHAIRPERSON HOOD: He doesn't even understand the
6 | question. Next question, Mr. Poe.

7 | MR. POE: Okay. You said something about water and
8 | DOEE, sending boilerplate. Can you say more about why, in your
9 | opinion, did that not meet standard for the Comp Plan?

10 | MR. FREEMAN: Mr. Chairman, I mean, there's no
11 | foundation. Mr. Green is not an expert. I don't understand why
12 | we're allowing this line of testimony.

13 | CHAIRPERSON HOOD: Thank you, thank you, Mr. Freeman,
14 | Commissioner Shapiro. And here's the thing. I want to make sure
15 | that my colleagues who have -- who wanted to proceed in this
16 | fashion, are getting everything they need, because if not, then
17 | I think Commissioner Shapiro's probably going to lose it.
18 | Commissioner Shapiro?

19 | COMMISSIONER SHAPIRO: Yeah, it's just -- Mr. Chair, I
20 | think that Mr. Poe is just taking another approach with the
21 | government agency question, in a different way, in a more granular
22 | way. But I don't see how that's a repetition of the same question
23 | that's been asked a number of times.

24 | CHAIRPERSON HOOD: Mr. Poe --

25 | MR. GREEN: I just want to agree with Commissioner

1 | Shapiro. Commissioner Shapiro summed up my point before, and I
2 | don't need to belabor it anymore. I think you put it perfectly
3 | before.

4 | CHAIRPERSON HOOD: So Mr. Poe, you can either ask
5 | Commissioner Shapiro or Mr. Green from now on -- no, I'm just
6 | joking. It's too late.

7 | So Mr. Poe, do you have any other questions? Any other
8 | questions, Mr. Poe?

9 | MR. POE: I don't have any other questions at the
10 | moment, sir.

11 | CHAIRPERSON HOOD: Okay. All right. Well, thank you.
12 | All right. So I think I've covered everyone, these two witnesses.
13 | I want to thank you both -- no, all three witnesses, I want to
14 | thank you both for providing your testimony, and we appreciate
15 | you taking the time to come testify.

16 | All right. Let's come back up with any rebuttal, or
17 | any closing? I don't know how much rebuttal --

18 | COMMISSIONER SHAPIRO: Mr. Chair, I think we have
19 | undeclared.

20 | MS. SCHELLIN: Undeclared.

21 | CHAIRPERSON HOOD: And undeclared, I'm sorry. How many
22 | undeclared do we have, Ms. Schellin?

23 | MS. SCHELLIN: Just a couple.

24 | CHAIRPERSON HOOD: Let's bring them --

25 | MS. SCHELLIN: Yeah.

1 CHAIRPERSON HOOD: Couple, is it five? Let's bring all
2 five of them --

3 MS. SCHELLIN: We have four, if they're here.

4 CHAIRPERSON HOOD: Let's bring them, bring four up.

5 MS. SCHELLIN: We have Scott Brown, Samantha Lee,
6 Allison Fisher, and Leah Kuduk. I'm sorry if I did not pronounce
7 that correctly.

8 CHAIRPERSON HOOD: Let's bring all of them up, if we
9 can. And while we're --

10 MR. YOUNG: Can you repeat those again?

11 MS. SCHELLIN: Scott Brown, Samantha Lee, Allison
12 Fisher, and Leah Kuduk, K-U-D-U-K.

13 MR. YOUNG: Looks like I only have one of them.

14 CHAIRPERSON HOOD: Okay.

15 MS. SCHELLIN: Samantha --

16 CHAIRPERSON HOOD: Ms. Lee? Let the record reflect no
17 one but Ms. Lee is here. So Ms. Lee, you're undeclared, you may
18 begin. Unmute and you may begin.

19 MS. LEE: Thank you so much, and good evening everyone.
20 Thank you for having us. It's been a long night. So I am a
21 neighbor, just a block down the street from Park Morton on Park
22 Road, and I'm here in support and solidarity with the Park Morton
23 Resident Council and the Park Morton Equity Plan. And as of this
24 point, though I signed up undeclared, I am in opposition to the
25 planned unit development, as currently written, and in light of

1 | the new racial equity mandate of the Comprehensive Plan. And to
2 | be clear, I'm not opposed to Bruce Monroe being developed to
3 | provide critical housing options for Park Morton Neighbors, but
4 | I want to implore the Zoning Commission to step into the new
5 | responsibility demanded by the Comp Plan. And support
6 | revisioning, or rewriting of the PUD informed by an official
7 | racial equity impact assessment, to actually ensure racial and
8 | economic justice this time around for this project. It's clear
9 | to Park Morton residents and people like me who are close to Park
10 | Morton residents, who have witnessed the failure of the Park
11 | Morton Redevelopment Plan over the years. The current plan
12 | process has negatively impacted predominantly black and brown,
13 | and low-income residents, and displaced residents of Park Morton.

14 | And in fact, we believe that the, the PUD is in many
15 | ways no longer even relevant because the intended plan to Build
16 | First and avoid displacing residents from the neighborhood has
17 | failed profoundly. And I'm not going to go into some of the
18 | things that have happened. But basically, the thing I want to
19 | raise is that a debt is owed to Park Morton residents. And
20 | because of the harm has been inflicted on residents over the past
21 | decade and more, I would just want to advocate that the project
22 | needs to shift from the failed Build First approach to a resident
23 | first approach. And what I heard tonight is that there's room
24 | to improve equity analysis of this project, as demanded by the
25 | Comp Plan. As you already heard, the residents of Park Morton,

1 | the people who know their community best, and have the lived
2 | experiences of the failures, and the promises of the new
3 | community's initiative, developed their own equity plan. The
4 | resident led plan will allow the much-delayed redevelopment to
5 | move forward and uphold the original principles of the new
6 | community's initiative.

7 | The plan demands that you consider the Bruce Monroe
8 | site, and the original Park Morton site together, rather than in
9 | isolation. It demands the actionable right to return, as
10 | negotiated and overseen by the council at Park Morton, which we
11 | don't believe is sufficiently protected through past resolutions
12 | at this point. It demands that the D.C. government and the
13 | development team give residents an equity position in this
14 | project, which means being formally integrated into the
15 | development deal as a financial and decision-making partner.

16 | It also looks at ensuring opportunities for residents
17 | to be economically self-sufficient through various programs, and
18 | in particular, to own their homes, and cooperatively manage their
19 | homes themselves.

20 | I want to reground this conversation in deep respect
21 | and praise. Like what we have heard earlier, for the ANC
22 | commission, from my friend, neighbor, community leader, small
23 | business owner, and Council at Park Morton President, Ms. Shonta
24 | High. Ms. High and William Jordan are frankly heroic for the
25 | way that they have approached this in spaces like this very

1 meeting, (indiscernible) for people with professionalized legal,
2 technical policy and real estate expertise, legal-ease and
3 bureaucratic processes are hard for me, and for anyone who isn't
4 a professional.

5 And in closing, without commitments to the Park Morton
6 Equity Plan embedded in the project's guiding documents, it will
7 continue to get sidelined and put off with good intentions to get
8 around to it at a different stage of the project. And this
9 pattern of advancing development at any cost to the lives of
10 those most impacted by the said development, is the opposite of
11 the supposed values of the new community's initiative that this
12 project was a part of. Thanks so much for hearing me out at the
13 end of a long meeting.

14 CHAIRPERSON HOOD: Thank you, Ms. Lee, for staying and
15 being the last witness, I believe. But I do want to expound upon
16 what you said about Ms. High and Mr. Jordan. They presented
17 themselves very well in front of this Commission. I thought they
18 did an excellent job. So I guess my point is, regardless if you
19 do this all the time, or if you do it sometimes, I could tell
20 they put the time into what they were doing and it was very well
21 received by, I'm sure, my colleagues and I. So I just wanted to
22 make that point.

23 While I gave the ANC kudos, I also want to give them,
24 and everyone, including you, who participated in this. Now, we
25 might not always agree, but at the end of the day, at the end of

1 the day, Ms. Lee, I believe all of us want a better city, a better
2 community in which we live in, because the community, as I told
3 Mr. Jordan, community is not the structure, community is the
4 people. So I truly believe that.

5 Let me open it up. Any questions or comments,
6 Commissioner May?

7 COMMISSIONER MAY: No.

8 CHAIRPERSON HOOD: Commissioner Shapiro?

9 COMMISSIONER SHAPIRO: I just thank you for your
10 thoughtful and sensitive comments. I appreciate it.

11 CHAIRPERSON HOOD: Vice Chair Miller?

12 VICE CHAIR MILLER: No, thank you, Mr. Chair. Thank
13 you for your testimony. I appreciate it.

14 CHAIRPERSON HOOD: Let me go down the list here. Does
15 the Applicant have any cross?

16 MR. FREEMAN: No, thank you, Mr. Chairman.

17 CHAIRPERSON HOOD: Does ANC 1A, Chairman Boese, do you
18 have any cross?

19 CHAIRMAN BOESE: No, thank you.

20 CHAIRPERSON HOOD: Mr. Jordan, do you have any cross?

21 MR. JORDAN: No, thank you.

22 CHAIRPERSON HOOD: Okay. And Mr. Poe, do you have any
23 cross? Has Mr. Poe left?

24 MR. POE: I have no cross.

25 CHAIRPERSON HOOD: Okay. Thank you. And thank you

1 again, Ms. Lee. Appreciate you. All right. Ms. Schellin, let's
2 come back -- Mr. Freeman, do you have any rebuttal? I think,
3 again, as I stated we've fleshed a lot of this out. I think with
4 what the court advised, I think, from my standpoint, other than
5 what we've asked for, and I think most of it's coming from Mr.
6 Jordan, I can't -- I think the Vice Chair asked for something
7 from the Office of Planning. I think we could -- I think we have
8 enough to answer the questions of the court. I think we have
9 more than enough, actually, to answer the questions that the
10 court has given us and to their direction.

11 So Ms. Schellin. Let me see, Mr. Freeman, any rebuttal
12 or closing?

13 MR. FREEMAN: So thank you, Mr. Chairman. I would just
14 ask that if you're allowing Mr. Jordan to do a submission, that
15 we have an opportunity to respond to that.

16 CHAIRPERSON HOOD: I think that's -- let me just say,
17 that's within our rules. You have to respond. You don't have
18 to, but you get the last word. The Applicant gets the last word.

19 MR. FREEMAN: Thank you.

20 CHAIRPERSON HOOD: I believe in the remand as well. So
21 okay.

22 MR. FREEMAN: Thank you. So I will save my response
23 for -- write it.

24 Commissioner Miller asked about displacement. I think
25 in this case, it's clear there's no displacement because the site

1 is currently vacant. I don't know what else -- if you need a
2 submission on it, but displacement is clearly not implicated in
3 16-11 because there are no, no residents on this site.

4 CHAIRPERSON HOOD: Let me -- I will -- let me just ask
5 this to my colleagues. Do you think, for the record, that that
6 means -- I think it is known, but sometime it may not be known.
7 Do you think we need that for the record? And I'm asking my
8 colleagues now. Just a blurb -- we don't, okay. Good.

9 I think that's -- we've taken care of it.

10 COMMISSIONER MAY: It's part of the report, I think in
11 the Applicant's report. I don't see a need for it.

12 CHAIRPERSON HOOD: Okay. All right.

13 MR. FREEMAN: And the final thing we would reiterate
14 --

15 VICE CHAIR MILLER: Frankly, I asked for it, but it was
16 an important point in the Park residents, Park Morton Resident
17 Council letter. It just may be putting your statements side by
18 side with their statement, and you didn't have a direct response,
19 I don't think to what they put in the record. But it's all -- I
20 think it is all there. So.

21 MR. FREEMAN: We're happy with our submission to
22 respond to all of your (indiscernible). Absolutely happy to do
23 that.

24 So I do think, Commissioner Chairman, and there are a
25 lot of things that just were incorrect. I'm not going to get

1 | into all of that. I think, as you stated at the beginning, this
2 | case is about Bruce Monroe, not 16-12, which is a different case.
3 | But I think we are where we started. The Generalized Policy Map
4 | does not preclude our development. We're consistent with the
5 | Future Land Use Map and the Comp Plan.

6 | CHAIRPERSON HOOD: Let me -- Mr. Freeman, let me just
7 | make sure for the record that you are -- this is your closing.
8 | You're not doing rebuttal. This is your closing. Correct?

9 | MR. FREEMAN: So, I will put it all in writing, just
10 | so we can --

11 | CHAIRPERSON HOOD: No, no. I'm just saying. You can
12 | do a closing. I'm asking you, are you closing -- I want to make
13 | sure for the record that nobody thinks that we're doing rebuttal,
14 | that you're doing closing because a rebuttal can be crossed, but
15 | you're doing --

16 | MR. FREEMAN: Sure.

17 | CHAIRPERSON HOOD: -- a closing.

18 | MR. FREEMAN: So why don't I -- can I just put my
19 | closing in writing?

20 | CHAIRPERSON HOOD: You can give us your closing. How
21 | much closing do you have? Just give us --

22 | MR. FREEMAN: No, no. Well, fair enough then. I just
23 | want to make sure we're not being precluded from responding to
24 | what the ANC submits.

25 | So here's what I would say. I think the evidence is

1 clear. The project complies with the new Comp Plan. The new
2 Framework Element, and how it defines Neighborhood Conservation
3 areas. Those areas are not intended to preclude development,
4 especially to address housing. Housing is one of the most --
5 housing, including affordable housing, is one of the top
6 priorities of the District of Columbia. We went through how the
7 PUD is consistent with the FLUM designation for this site, which
8 is medium density commercial, medium density -- mixed use medium
9 density commercial, medium density residential.

10 We went through how we are overwhelmingly consistent
11 with all of the relevant Comp Plan policies, the new policies,
12 and the Comp Plan. We clearly addressed the Comp Plan provisions
13 about the park. Despite what you may have recently heard from
14 folks that moved, purchased, kind of recently, 2018, 2019, the
15 Commission actually thoroughly evaluated all of the potential
16 impacts already. And we believe that the Commission, our
17 materials and the materials from the Office of Planning, clearly
18 indicate that this project is consistent with health advances,
19 racial equity, as it relates to the conditions that related to
20 Zoning Commission Case 16-11.

21 So we think the record is full. We think the record
22 clearly indicates that the Commission is being -- what you decide
23 to do, you clearly have enough evidence in order to issue a
24 decision that responds to the points issued in the Court of
25 Appeals' decision.

1 So thank you for your time. I see it's late. So that
2 concludes my closing. And we look forward to the Commission,
3 hopefully deliberating on the merits of this case. Thank you,
4 Mr. Chairman.

5 CHAIRPERSON HOOD: Thank you, Mr. Freeman. I just want
6 to say, everybody keeps saying it's late. It's not late for us.
7 We're used to -- when we're in the hearing room, sometimes we
8 have to hurry up before the Metro closes. The issue is we started
9 early, and it's been a number of hours. So I think a lot of us
10 are getting tired. But we're up to the game. We were ready to
11 go to 12 tonight. Right, colleagues? If we had to. All right,
12 Ms. Schellin, could you --

13 MR. FREEMAN: I can talk some more.

14 CHAIRPERSON HOOD: No, no, that's all right. Ms.
15 Schellin, could you close everything out and let me know --

16 MS. SCHELLIN: Yes.

17 CHAIRPERSON HOOD: -- you know, what the dates are and
18 everything.

19 MS. SCHELLIN: I only have two things since there was
20 no issue about the submission about displacement, since that was
21 not germane to this case, after all. And that was for Park Morton
22 Resident Council to provide their equity plan, and I guess --

23 COMMISSIONER SHAPIRO: Mr. Chair?

24 MS. SCHELLIN: I guess their equity tool. Mr. Shapiro?

25 CHAIRPERSON HOOD: Let me, let me -- hold on one second.

1 Commissioner Shapiro?

2 COMMISSIONER SHAPIRO: Yeah, thank you, Mr. Chair. So
3 that was my request about the equity plan. So two things. One
4 is based on this conversation, and even if I felt like caught up
5 in the moment with the testimony that we heard, I'm not completely
6 sure how it's relevant to this case.

7 And the second thing is what I asked for actually was
8 already included in the end of the PowerPoint presentation, that
9 Mr. Jordan has already submitted for the record. So in either
10 way, we already have it, and I'm not sure it's relevant.

11 CHAIRPERSON HOOD: Are you speaking in terms of what
12 I've asked -- what I asked for?

13 COMMISSIONER SHAPIRO: No, I was talking about the Park
14 Morton Equity Plan.

15 CHAIRPERSON HOOD: Is it, is it -- no, I wanted, I
16 wanted, I think I also asked for him to expound upon that tool
17 that he has. I know it's in the PowerPoint, I haven't had a
18 chance to look at that.

19 COMMISSIONER SHAPIRO: Yeah. I looked through it and
20 he even said himself, it's not like he has a specific tool fully
21 developed yet, but the framework that they're looking at is there,
22 and it's laid out. But the short of it is --

23 CHAIRPERSON HOOD: So, so if it's there --

24 COMMISSIONER SHAPIRO: -- we already have.

25 CHAIRPERSON HOOD: Okay. If this is different, yeah,

1 I asked as well, but if it's different than that, then I will
2 leave that up to Mr. Jordan, if he thinks he already satisfied
3 that need, I'll leave that --

4 MS. HIGH: Excuse me. With all due respect, that Park
5 Morton Equity Plan was created by myself and my residents. Mr.
6 Jordan was an assistant to that Park Morton Equity Plan.

7 Now, I sat up here and tried to explain to you what
8 that particular tool is, but you all just kept referring to Mr.
9 Jordan, like Mr. Jordan do this, Mr. Jordan. He will bullet
10 point that at my discretion. Thank you very much.

11 So please acknowledge that I was the one, spoke to my
12 residents, which I explained to you, took communication. That
13 is one of the tools that takes -- that it takes to implement this
14 racial equity. You have to be able to communicate with the
15 people. That's the start.

16 CHAIRPERSON HOOD: Thank you, thank you very much. I
17 appreciate it.

18 MS. HIGH: And yes --

19 CHAIRPERSON HOOD: Ms. High --

20 MS. HIGH: Because tell them to stop closing me out of
21 the meetings.

22 CHAIRPERSON HOOD: No, we didn't close you out the
23 meeting. That's why you're here at this meeting now.

24 MS. HIGH: No, not you. I'm telling them, you know,
25 telling you, so you know the others that testified --

1 CHAIRPERSON HOOD: Well, let me, let me -- no, I'm not
2 --

3 MS. HIGH: -- to stop.

4 CHAIRPERSON HOOD: I'm going to blame, I'm going to
5 blame whatever happened tonight about how we refer to the equity
6 plan, since you had him -- you had Mr. Jordan, we were you
7 referring to Mr. Jordan, but I think you made it --

8 MS. HIGH: Yes, we worked together as a team.

9 CHAIRPERSON HOOD: Okay.

10 MS. HIGH: But you keep referring --

11 CHAIRPERSON HOOD: So as a team.

12 MS. HIGH: -- to Mr. Jordan like he created it. He
13 didn't create it.

14 CHAIRPERSON HOOD: No, no, no.

15 MS. HIGH: We created it.

16 CHAIRPERSON HOOD: I got it. I got it. I got it. Ms.
17 High.

18 MS. HIGH: Thank you.

19 CHAIRPERSON HOOD: Ms. High, Ms. High, thank you. I
20 got it. Ms. High's organization's equity tool. That's what I'm
21 going to start calling it from now on. So I need that. I've
22 asked for that, but if Ms. High and her team think that they've
23 already supplied it, then we're fine.

24 So I -- you know, let me apologize for everybody who
25 referred to Mr. Jordan's plan, because I think you know, one

1 | thing it says, give credit where credit is due. I want to thank
2 | Ms. High for that -- for her organization, and her team,
3 | developing that plan. I do not want to take any credit away from
4 | anyone.

5 | So thank you, Ms. High, for correcting us. And we
6 | stand to be corrected. Not a problem. Not an issue. We just
7 | need the information, but if you think you -- that Ms. High, if
8 | you think you and your team have already given us that, that's
9 | one thing you all can scratch.

10 | MS. HIGH: Thank you.

11 | CHAIRPERSON HOOD: And I'm going to ask --

12 | MS. HIGH: But we will go down your bullet point and
13 | provide everything.

14 | CHAIRPERSON HOOD: Thank you very much, Ms. High.
15 | Believe me, that was no, no disrespect intended. And if you
16 | don't believe anybody else, I want you to know, Anthony Hood is
17 | sorry. I'll leave it at that.

18 | All right, Ms. Schellin, do we have anything else?

19 | MS. SCHELLIN: That's the only thing that I had that
20 | was outstanding was that one document.

21 | CHAIRPERSON HOOD: Okay.

22 | MS. SCHELLIN: One request. If the Commission has
23 | nothing else, we will not ask for draft orders, because --

24 | MR. FREEMAN: Ms. Schellin --

25 | MS. SCHELLIN: -- this is a remand case.

1 MR. FREEMAN: That document is in the record as Exhibit
2 264.

3 MS. SCHELLIN: Which document?

4 MR. FREEMAN: Their equity plan. It's in the record
5 as Exhibit 264.

6 CHAIRPERSON HOOD: Well, I still asked them, if they
7 want to spin off on it. If not, let me -- hold on, let me look,
8 let me look. No, you know what, I'm not going to look. I've
9 asked them for it. If they think they've covered it, just say
10 it's in Exhibit -- Ms. High, just say it's in -- your plan is in
11 Exhibit whatever it is, in 264. I need to go back and look at
12 that.

13 MR. FREEMAN: It's 264, beginning at page 14.

14 CHAIRPERSON HOOD: Okay.

15 MR. FREEMAN: Is my --

16 CHAIRPERSON HOOD: But I've asked them to do it. I
17 want to leave room for them to do it if they want to do it. Ms.
18 Schellin, give them time. If they think that's sufficient, then
19 that's what we'll go with.

20 MS. SCHELLIN: But nothing else. Only that.

21 MS. HIGH: Any documents that are required of us, we
22 will submit them.

23 MS. SCHELLIN: Unless it's already submitted.

24 CHAIRPERSON HOOD: I've asked -- let me just say this.
25 I see what they have, again, I do remember reviewing this. If

1 | you have anything to give me a snapshot of what you all are --
2 | what you, what you -- you or Ms. High, or Mr. Jordan have
3 | presented tonight, I would appreciate it.

4 | If sounds to me is that you want me to look at 264,
5 | I'll leave it at that. Okay. That's -- this is getting -- this
6 | issue is getting ready to be longer than the hearing. So we
7 | don't want that to happen.

8 | MR. JORDAN: We will answer your questions, respond,
9 | we'll take the assignment and try to do it as succinctly as
10 | possible.

11 | CHAIRPERSON HOOD: Thank you, Mr. Jordan, and Ms. High.
12 | Thank you both. All right.

13 | Ms. Schellin.

14 | MS. SCHELLIN: So that is the only document, if they
15 | can provide that by usually we give one week, so if they would
16 | provide that by 3:00 p.m. on October 26. And again, the only
17 | thing to be addressed in that submission is only addressing the
18 | equity tool, and then the Applicant can -- and the other parties
19 | the ANC, --

20 | CHAIRPERSON HOOD: Ms. Schellin, there's a little more
21 | than the equity tool. I asked them to talk about the two Comp
22 | Plan, and I think, I gave him the specific elements, 2511, I
23 | think, or whatever they were. Mr. Jordan and Ms. High have them,
24 | so --

25 | MS. SCHELLIN: Okay. And then the ANC, the Applicant,

1 and the Park -- Bruce Monroe Park Neighbors will have until 3
2 p.m. on November 2nd to provide -- 3:00 p.m. to provide their
3 responses to that document. And then we can put this on the
4 Commission's November 18th meeting agenda for deliberations.
5 Does that work?

6 CHAIRPERSON HOOD: Okay.

7 MR. FREEMAN: Ms. Schellin, I had one question, Ms.
8 Schellin. The November 2nd submission by the Applicants and the
9 other parties, just so -- so you said that's just specifically
10 responding to the information that was submitted by Ms. High and
11 Mr. Jordan?

12 MS. SCHELLIN: Correct.

13 MR. FREEMAN: Thank you.

14 MS. SCHELLIN: Nothing else. Only response to that
15 document. If you don't have a response, then you don't submit
16 anything. Other than that, the record is closed.

17 CHAIRPERSON HOOD: Okay. So we have, I think we're all
18 on the same page. I think -- I appreciate everyone's response
19 and participation tonight. I will say whether you're pro or con,
20 agree or disagree, I think with all the information that we always
21 get, I think this makes a better outcome, including the court
22 sending it back to us. It'll make a better outcome for us to be
23 able to answer the questions that the courts have asked us, which
24 is our charge from the courts to answer the questions that they
25 asked us to do. So we will be deliberating upon that, I think

1 the 18th, right, Ms. Schellin? The 18th? Did you say the 18th?
2 Or the 17th?

3 MS. SCHELLIN: Yes. November 18th at 4:00 p.m.

4 CHAIRPERSON HOOD: Oh, November 18. All right. I want
5 to thank everyone for their participation tonight. And the Zoning
6 Commission will be meeting again Thursday, October the 21st, and
7 the subject of that hearing is Zoning Commission Case No.
8 08-34L, Capitol Crossing III, LLC and Capitol Crossing IV, LLC,
9 and we will be on these same platforms at 4:00 p.m.

10 So with that, I want to thank everyone for their
11 participation tonight, everyone. I'm not leaving anybody out in
12 thanking. Everyone. And I'll not start naming, but it's late,
13 and I'll leave somebody out. But I want to thank everyone tonight
14 for your participation. And with that, this hearing is adjourned.
15 Goodnight everyone.

16 (Whereupon, the above-entitled matter went off the
17 record at 10:20 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:

Before: DCZC

Date: 10-19-21

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and accurate
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GARY EUELL