

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

+ + + + +

MONDAY

OCTOBER 25, 2021

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IN THE MATTER OF:      :
                        :
3443 Eads, LLC         : Case No.
PUD Modification of    : 16-20A
Significance, 3540 Eads St.:
NE (Square 5017, Lots 839- :
842 & 845) - Ward 7     :
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The Public Hearing of Case No. 16-20A by the District of Columbia Zoning Commission convened via videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
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:

KAREN THOMAS
JOEL LAWSON

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, Esquire
JACOB RITTING, Esquire

The transcript constitutes the minutes from the
Public Hearing held on October 25, 2021.

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: 3443 Eads, LLC. PUD Modification of
 Significance
 3450 Eads St. NE (Square 5017, Lots 839-842 & 845)
 Ward 7 8

COMMENTS AND QUESTIONS:
 Commissioners 17

VOTE:
 Commissioners 40

ADJOURN:
 Anthony Hood 42

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

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Okay. Good afternoon, ladies and
4 gentlemen. Today's date is October the 25th, 2021. We are
5 convened and broadcasting this public hearing by
6 videoconferencing.

7 My name is Anthony Hood. I'm joined today by Vice Chair
8 Miller, Commissioners Shapiro and May. We are also joined by the
9 Office of Zoning staff, Ms. Sharon Schellin, as well as the --
10 also Mr. Paul Young, who is also handling all of our virtual
11 operations. All others will introduce themselves at the
12 appropriate time.

13 Today's subject of this hearing is Zoning Commission
14 Case Number 16-20A. This is 3450 Eads, LLC, PUD modification of
15 significance at Squares 5017, Lots 839 through 842, and 845,
16 through 3450 Eads Street Northeast. The virtual public hearing
17 notice is available on the Office of Zoning's website.

18 This proceeding is being recorded by a court reporter,
19 and the platforms used are webcast live, Webex, and YouTube Live.
20 The video will be available on the Office of Zoning's website
21 after the hearing. All persons planning to testify should have
22 signed up in advance and will be called by name at the appropriate
23 time.

24 Also, I omitted, we have our Counsel, Mr. Ritting and
25 Ms. Lovick, who also are here, joining us today.

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1 At the time of the signup, all participants will
2 complete the oath or affirmation required by Subtitle Z 408.7.
3 Accordingly, all those listening on Webex or by phone will be
4 muted during the hearing, and only those who have signed up to
5 participate or testify will be unmuted at the appropriate time.
6 When called, please state your name and home address before
7 providing your testimony. When you are finished speaking, please
8 mute your audio.

9 If you are experiencing difficulty accessing Webex or
10 with your telephone call-in, or have not signed up, then please
11 call our OZ hotline number at 202-727-5471. If you wish to file
12 written testimony or additional supporting documents during the
13 hearing, then please be prepared to describe and discuss it at the
14 time of your testimony.

15 The hearing will be conducted in accordance with the
16 provisions of 11-Z DCMR Chapter 4, as follows. Preliminary
17 matters, the applicant's case -- the applicant has up to 60
18 minutes -- report of the Office of Planning and District
19 Department of Transportation, report of other government agencies,
20 report of the ANC -- in this case, it is ANC 7D -- testimony of
21 organizations -- testimony of organizations, five minutes, and
22 testimony of individuals, three minutes. And we will hear in the
23 following order from those who are in support, opposition, or
24 undeclared. Then we'll have rebuttal and closing by the
25 applicant.

1 Again, the OZ hotline number for any issues is
2 202-727-5471, for any concerns during these proceedings.

3 At this time, the Commission will consider any
4 preliminary matters. Does the staff have any preliminary matters?

5 MS. SCHELLIN: There is a waiver request from the
6 applicant, to submit an affidavit of posting and affidavit of
7 maintenance. It has been certified, so it has not been notarized.
8 The Commission has been accepting these throughout the time of
9 COVID, and would just ask that the Commission would consider that
10 in this case, too.

11 CHAIRPERSON HOOD: Okay. Let me look to my colleagues.
12 Any objections?

13 (No audible response.)

14 CHAIRPERSON HOOD: Okay. So we will accept them. Ms.
15 Schellin, anything else?

16 MS. SCHELLIN: Yes. There are two proffered expert
17 witnesses. Both have previously been accepted. Mel Thompson from
18 Grimm & Parker, in architecture; Erwin Andres with Gorove Slade,
19 in transportation. Would ask the Commission to accept them in
20 this case, also, as experts.

21 CHAIRPERSON HOOD: Okay. Again, I look to the
22 Commissioners. Any objections to continue that status?

23 (No audible response.)

24 CHAIRPERSON HOOD: No objections.

25 MS. SCHELLIN: Okay. That is all of the preliminary

1 matters that staff has.

2 David Avitabile is the applicant's representative, and
3 Karen Thomas and Joel Lawson are here as representatives for the
4 Office of Planning. DDOT will not be participating in this case.
5 And I do not see, yet, anybody from the ANC. That is all I have.

6 CHAIRPERSON HOOD: Okay. All right. Thank you, Ms.
7 Schellin.

8 Let's bring up Mr. Avitabile and his team. Again, this
9 is a modification of significance. I'm not sure if we need 60
10 minutes, but if my colleagues feel like we need 60 minutes, they
11 can. But I don't think we do. So Mr. Avitabile, I would ask you
12 to govern yourself accordingly and do it -- hit the highlights.
13 But I don't think we need 60 minutes.

14 MR. AVITABILE: We were not planning on 60. We had a,
15 oh, 20- to 30-minute presentation, focused on the modification.
16 But the record is relatively clear. If the Commission prefers, I
17 can instead focus just on the sort of couple of late-breaking
18 pieces we filed on Friday, which are minor, and go right to
19 questions.

20 And I should have said, good afternoon, Commissioners.
21 Thank you.

22 CHAIRPERSON HOOD: Okay.

23 Let me look to my colleagues and see. Let me look to
24 Commissioner May. Ten, 15 minutes, or -- what is your pleasure?

25 COMMISSIONER MAY: I'm happy to go with the absolute

1 minimum, but I'm certainly, you know -- I don't mind a ten- or 15-
2 minute presentation, either.

3 CHAIRPERSON HOOD: Okay.

4 Commissioner Shapiro?

5 COMMISSIONER SHAPIRO: I'm in the same boat. It is
6 pretty straightforward, Mr. Chair. So I'm comfortable with any
7 late-breaking news and questions.

8 CHAIRPERSON HOOD: Okay.

9 And Vice Chair Miller?

10 VICE CHAIR MILLER: Sorry, I hit the wrong button.
11 Yeah, I think a brief overview, 15 minutes, for the public, would
12 be useful. But I think it is straightforward. Thank you.

13 CHAIRPERSON HOOD: Okay.

14 Okay, Mr. Avitabile. You've heard the discretion of the
15 Commission. Ten or 15 minutes, and if you can -- we can go right
16 to questions. Hit the highlights, and I think we're in order,
17 because we have reviewed the materials. Late-breaking, and I
18 think go right to questions. We'll turn it over to you.

19 MR. AVITABILE: Sounds great. Thank you so much,
20 Commissioners. Good afternoon. It is good to see you all.

21 So you may remember this application from about four
22 years ago. We were before you for the original PUD. It was a
23 contested case at the time. It was later appealed to the Court of
24 Appeals. While it was on appeal, the applicant was able to work
25 with the parties that were appealing the PUD and reach consensus

1 on modifications to the building that would address their
2 concerns, still allow the project to move forward. And so that is
3 the modification that is before you this afternoon, is the result
4 of that sort of dialoguing back and forth.

5 The other update that has happened in the last four
6 years -- there was a public alley in the center of the site. That
7 alley has been closed, and so the site can now be fully
8 consolidated to accommodate the project.

9 There are two issues that were the late-breaking issues.
10 One was, as we were reviewing the Comprehensive Plan and the
11 Office of Planning was reviewing the Comprehensive Plan, we all
12 realized -- really, Office of Planning realized -- there was a
13 late change to the policy map that placed the site in the regional
14 center category.

15 The regional center category are areas that are designed
16 for significant amounts of sort of drawing commercial traffic in,
17 not just from across the city, but from the region. Things like
18 the Wharf, The Yards, Georgetown, Friendship Heights, are areas
19 that are designated with this regional center category, as is the
20 shopping center in a neighborhood a little bit to the east of our
21 site, near the Minnesota Avenue Metro Station.

22 Our site was pulled in, as well, we think probably in
23 anticipation of the future streetcar extension. You know, our
24 project, a relatively modest, all-residential building, is not, on
25 its face, consistent with that designation. But as we explained

1 in our narrative, we think that, when you consider the other
2 important elements of the Comprehensive Plan, the Future Land Use
3 Map that has half of the site in the moderate-density residential
4 category, the provisions of the Comprehensive Plan that call for
5 affordable housing, provisions of the plan that call for
6 transitions in scale -- and remember, the rest of our block is
7 lower-story rowhouses -- we think that, on balance, the project
8 remains not inconsistent with the Comprehensive Plan. That was
9 Item 1.

10 And then the second item is regarding our mechanical
11 systems for the building. The building, as it has been designed,
12 was originally sort of based on a conceptual geothermal-based
13 mechanical plan. As the applicants sort of continued to study
14 that plan -- it is a relatively new technology, at least to us,
15 and there is some question as to whether we'll be able to fully
16 implement it on this site, and so what we're asking the Commission
17 to approve is an alternative roof plan that uses a more
18 conventional rooftop-based VRF system to allow us to implement
19 that. In the event that we can't make the geothermal system work,
20 we wanted to have a backup preapproved, so that we wouldn't have
21 to come back to the Commission again for a third time.

22 So that was what we submitted on Friday to you all. I
23 think it is a relatively straightforward plan. All we're doing is
24 adding a few screened VRF units in the middle of the roof. It
25 fully meets the setback requirements. It minimizes the loss of

1 solar panels. And, you know, all it requires is really the
2 flexibility to have sort of multiple structures there on the roof,
3 as well as to implement it, should that be the path that we
4 choose.

5 So those are the two -- those are the two modifications.
6 I think with that, if we want to bring up the presentation,
7 perhaps what we can just do is ask Mr. Washington and Ms. Wiersma
8 to just go through a little bit of the background on the project
9 and the changes, and then we'll hold the architectural portion of
10 the presentation, and we can answer questions, if you want.

11 So Mr. Young, if you could bring up the presentation,
12 that would be great. Right. We can go to the next page.

13 So this, for the public that is watching, this is sort
14 of a good summary of the overall changes to the project. The most
15 important change is, first of all, this was originally a senior
16 housing project. We've removed the age restriction. It will now
17 be available to all age ranges. This is an issue that was
18 important to the neighborhood, and one in which we've made an
19 adjustment.

20 Equally as important, the original project, it was
21 really just one-bedroom and studio units. Now, it has been
22 expanded. It has got a full unit mix from one-bedrooms to three-
23 bedroom units. It will be appealing to families. And the unit
24 count has decreased significantly as a result, from 70 to 49
25 units. But the range of units in the building better accommodates

1 | what this neighborhood is looking for, in terms of unit mix.

2 | And then the last sort of major change in the program is
3 | the range of affordability. The original approved PUD intended
4 | for all of the units to be at 30 percent and 50 percent AMI. With
5 | this change, the project will now include units at 60 percent and
6 | 80 percent AMI, and as we explained in the written submissions,
7 | this makes the project more inclusive, given its location.

8 | And we think it is for the better, and we think it is
9 | consistent with the recent direction and the amended Comprehensive
10 | Plan, to be mindful of where affordable housing, all-affordable
11 | projects, are located, and the ranges of affordability in them.

12 | The remaining changes sort of are the consequence of the
13 | program changes. The building height was reduced. The top story
14 | came off. The ground floor changed to, instead of having a couple
15 | of walkout units, it now has two levels, both of which are three-
16 | bedroom units. The parking count has been reduced to reflect the
17 | reduction in units. And then finally, as noted, the mechanical
18 | system has changed.

19 | So I'll turn this over to, I think, first Mr.
20 | Washington, and then Ms. Wiersma, to talk about the community.

21 | MR. WASHINGTON: Okay. Sure. Thanks. Can everybody
22 | hear me?

23 | (No audible response.)

24 | MR. WASHINGTON: Okay. If we could have the next slide,
25 | please? All right.

1 So first of all, you know, good afternoon, Chairman
2 Hood, and other members of the Commission. Happy to be back
3 before you, and thank you for your consideration of this case.

4 This is one project, but really, I think it is
5 emblematic of our overall company approach, and the degree of
6 partnership we had with the River Terrace community in particular.
7 We started -- you see the date there on the first slide --
8 10/24/2018, but really, it goes back even further. We've been
9 working with the community ever since we acquired the first two
10 sites at 3443 Benning, and then the Eads site, which is before you
11 today. We subsequently have acquired the 3451 Benning site.

12 And we've done all of this with heavy consultation with
13 the neighbors. So we've had, you know, anywhere from 15 to 20
14 meetings with the community. We have taken their considerations
15 very seriously. We've listened to them. I think that what we
16 have is an overall package for the neighborhood that is balanced,
17 and it meets the needs of the community.

18 So the site that we're discussing today, on Eads Street,
19 will be affordable housing, as Mr. Avitabile said. We listened.
20 We adjusted. We made the project not as tall. We changed the
21 affordability mix. We made it more -- made it from -- the age
22 restriction, we took those apart. Those were all in reaction to
23 the community. I mean, we came in with what we thought the
24 community wanted, and they told us, "No," we -- you know, we like
25 what you're doing, it is a vacant lot, we understand, they have

1 all these different things. We listened, we worked hard and made
2 it work.

3 Since then, we've also, as I said, done work on the two
4 parcels on Benning Road. Those are both commercial projects. You
5 can see the two renderings, one is at 3443 Benning, which is going
6 to be a commercial and office building; and 3451 Benning, which is
7 going to also be a commercial building, but has some exciting
8 elements that we'll talk about in the next slide, please.

9 So here in the neighborhood investment, the 3451 Benning
10 project, as you can see, it has moved from conception to being a
11 completed project. You can see the middle picture there was a
12 groundbreaking, which had, you know, of course, the typical
13 representatives of the mayor and the city council member, but also
14 there are several community members in that project.

15 It has been very exciting. It has received strong
16 support from both the community and the mayor's office. DMPED has
17 provided grants to help to build up the project. We're very
18 excited. The young woman there in the middle picture, Mary
19 Blackford, is creating a -- her concept called Market 7, which is
20 a food hall, a marketplace, for aspiring members of the community.
21 It has been received, you know, with lots of excitement. It has
22 gone forward there.

23 So that is 3451. And there is some progress there. You
24 can see the panels there in the roof. The green things -- they're
25 very excited. We're, you know, looking to, for this project, to

1 go live sometime in 2022. Next slide, please.

2 The next project is 3443 Benning. As you can see, this
3 project is also proceeding along with construction. We have some
4 exciting tenants there. I think Lisa will be talking about those
5 in her presentation.

6 But again, these are tenants in these buildings, which
7 were, you know, vacant parcels of land, and they'll be, you know,
8 employing neighborhood residents, they'll be serving entrepreneurs
9 who are focused on the community. So very exciting things that
10 are going on, and the community has fully supported what we're
11 doing on these projects, even though they did not require any
12 zoning changes. These are by-right projects. Next slide, please?

13 Okay. I think, Lisa, you're going to handle this?

14 MS. WIERSMA: Thanks, Adrian. I'm Lisa Wiersma. I work
15 with Adrian, and we are excited to be here and move our project
16 forward.

17 So you know, as Adrian talked about, we've been working
18 on 3451 Benning and 3443 Benning. We have our certificate of
19 occupancy for 3451 Benning, which is where Market 7 is going to
20 go. And we are very close to the end of construction for 3443
21 Benning, and we have several new tenants signed up there.

22 One is Yeleen Beauty, which is an -- it is an incubator
23 space for -- and market and retail space for beauty product
24 manufacturing. And that, I think, will be a very exciting concept
25 for the neighborhood. And then we also have Industrial Bank going

1 | there, and -- who we're also very excited about -- and we're
2 | talking to several tenants for the second-floor space. Some
3 | healthcare tenants, and potentially some, you know, some school
4 | tenants are some of the prospective tenants that we're talking to.
5 | So we're still -- we're working to secure those tenants, as well.

6 | On 3450 Eads, as Adrian said, we've worked very closely
7 | with the community and looking at what they would like to see
8 | here. In particular, the move to more family-sized units was, you
9 | know, driven by, you know, the community wanting to provide
10 | opportunities for new families to come into the neighborhood, who
11 | would be becoming long-term residents of the community, and
12 | building their roots in this neighborhood.

13 | And in addition to that, we also brought a wider scale
14 | of affordability. So now we have, while we have somewhat fewer
15 | units, you know, because we've got larger unit sizes and because
16 | we scaled the building down, also working with the community on
17 | that, we now have units ranging from 30 to 80 percent AMI. So ten
18 | percent of the units are for 30 percent of AMI all the way up to,
19 | you know, another ten percent for workforce housing at 80 percent.

20 | And in terms of the 49 units that we have, we have 32
21 | one-bedroom units, nine two-bedroom units, and eight three-bedroom
22 | units. And all of those units, there will be the range of incomes
23 | in every unit size. So those will be spread evenly throughout the
24 | building. And, you know, and as I said, a range of incomes
25 | throughout the ones, twos, and threes.

1 And really, those are the, you know, these are the
2 primary changes. Again, as David said, we're working very hard to
3 make this project very inclusive and very much in tune with what
4 the community is looking for here.

5 MR. AVITABILE: Right. And so with that, you know,
6 we'll stop there, I think. And we're, again, happy to answer any
7 questions about the revised program. Certainly, we can go in, and
8 we have, you know, slides showing the revisions to the design.

9 But we have the team here. We have Mel, Mr. Thompson,
10 and also Azhar Ameen from Grimm and Parker, the architects, as
11 well as Erwin Andres, our transportation consultant from Gorove
12 Slade. So we're happy to answer questions, and thank you for your
13 time.

14 CHAIRPERSON HOOD: Okay. Thank you all very much. I
15 didn't realize that this was in court, this was appealed. I
16 didn't realize that. But anyway, we can -- I'm going to have some
17 questions on that.

18 But I will yield to my colleagues for -- Commissioner
19 May?

20 COMMISSIONER MAY: I just have one question, having to
21 do with the VRF units and the elevator shaft. And I'm wondering
22 if there was any attempt made to try to loop those things
23 together. I don't remember -- as I recall, the elevator shaft
24 isn't very tall. But if it is tall enough to be grouped with the
25 rest of the enclosure, I'm wondering if you looked at that.

1 MR. AVITABILE: We did. And if we can maybe go to --
2 there should be a page in the presentation that shows the roof
3 plan. But while we're waiting to see if Mr. Young can bring that
4 up, it is probably -- let's see.

5 If you can go to, perhaps -- actually, the best page
6 might be, Mr. Young, Page 16 of the presentation. There we go.
7 Thank you.

8 So I think this probably shows it best. The elevator
9 override is only about four feet tall. Something like that.

10 COMMISSIONER MAY: Paul, can you zoom in a little bit on
11 that? Thank you.

12 MR. AVITABILE: Yeah.

13 COMMISSIONER MAY: Got it. Okay. So it is not even --
14 it is not even four feet, you say?

15 MR. AVITABILE: It is not even four feet tall.

16 COMMISSIONER MAY: Okay.

17 MR. AVITABILE: And then the mechanical is ten feet.

18 COMMISSIONER MAY: Right. And the parapet looks to be
19 as tall or taller.

20 MR. AVITABILE: That is right.

21 COMMISSIONER MAY: Okay. All right. Thank you.

22 CHAIRPERSON HOOD: Okay. Do you --

23 COMMISSIONER MAY: That is it. I have no other
24 questions.

25 CHAIRPERSON HOOD: All right. Thank you. Okay.

1 Commissioner Shapiro?

2 COMMISSIONER SHAPIRO: No, I have no questions. Just a
3 comment. Appreciate the commitment to the work with the
4 community. Appreciate the continued commitment to the
5 environmental design features. And I like the new unit mix, for
6 the reasons that the community is describing, as well. So this
7 feels like a really positive series of changes for the community,
8 and I have no questions, Mr. Chair.

9 CHAIRPERSON HOOD: Okay. Thank you.

10 Vice Chair Miller?

11 VICE CHAIR MILLER: No. Thank you, Mr. Chairman.

12 And thank you to Adrian Washington and David Avitabile
13 and the entire applicant team for all the work that you've done on
14 this project. I know it is a long time coming. And at its appeal
15 challenge, although I actually didn't -- like the Chairman, I
16 didn't realize that until I read this case today. I should know
17 the projects that -- all the projects that are under appeal. But
18 it is hard to keep up with all those.

19 Anyway, but I appreciate all the work that you guys and
20 gals have done, really, to engage with the community, to address
21 all of the concerns, I think, as the ANC 7D letter at Exhibit -- I
22 don't know. It doesn't have an exhibit number on it -- indicates.

23 And as reflected in your own -- in your own latest
24 submission and the Office of Planning report, it really, despite
25 the length of time that it took from conception to where we are at

1 | this point -- because it was almost three years ago, I think,
2 | since you acquired the property, or applied for the original?
3 | Applied for the original. Applied for the original application
4 | before us, the PUD before us.

5 | But there are a lot of improvements of the design, the
6 | materials, the color, the lowering of the overall height. Most
7 | importantly, I think the increasing of the unit size to include a
8 | substantial number of two- and three-bedrooms.

9 | And even though it was all, I think, 30 percent and 50
10 | percent before, with a larger number of units -- although they
11 | were mostly or all one-bedrooms, studio -- all of your units are
12 | still affordable. There is 10 percent there and 30 percent AMI,
13 | 41 percent at 50 percent AMI. So that is over half at the below
14 | 50. And then 37 percent additional number of units are at 60
15 | percent AMI and below. And then there are 12 percent of the
16 | number of units at 80 percent.

17 | And as you indicated, there is a range of size in all of
18 | those incomes, in all of those units, which really does increase
19 | the diversity and inclusiveness of the project, in a way that the
20 | community preferred, and I think is consistent not only with the
21 | unchanged Future Land Use Map designation of moderate-density
22 | residential/mixed-use medium commercial, but also consistent with
23 | the new amended Comp Plan racial equity lens, through which we and
24 | the Office of Planning are to view PUD cases, because of the
25 | participation, the equitable participation, and the ANC cites it

1 | in their letter to us. And not just the participation, but the
2 | outcome was inclusive and diverse.

3 | So, and as Commissioner Shapiro touched on, and
4 | Commissioner May, the environmental features, adding the solar and
5 | green roof to it. And you're going to try to do the geothermal,
6 | if it works. And you responded to retired Commissioner Turnbull's
7 | parapet height concern, which we appreciate, he appreciates, we
8 | all appreciate. A lot of appreciation. Thank you for sticking to
9 | it. And we look forward to seeing it become real.

10 | MR. AVITABILE: Thank you. We were very fortunate.
11 | This is my first case under the amended Comprehensive Plan, and I
12 | think it is sort of a textbook case, in many ways, of what the
13 | plan is looking for. So it was easy to -- my first stab at an
14 | evaluation under the new plan.

15 | VICE CHAIR MILLER: Well, thank you for providing that
16 | textbook example for others to follow.

17 | MR. AVITABILE: Including myself.

18 | CHAIRPERSON HOOD: Okay. Thank you.

19 | And I think that I want to pick up right where the Vice
20 | Chair and my other colleagues were. I think this is really a win-
21 | win, especially when the community was involved in proceeding with
22 | the discussions. And I want to commend Mr. Washington and his
23 | team for doing this.

24 | I do know, Mr. Avitabile, you -- the discrepancy in the
25 | OP report and what you all have in your statement, about the

1 Generalized Policy Map, I think you addressed that earlier on, so
2 I think we're good on that. But I will say, you know, you all
3 kind of took my thunder. I usually look to the questions and get
4 into the racial equity lens.

5 But you know, even though I know when we first heard
6 this, before this modification of significance, as has already
7 been stated, I think you all have really, really set the bar in
8 how you work with the community and what you all have planned.
9 And when I looked at it, the first thing I noticed was that I
10 said, oh, wait a minute, the 30 percent to 50 percent. But that's
11 -- I started looking at the tradeoffs and the comparison. I think
12 we have a better project.

13 And this is how -- this is how I would like to see --
14 and I'm saying this, Mr. Avitabile, for others to come along, as
15 has already been said. This is the kind of collaboration where
16 you talk about development in the city, and I think this right
17 here, again, sets the bar very high, and is a good roadmap for a
18 lot of us to follow here in the city. I think this is a win-win
19 for the community.

20 I do have one question. I'm trying to remember, is this
21 the case where the Chateau is? Is the Chateau somewhere?

22 MR. AVITABILE: It is.

23 CHAIRPERSON HOOD: Oh, now what is going to happen with
24 the Chateau? Now, I don't want to get -- we don't want to get run
25 out of town. But what is going on with the Chateau?

1 MR. WASHINGTON: That is to the west of our site.

2 CHAIRPERSON HOOD: Okay.

3 MR. WASHINGTON: We don't know. I've talked -- well,
4 I've reached out to the owner, I guess, a couple years ago, never
5 heard back. So we are interested, because we're doing a lot of
6 things over there. So if we could somehow incorporate it into our
7 program in a way the community supports, that would be great.

8 CHAIRPERSON HOOD: Right. So we wouldn't be talking
9 about doing away with the Chateau. Would we?

10 MR. WASHINGTON: No.

11 CHAIRPERSON HOOD: Okay.

12 MR. WASHINGTON: No, I think the Chateau is actually,
13 you know, it is not the kind of density you would think nowadays,
14 but it really is, I think, a lovely building, and I like it. And
15 so I think it would be a great addition as-is.

16 CHAIRPERSON HOOD: Okay. And I know the community loves
17 the Chateau, and Mr. Washington, I don't want you and I to get ran
18 out of town. So -- and I don't frequent it, but I know, years
19 ago, I -- and that is the spot where people go to enjoy
20 themselves.

21 MR. WASHINGTON: Okay. That is the hand-dancing place.

22 CHAIRPERSON HOOD: Right.

23 MR. WASHINGTON: So it has still got lots of fans, I
24 know.

25 CHAIRPERSON HOOD: Okay. All right. I was just trying

1 to figure out the mix. So anyway, I want to commend you all on
2 this. I think this is very well-done, especially with all parties
3 -- I just did not, when I was reading, I just did not remember
4 that this -- I didn't know this was appealed. But anyway, I think
5 we have a better outcome.

6 All right, any follow-up questions or comments?

7 (No audible response.)

8 CHAIRPERSON HOOD: And let me apologize to those who
9 probably rehearsed their parts to come down and testify in front
10 of the Commission. But let me just say this to you. That means
11 you all have done a good job, if you don't have to say anything.
12 So I thank you for your time. I know you probably rehearsed it.

13 Mr. Avitabile, how long did it take you all to rehearse
14 your presentation to us? I mean, what was it, 60 minutes or 30
15 minutes? Or what was it?

16 MR. AVITABILE: It was probably 45 minutes of going
17 through the presentation, and another amount of that time, plus
18 going through potential questions.

19 CHAIRPERSON HOOD: Okay. So again, to all those who
20 were not able to respond, let me also just commend you. That
21 shows that you all have done a great job working with the
22 community and getting your pieces together.

23 So, all right, let's go to -- Ms. Schellin, do we have
24 anybody from 7D? I think it is 7D.

25 MS. SCHELLIN: We do have Milton Hardy. But he did not

1 sign up as the ANC rep. But he is from the ANC. And I just
2 looked at their letter. They do not name anybody as the
3 representative.

4 CHAIRPERSON HOOD: Is he on? Let's --

5 MS. SCHELLIN: So we may have to bring him up -- he is
6 on -- to see if he is their rep.

7 CHAIRPERSON HOOD: Let's bring him up. Let's bring him
8 up.

9 MS. SCHELLIN: He is on.

10 CHAIRPERSON HOOD: Okay.

11 Milton Hardy? Commissioner Hardy?

12 MS. SCHELLIN: He is muted. He needs to unmute himself.

13 CHAIRPERSON HOOD: Yeah, I see.

14 MS. SCHELLIN: There he goes.

15 COMMISSIONER HARDY: Can you hear me?

16 CHAIRPERSON HOOD: Yeah, we can hear you, Commissioner.

17 COMMISSIONER HARDY: Okay.

18 CHAIRPERSON HOOD: Are you going to represent the ANC
19 today?

20 COMMISSIONER HARDY: That I am, sir. Thank you very
21 much for allowing me to speak.

22 CHAIRPERSON HOOD: So Commissioner, where we are right
23 now -- because I do have a question for you, but where we are
24 right now, do you have any cross-examination of the applicant of
25 what you just heard? And then we're going to come back in a few

1 minutes and hear your presentation. In other words, do you have
2 any questions of them, of what you've heard them present?

3 COMMISSIONER HARDY: I do not. We have been working
4 with them very diligently.

5 CHAIRPERSON HOOD: Okay. Okay. So we're going to come
6 back to you. If you can mute for a moment, we're going to come
7 right back to you.

8 COMMISSIONER HARDY: Okay.

9 CHAIRPERSON HOOD: Okay. Let's go to the Office of
10 Planning. And I don't believe we have DDOT. I don't know if we
11 necessarily need DDOT today. But let's go to the Office of
12 Planning.

13 Ms. Thomas?

14 MS. THOMAS: Yes. Good evening, Mr. Chair, and members
15 of the Commission.

16 The Office of Planning continues to support and
17 recommend approval of the modified residential development for
18 3450 Eads Street Northeast, as presented by the applicant this
19 evening.

20 We recognize the building program changes included
21 removal of a story, changes to the unit count, and more bedrooms
22 per unit, rather than the one-bedroom and studios. And these were
23 the outcomes of continuous dialogue between the applicant and the
24 community, since the project was first conceived in 2016.

25 We commend the applicant, as well, and the community's

1 | efforts in working together to achieve a more equitable
2 | distribution of the housing components, including the expanded
3 | range of affordability, among a mix of all age groups, and from
4 | the originally approved 80 percent MFI to one which includes 30
5 | percent MFI through 50 percent MFI.

6 | Since set-down, the Comp Plan amendment, you see final
7 | approval and a change was noted in the site's designation under
8 | the General Policy Map, from neighborhood conservation area to
9 | regional center. But either way, the proposed residential
10 | development is not precluded from the regional center designation,
11 | as it is also consistent with the amended plan's direction of
12 | vacant and infill sites in regional centers.

13 | What is also new is the Framework element's emphasis of
14 | equity and the requirement that PUD projects address and satisfy
15 | these important components across all citywide elements. And the
16 | Comp Plan's equity analysis considered the depth of the project's
17 | housing affordability, the fact that there was no displacement
18 | involved with this project, and its location, and its
19 | accessibility to transportation.

20 | And further, as viewed through the equity lens, we see
21 | that the project would remain consistent with the environmental
22 | land-use urban design, Far Southeast Area Elements, as well as the
23 | Benning Road Corridor Redevelopment Plan, as outlined in our
24 | reports.

25 | In conclusion, then, we are satisfied that the

1 modification would provide desirable contemporary affordable
2 housing for District residents. It is modest in scale, and it is
3 supported by the neighborhood, and it remains balanced, when the
4 proposed density and scale is weighed against what could be
5 achieved under the PUD. Thank you, and I'll be happy to answer
6 any questions.

7 CHAIRPERSON HOOD: Thank you, Ms. Thomas, for your very
8 succinct report, and your deliberation to us to explain how you
9 came up with your findings. We greatly appreciate it.

10 Let's see if we have any follow-up questions or
11 comments. Commissioner May?

12 (No audible response.)

13 CHAIRPERSON HOOD: Commissioner Shapiro?

14 (No audible response.)

15 CHAIRPERSON HOOD: And Vice Chair Miller?

16 VICE CHAIR MILLER: I have no questions. Thank you, Ms.
17 Thomas, for your report.

18 CHAIRPERSON HOOD: I have no questions, either, Ms.
19 Thomas.

20 Let's see if others -- Mr. Avitabile, does the applicant
21 have any questions?

22 MR. AVITABILE: No, sir.

23 CHAIRPERSON HOOD: Okay.

24 Commissioner Hardy, you have any questions of the Office
25 of Planning?

1 COMMISSIONER HARDY: No, I do not, sir.

2 CHAIRPERSON HOOD: Okay. Thank you. Let's go now -- we
3 have other reports of other government agencies. Let's see.
4 Again, we have -- DHCD has been in consultation with D.C. Water.
5 We talked about the Housing Production Trust Fund. I think that
6 is sufficient. And if I missed anything, Mr. Avitabile, you can
7 fill in the blanks, because you know the record.

8 MR. AVITABILE: There is a report from the District
9 Department of Transportation at Exhibit 27. And it is very
10 succinct, but it recommends that -- they have no objection to the
11 approval of the modification, so long as we implement the TDM that
12 we agreed to do. So --

13 CHAIRPERSON HOOD: Okay.

14 MR. AVITABILE: -- they're supportive.

15 CHAIRPERSON HOOD: Sounds good. All right. Thank you
16 for filling in that gap, as I totally forgot about DDOT.

17 We don't have anybody, Ms. Schellin, on the line from
18 DDOT. Do we?

19 MS. SCHELLIN: No. DDOT advised that they will not
20 participate in modifications of consequence or significance.

21 CHAIRPERSON HOOD: Okay. They won't participate, but
22 they'll send a letter.

23 MS. SCHELLIN: Right. They won't attend the hearings,
24 yes.

25 CHAIRPERSON HOOD: Well -- oh, they won't attend the

1 | hearings. Okay.

2 | MS. SCHELLIN: Well, there is no hearing in a
3 | consequence. But they will not attend hearings for modification
4 | of significance.

5 | CHAIRPERSON HOOD: I got it. I could -- we can go back
6 | and forth and dialogue with them on that. But anyway, just
7 | patiently, you look up the -- no, I'm not going to do that.

8 | MS. SCHELLIN: Yeah.

9 | CHAIRPERSON HOOD: Because I had to look it up for
10 | something else the other day. The definition of participation.
11 | So anyway -- so, okay, thank you, Ms. Schellin.

12 | See, when I start messing around, now, I've got -- okay,
13 | let's go to report of ANC 7D. Commissioner Hardy?

14 | COMMISSIONER HARDY: Thank you, Mr. Chair. Can you hear
15 | me?

16 | CHAIRPERSON HOOD: Yes, we can hear you.

17 | COMMISSIONER HARDY: Okay. Thank you very much. Thank
18 | you, fellow Zoning Commissioners, for allowing me to speak in
19 | regards to this PUD.

20 | I became a Commissioner in January of 2021, so as you
21 | can imagine, this project was well underway. Many of the
22 | additions and subtractions had already been worked out, so really,
23 | I have the best of both worlds. I kind of walked into a goldmine
24 | here.

25 | And I echo the statements of Chairman -- Mr. Hood, and

1 | how well they have -- they being Neighborhood Development Company
2 | -- have worked with the community. This was one of the projects
3 | that I zeroed in on when I became Commissioner, and what I found
4 | to be a perfect relationship, if you will, or as perfect as you
5 | could have any relationship.

6 | As mentioned earlier, there are two other developments
7 | that are taking place in our community, as well, and Mr. Hood, let
8 | me just tell you that the Chateau will remain. It is there.
9 | Okay? So -- and I speak with the owner of the Chateau regularly,
10 | so for the gentleman -- I'm sorry, I can't remember your name --
11 | but I can give you Ms. Olivia Brown's phone number and contact
12 | information at the Chateau, if you desire. You can contact me.
13 | Michaela (ph) and others have my contact information.

14 | But I do want to quickly say that the AMI mix, for us,
15 | was critically important. The Neighborhood -- NDC has worked with
16 | us to get to where we as a community wanted to be, regarding this
17 | particular project. So I am very thankful for them for doing so.

18 | I know this has been going on for some time, and we've
19 | been going back and forth on this. One of the things that we view
20 | ourselves as, in River Terrace is, as we call ourselves, the Jewel
21 | of 7. And we are a small community. It is not as large as some
22 | of the other communities across the city. But nevertheless, you
23 | know, we have needs and concerns and those kinds of things, as
24 | well, being right off of 295.

25 | So having this relationship with NDC, in my view, in the

1 work that they've done, not only with 3450 Eads Street, but also
2 3443 and of course, Benning Market at 3451, so I am -- and I can
3 speak for the community -- is in support of the modifications that
4 have been sent forward, and would ask the Zoning Commission to
5 approve those modifications.

6 So that is my testimony, Mr. Chair. Thank you very much
7 for allowing me to speak.

8 CHAIRPERSON HOOD: Sure. Thank you, Commissioner Hardy.
9 And welcome to the world of the ANC. I wish you well. I'm sure
10 you'll do a great job, from the way you sound today. So I'm sure
11 you're very enthusiastic about your new opportunity of making a
12 difference. That makes a difference.

13 But I do have a question for you that is totally not
14 related to this. And Vice Chair Miller, I think he was working
15 with the Council then, so he might correct me. There was a
16 Councilmember, the first Councilmember, Ward 7, I think her name
17 was Willie Hardy. Are you related to her?

18 COMMISSIONER HARDY: No, I am not.

19 CHAIRPERSON HOOD: Okay.

20 COMMISSIONER HARDY: Well, let me just say this. I
21 don't think so.

22 CHAIRPERSON HOOD: Okay. Okay.

23 COMMISSIONER HARDY: So my roots are from Southern
24 Virginia, initially, family-wise, so, you know, you never know.

25 CHAIRPERSON HOOD: Okay. All right. I was just

1 | wondering, because one thing I do find fascinating, as someone who
2 | was born and raised in D.C., is that I like to look at the first
3 | Council.

4 | And Vice Chair, I wasn't really throwing a jab at you.
5 | I don't know if you were working there then or not. Probably not.
6 | But were you there? Were you there then?

7 | VICE CHAIR MILLER: I was there when Councilmember Hardy
8 | was there.

9 | CHAIRPERSON HOOD: Okay.

10 | VICE CHAIR MILLER: I was there in Council Period 3.
11 | They're now at 24.

12 | CHAIRPERSON HOOD: So to make you feel good, Vice Chair,
13 | at that time, I think I was in elementary school. But anyway, so
14 | I was just having some fun.

15 | So, okay, let me see if there are any questions or
16 | comments of Commissioner Hardy. Commissioner May?

17 | (No audible response.)

18 | CHAIRPERSON HOOD: Okay. Commissioner Shapiro?

19 | COMMISSIONER SHAPIRO: No questions, Mr. Chair. Thank
20 | you, Commissioner Hardy.

21 | CHAIRPERSON HOOD: And to my good friend, Vice Chair
22 | Miller?

23 | VICE CHAIR MILLER: Thank you, Commissioner Hardy.

24 | CHAIRPERSON HOOD: Okay. Again, Commissioner Hardy,
25 | thank you so much.

1 Let's see if the applicant -- does the applicant have
2 any questions?

3 MR. AVITABILE: No, sir.

4 CHAIRPERSON HOOD: Commissioner Hardy, thank you for all
5 the work you're doing out there for the folks in Ward 7, and for
6 the city. We appreciate it. Thank you.

7 COMMISSIONER HARDY: Okay. Thank you, sir. Thank you
8 for having me.

9 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we have
10 anybody online who would like to testify, either in support,
11 opposition, or undeclared?

12 MS. SCHELLIN: Let me get back on here. Let me switch
13 to our witness list real quick. Those were all of the applicant's
14 people, and we have the ANC. I believe there is just one person.
15 Malissa Freese, is a proponent. She is the only other person who
16 signed up. Let's see if she is on.

17 MS. FREESE: Hello, I'm on.

18 MS. SCHELLIN: Okay, she is on. There you go.

19 CHAIRPERSON HOOD: Okay. Ms. Freese, you may begin.

20 MS. FREESE: Hello, yes.

21 CHAIRPERSON HOOD: You may begin, Ms. Freese. Identify
22 yourself and then begin.

23 MS. FREESE: Hello, hi, my name is Malissa Freese. I am
24 presently the president of the River Terrace Community
25 Organization. And I'm here to testify.

1 It has been a long time. It has been about four and a
2 half years since I sat before you guys, and we were discussing, at
3 the time, Zoning Case 16-20, which is now 16-20A, and a lot has
4 happened during that time.

5 I've been personally involved with the Neighborhood
6 Development Company since they walked into the door in April of
7 2016 and presented their development to us. We opposed it. In
8 2017, we sat before you and we as River Terrace just opposed it.
9 There was not an iteration that you could've told us about -- you
10 could've had the apartments floating above the air, and we
11 would've said no, we don't want that. So we said no.

12 And in 2018, we pushed back legally, and we appealed the
13 Zoning decision that approved that PUD. And it was, again, 72-
14 apartment senior apartment buildings that were studios and one-
15 bedrooms, and we opposed it, as the River Terrace Neighbors for
16 Community-Minded Development.

17 And Mr. Washington came to us and said, "Okay, what do
18 you want? What do you want in River Terrace that we're not giving
19 you?" And so the first thing we asked for was the homeownership,
20 which we looked at with condos, to be exact. NDC designed them.
21 They put together condo packages for us. And we went to DCHCD and
22 they had other -- they had other plans for us.

23 So we sat back down, and we spent many a night in the
24 NDC offices, eating Thai food and other things, and going back and
25 forth and looking at, literally, DCHCD's point system. How do we

1 get the most points? How do we appeal to the neighborhood and
2 make sure we get what we want as a neighborhood, but also make
3 sure that we can finance this thing in the real world?

4 And that is one thing we learned as a community, is
5 that, oh, you have to finance things. It is nice to say we want
6 condos and townhouses, but they have to be financed. And that is
7 something we did learn.

8 We went to the Office of Planning and sat with them.
9 They were wonderful, and they explained different things. Again,
10 DHCD explained things to us. But we sat down, and we tore apart
11 what Mr. Washington put together three times for us, and we put it
12 back together. And we put it back together as 49 units, one-,
13 two-, and three-bedrooms.

14 We are a bedroom community. We are all houses, except
15 for a couple of apartment buildings along the back of us. But we
16 are all houses. And so we want families, and we want people to
17 come in and really enjoy the River Terrace Park, which is a
18 national park, and enjoy being in River Terrace. And so, we sat
19 down again. 49 units now, one-, two-, and three-bedrooms, 30 to
20 80 MFI.

21 We're happy with it. We sat down, and we felt good
22 about it. We feel good. We feel like we're bringing something
23 positive, not only to River Terrace, but also to Ward 7 and the
24 city, because we tried to include everyone.

25 It is funny, you keep -- everybody keeps mentioning

1 equity. I don't think we ever mentioned equity in the whole time
2 we were sitting in the NDC offices at 7:00, 8:00, 9:00 at night.
3 But I guess, when you're doing it right, it comes kind of with the
4 package. If you're thinking about everyone, equity happens. And
5 so that is what we did.

6 I'm in support of this project now. Thank you very
7 much, Adrian, and Dave Avitabile. They've all been -- I think
8 we've been around the city together, meeting in Office of
9 Planning, DCHCD, and having meetings with those folks. But I am a
10 proponent of it now.

11 And I am with Milton, the Chateau is open. It is open
12 and full. Come by Friday night. There are cars all down Benning
13 Road.

14 But yeah, so that is really it. Thank you so much for
15 letting me speak.

16 CHAIRPERSON HOOD: Thank you very much, President
17 Freese. I will tell you, after 9:00 nowadays, my Chateau and
18 Chapter 3 days are pretty much over. I've had a ball when I was
19 doing it, but I'll tell you that.

20 President Freese, I will say that I heard the enthusiasm
21 in your voice, and that is what makes it all worthwhile for us to
22 be serving -- for me, serving on the Commission, personally. It
23 is when a plan all comes together and then to hear the excitement
24 of the residents and the applicant working together, hand-in-hand,
25 for the betterment of the community.

1 And I could hear the excitement in your voice, and I
2 really appreciate all the 7:00, 8:00, 9:00 hours of the day that
3 you put in there, until 9:00 at night, 11:00 and 12:00. So I know
4 those things happened, but look at the outcome.

5 This is going to be a very brief hearing, if I stop
6 talking. So let me go to Commissioner May.

7 (No audible response.)

8 CHAIRPERSON HOOD: Commissioner Shapiro?

9 (No audible response.)

10 CHAIRPERSON HOOD: And Vice Chair Miller?

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

12 Thank you, Ms. Freese for your persistence, your
13 patience, and your just stick-to-it-iveness for getting to a
14 constructive outcome for all.

15 MS. FREESE: Thank you.

16 CHAIRPERSON HOOD: Okay, let's see. Commissioner -- I
17 mean, I'm about to call him Commissioner Avitabile. Mr.
18 Avitabile, you have any cross-examination -- I mean, questions of
19 Ms. Freese?

20 MR. AVITABILE: No, sir.

21 CHAIRPERSON HOOD: And Commissioner Hardy, I think -- I
22 don't see -- has he left? Oh, he is there. You have any
23 questions of Ms. Freese -- President Freese?

24 COMMISSIONER HARDY: No, I do not.

25 CHAIRPERSON HOOD: Okay. All right. Thank you.

1 Thank you, as well, President Freese.

2 And again, thank you, Commissioner Hardy.

3 MS. FREESE: You're welcome.

4 CHAIRPERSON HOOD: Ms. Schellin, do we have anybody else
5 to testify?

6 MS. SCHELLIN: No, sir.

7 CHAIRPERSON HOOD: Okay.

8 Mr. Avitabile, I don't know how much rebuttal -- not
9 with all the comments I've heard. You probably may just want to
10 give us a closing. But I have to give you an opportunity, if you
11 have something, to rebut. If not, we'll take your closing.

12 MR. AVITABILE: I have nothing to rebut. All I have is
13 to thank the Commission, and thank the ANC, and thank Ms. Freese,
14 and obviously, you know, thank Neighborhood Development for all
15 that you all have done to make this project work well. We're
16 appreciative of everyone's time.

17 And if the Commission is inclined, we certainly would
18 appreciate a bench decision this evening, if that makes sense.
19 Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you, Mr. Avitabile and
21 Mr. Washington, and to your whole entire team, to Commissioner
22 Hardy, and President Freese, and everyone who has been involved in
23 this project. I think it is a win-win. And I'll leave it at
24 that.

25 So colleagues, I think we have a request before us,

1 unless anyone has any objection. If not, I would like for one of
2 my colleagues to make a motion, as you choose.

3 VICE CHAIR MILLER: Mr. Chairman, I will move that the
4 Zoning Commission take action on Case Number 16-20A, 3450 Eads,
5 LLC, PUD modification of significance, 3450 Eads Street Northeast,
6 and ask for a second.

7 COMMISSIONER SHAPIRO: Second.

8 COMMISSIONER MAY: Second.

9 CHAIRPERSON HOOD: Okay, it has been moved and properly
10 seconded. Any further discussion?

11 (No audible response.)

12 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
13 you please do a roll call vote?

14 MS. SCHELLIN: Commissioner Miller?

15 VICE CHAIR MILLER: Yes.

16 MS. SCHELLIN: Commissioner Shapiro?

17 COMMISSIONER SHAPIRO: Yes.

18 MS. SCHELLIN: Commissioner Hood?

19 CHAIRPERSON HOOD: Yes.

20 MS. SCHELLIN: Commissioner May?

21 COMMISSIONER MAY: Yes.

22 MS. SCHELLIN: The vote is 4-0-1, to approve final
23 action in Zoning Commission Case Number 16-20A, the AOC rep not
24 present, not voting. If we could get the applicant to provide a
25 draft order within two weeks, that would be great.

1 MR. AVITABILE: Excellent. Will do, and thank you.

2 And I meant to say thank you to the Office of Planning
3 and District Department of Transportation, as well. They were
4 instrumental in this, as well, so thank you to them.

5 CHAIRPERSON HOOD: So Ms. Schellin, let me just ask
6 this. Does this have -- this has to be -- does this have to be a
7 full order? Or can we do a summary here?

8 MS. SCHELLIN: I think, since everybody was in -- sorry,
9 I'm getting an echo. There must be a lot of mics on. I think,
10 since everyone was in agreement, that we could do a summary order.

11 MR. AVITABILE: We're certainly happy to do that.

12 CHAIRPERSON HOOD: Yeah, that is what I'm going to
13 request, a summary order.

14 MS. SCHELLIN: Yeah.

15 CHAIRPERSON HOOD: Our counsel, Mr. Ritting, has said we
16 can certainly have them do that. So I just want to make sure we
17 put that out there on the record. If you find out it is not, then
18 we do what we have to do.

19 But I think this is inclined, Mr. Ritting, for a summary
20 order.

21 MR. RITTING: Yeah, I don't see any reason we couldn't
22 do a summary order.

23 CHAIRPERSON HOOD: Okay, great.

24 MS. SCHELLIN: Thank you.

25 CHAIRPERSON HOOD: All right. Does anybody have

1 anything else?

2 (No audible response.)

3 CHAIRPERSON HOOD: Again, I want to thank the entire
4 team. And when I say the entire team, I'm talking about the
5 applicant, the community, everybody -- I don't want to leave
6 anybody out -- for all the work that you have done in this hearing
7 tonight. So I want to thank you all. Great job.

8 Let me say, the Zoning Commission will meet again
9 October the 28th, 2021. We will have our Zoning Commission public
10 meeting, which is this coming Thursday. And right now, I think we
11 only have three things on the agenda, so I'm sure that'll probably
12 change between now and then, but --

13 MS. SCHELLIN: Oh, no. There are more than three
14 things, I think.

15 CHAIRPERSON HOOD: Oh. Well, I'm looking at the --
16 okay, well, anyway, I was hoping I only had to read three things.
17 But anyway, so we will meet this coming Thursday at our regular
18 public meeting, and we'll be on these same platforms at 4:00 p.m.

19 So with that, I'm going to thank everyone again for
20 their participation tonight -- I mean, their participation in this
21 case tonight. And good night, and have a great evening. Thank
22 you.

23 MS. SCHELLIN: Thank you.

24 MR. AVITABILE: Thank you.

25 (Whereupon, the above-entitled matter went off the

1 | record at 4:54 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 10-25-21

Place: Teleconference

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