

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
 :
Dance Loft Ventures, LLC :
Consolidated PUD & Related :
Map Amendment from MU-3A : Case No. 21-18
to MU-5A, 4608-4616, 4618 :
14th St., NW & 4 Alley Lots :
@ Sq. 2704, Lots 64, 815, :
819, 821, 823, 828, 830-833 :
- Ward 4 :
 :
-----:

THURSDAY

MAY 12, 2022

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The Public Hearing of Case No. 21-18 by the District
of Columbia Zoning Commission convened via videoconference,
pursuant to notice, at 4:30 p.m. EDT, Anthony J. Hood,
Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
JOSEPH IMAMURA, Commissioner
PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the
Public Hearing held on May 12, 2022

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

OPENING STATEMENT:
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PRESENTATION:
Case No. 21-18: Dance Loft Ventures, LLC, Consolidated
PUD & Related Map Amendment from MU-3A to MU-5A; 4608-4616,
4618 14th St., NW & 4 alley lots @ Sq. 2704 (Lots 64, 815,
819, 821, 823, 828, 830-833) Ward 4. Party in Opposition,
Friends of 14th Street-represented by Edward Donohue, Esq. . 8

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

(5:00 p.m.)

CHAIRPERSON HOOD: Let me say first of all, good afternoon, well, soon to be evening, everyone. This is reconvening of Zoning Commission Case Number 21-18. This is the Dance Loft Ventures. I would like to incorporate the announcement -- I mean the opening statement from the previous case that we had last week into this case. Joining me this afternoon are Commissioner -- Vice Chair Miller, May and Commissioner Imamura, and my name is Anthony Hood. Also joining me are Ms. Sharon Schellin and Mr. Paul Young from the Office of Zoning Staff, as well as our legal counsel, Office of Zoning Legal Division, Mr. Jacob Ritting. Again, I will ask all others to introduce themselves at the appropriate time.

Tonight, we have heard persons in opposition. If you look at our agenda, we took them first. And I want to thank those persons as well. Tonight we will start with the party in opposition. We have one party in opposition. Then after that, we will have any rebuttal, cross and rebuttal and then closing by the Applicant.

I want to thank everyone for -- we had such a short -- the agenda looks short, and we -- normally, we would finish at 4:30, but sometimes looks are deceiving, so I want to thank everyone for their patience, and I apologize, but we had some issues, again, for the City that we were dealing with that took

1 us a little longer than we expected. So I apologize, and I
2 thank you for your indulgence and for your patience.

3 So Ms. Schellin, could we bring everyone up so we can
4 go ahead and get started?

5 MS. SCHELLIN: Yes, sir.

6 Mr. Young, if you could bring up Mr. Donohue, and I
7 believe he may have to give you those who are going to be part
8 of his team if you do not still have that.

9 Is Mr. Donohue on here?

10 MR. DONOHUE: Here.

11 MS. SCHELLIN: Oh. Okay. You're already there. Okay.
12 Sorry, my layout is -- I see you now. Mr. Donohue, who all do
13 you want to come forward?

14 MR. DONOHUE: So it's the same as the list from May the
15 5th, if we have that.

16 MS. SCHELLIN: Okay, could you maybe tell us, because
17 that's probably been lost in the shuffle. Do you need Tracy to
18 come on?

19 MR. DONOHUE: Do you want me to give it to you now?

20 MS. SCHELLIN: Yeah.

21 MR. DONOHUE: All right. Mr. Ted Hallinan,
22 Ms. Dana Baughns, Ms. Ann Garlow, Mr. Andy Elting, Kathy and
23 Peter -- Katherine and Peter.

24 MS. SCHELLIN: Okay. Wait one second, because he has
25 to bring them one at a time.

1 MR. DONOHUE: Okay.

2 MS. SCHELLIN: So we've got Andy and Ann. We've got
3 Ted. Got Dana.

4 MR. DONOHUE: Do you have, Reju, our transportation
5 expert?

6 MS. SCHELLIN: Let's see, I don't think he's on. I
7 don't see him.

8 MR. DONOHUE: He was the qualified expert from last
9 time.

10 MS. SCHELLIN: Right. I know who he is --

11 MR. DONOHUE: Okay.

12 MS. SCHELLIN: -- but I don't see him on.

13 MR. DONOHUE: Okay.

14 MS. SCHELLIN: Okay. Andy, Ann, Ted, Dana. Who else?

15 MR. DONOHUE: Mr. Julio Fernandez.

16 MS. SCHELLIN: Okay. Got Mr. Fernandez.

17 MR. DONOHUE: All right. And you have Ann Garlow?

18 MS. SCHELLIN: Yep.

19 MR. DONOHUE: Okay.

20 MS. SCHELLIN: So the only one is -- we need to keep a
21 watch out for your expert.

22 VOICE: (Indiscernible.)

23 MS. SCHELLIN: Somebody is not muted.

24 CHAIRPERSON HOOD: Ms. Schellin, can you help us again
25 with how much time? I think -- I know it was -- what kinds of

1 minutes --

2 MS. SCHELLIN: Sixty-eight -- 68 minutes.

3 CHAIRPERSON HOOD: Now the eight minutes, what --

4 MS. SCHELLIN: If we can get everybody to mute, please?

5 CHAIRPERSON HOOD: Well, let me ask this. What did we
6 call eight minutes? I'm trying to remember. The eight minutes
7 were --

8 MS. SCHELLIN: Eight minutes were the extra time
9 because of the difficulties with the --

10 CHAIRPERSON HOOD: No, but I mean with--

11 MS. SCHELLIN: -- technical difficulties with the
12 presentation moving forward.

13 CHAIRPERSON HOOD: We had a name for the eight minutes.

14 MS. SCHELLIN: Oh, yeah. I forgot what they were.

15 CHAIRPERSON HOOD: But anyway. Okay. But anyway,
16 those minutes. Okay, so we have 68 minutes.

17 MS. SCHELLIN: Yeah.

18 CHAIRPERSON HOOD: If we could get everybody to mute
19 when they're not talking, that would be great.

20 Dana Baughns, if you could please mute.

21 CHAIRPERSON HOOD: Okay.

22 Mr. Donohue, whenever you're ready. You choose to
23 leave your camera off, Mr. Donohue?

24 MR. DONOHUE: No, I was scrambling around here to make
25 sure I had my witnesses.

1 CHAIRPERSON HOOD: Oh, okay. Okay. Well --

2 MS. SCHELLIN: Are you missing any, Mr. Donohue,
3 because we can keep looking if you --

4 MR. DONOHUE: I don't know if you have Reju in yet.

5 MS. SCHELLIN: No yet. Not yet.

6 MR. DONOHUE: Okay. Okay.

7 MS. SCHELLIN: But we'll keep watching, and we'll put
8 him on as soon as -- Mr. Young we'll keep looking, I'll keep
9 looking, and as soon as we see him, we'll get him on for you.

10 MR. DONOHUE: Thank you, ma'am.

11 All right, Mr. Chairman, I'm ready if you are.

12 CHAIRPERSON HOOD: The floor is yours. You may begin.

13 MR. DONOHUE: All right.

14 Thank you, Mr. Chairman, and members of the Commission.
15 My name is Ed Donohue. I'm counsel for Friends of 14th Street.
16 We were admitted into the record here as a party in opposition
17 several months ago. And in a moment, I'm going to hand this off
18 to our panel. We've got a number of speakers for you. We're
19 cognizant of the time, so we're going to move pretty quickly. We
20 do have a PowerPoint with a number of exhibits. But we really
21 want to call your attention to a couple of things here at the
22 outset. One, we are the party in opposition, and we are opposed
23 to this PUD in its present form. We're not opposed to the
24 redevelopment of the property, the lots that make up the site are
25 in dire need of redevelopment. And a mixed-use, well-designed

1 and well-positioned project on the property would, in fact, be
2 supported by the Friends.

3 Importantly, we're not opposed to affordable housing
4 on the property. Friends emphatically reject the suggestion that
5 we are opposed to affordable housing. We oppose this
6 concentration of housing in this configuration. The project is
7 simply too massive, too tall, and too close to the homes of the
8 Friends of 14th Street. The Applicant's simplistic rejection of
9 this position is really offensive. The project is simply too
10 much, and we're going to try to explain that to you with some
11 visual representations and some testimony.

12 Secondly, we're not opposed to Dance Loft. We're not
13 opposed to the performing arts. We're not opposed to their
14 presence in the project. But there was far too much emphasis on
15 dance, and on Dance Loft as a component of this project. We
16 really want to focus on the design, the scope and scale of the
17 project. And we hope to take you to that today. We hope to see
18 a good deal more testimony about the Comprehensive Plan, about
19 the plans that are proposed here in part of the PUD, not so much
20 about the esoteric benefits of Dance Loft. Again, we're not
21 opposed to Dance Loft.

22 We are, in fact, quite concerned about transportation.
23 The group hired a transportation consultant. Reju has either
24 joined us or will be joining us, was qualified as an expert at
25 the first hearing. And we've got serious concerns about the

1 alley configuration and how it works, parking and loading, and
2 construction. And I hope that Mr. Reju will take you through
3 that and also take you to the WMATA project. As you know, WMATA
4 is directly across the street. We've got serious concerns about
5 how those two projects are going to coexist on this very, very
6 compact section of 14 Street.

7 Finally, Mr. Chairman, at the end of the hearing on May
8 the 5th after some very compelling testimony and by a couple of
9 the witnesses in opposition, which we appreciate you let them go
10 a little longer than their allotted time, but at the end of the
11 testimony, you asked, put yourself in my shoes, I'm paraphrasing.
12 But you said, if not here, where? If we're talking about
13 affordable housing, and if not in this site, where would it go?

14 Respectfully, Mr. Chairman, I don't think that's the
15 right question. I think the real question is, is this project
16 too much for this site? Has the Applicant met its burden of
17 proof that this PUD in this configuration at this scale is
18 appropriate at this site.

19 We're going to be talking about affordable housing.
20 We're going to be talking about the scope and scale of the
21 project. We're going to be talking about some of those views
22 from the rears, the homes on Crittenden, on Buchanan, on 15th
23 Street, and we hope to have -- open your eyes a little bit to
24 whether the Applicant has, in fact, met its burden to place all
25 of this project, all of this affordable housing, all of this into

1 this one package. That's the real concern, we think that we want
2 to call to your attention. So without further delay, let me hand
3 the microphone off to Dana Baughns, who is our first speaker.

4 Dana?

5 MS. BAUGHNS: Good evening, Chairman Hood,
6 Commissioners, Commission Counsel, and Ms. Schellin. My name is
7 Dana Baughns, and I reside at 4611 15th Street, Northwest.

8 I've lived in 4611 15th Street with my two children for
9 almost 16 years. I'm a chief legal officer for a global staffing
10 provider, and I've worked there for 14 years commuting by car
11 into our office in Hanover, Maryland, five days a week to provide
12 for my family. On the weekends I work for my children, like most
13 parents, regularly driving them to their various sporting events
14 around the region as well as shopping for a family of four for
15 the next week.

16 My property is within 15 feet across the alley and
17 abuts the Applicant's property. The height of the rear of my
18 property is 22 feet. The row houses on 15th Street have an
19 incline height to the front of the homes with a decreased -- with
20 a decrease in height to the rear. My property does not have a
21 garage on it or any other off-street parking. Unlike other alley
22 systems in the neighborhood, which the Applicant has used as a
23 reference point for off-street parking, Square 2704 does not have
24 separate garages across the alley for parking, and homes in the
25 square are much shorter in length than other homes in blocks

1 outside of Square 2704. I believe we have some exhibits that
2 depict that specificity.

3 I share this property and personal information just to
4 provide some perspective and context about my home. At the
5 outset, I need to tell you -- which I probably don't need to tell
6 you -- I'm not a developer, I'm not an architect, I'm not a
7 builder, I do not have any background in zoning, and I've never
8 had the need or desire to jump into a zoning process much less a
9 zoning dispute. I have, however, been actively engaged in all
10 processes leading up to this hearing to thoughtfully understand
11 the impact to our neighborhood and my home, my real estate
12 investment, which we plan to leave to our children. I'm uniquely
13 impacted as an abutting property owner and qualified to provide
14 perspective on behalf of my family, as well as all the members
15 of the Friends of 14th Street regarding how the Applicant has
16 engaged, unfortunately, in misdirection and misrepresentation
17 about our opposition and the negative impacts of the proposed
18 height, density, and scale in the Dance Loft Ventures PUD
19 application and related map amendment.

20 The primary concern for me and this group has been and
21 remains the height and density, which are separate and apart from
22 supporting the arts and affordable housing. I would like to make
23 that clear at the outset that our primary concern and opposition
24 has been and remains height and density. We do not oppose the
25 Dance Loft, the Dance Loft programming, affordable housing, and

1 development on the site. The Applicant acknowledges at various
2 places in the record that height and density has been a primary
3 issue for certain neighbors. The Applicant also acknowledges
4 that it has done nothing to mitigate the specific concerns of
5 height and density, because height and density, to quote the
6 Applicant, "is acceptable in light of the public benefit of the
7 proposed affordable housing."

8 Support for affordable housing is not support for
9 height and density. The Applicant often touts this, that the
10 support of others were for the arts and affordable housing as a
11 reason to not mitigate height and density or even scale the
12 building. Instead, the Applicant has and continues to offer
13 other project modifications as faux concessions and compromise
14 when the changes made elsewhere in the project do not address
15 height, density, or scale. The changes made by the Applicant
16 were otherwise required to align with other regulations, safety
17 concerns, and then primarily to advance the building design as
18 proposed by the Applicant. Importantly, none of the
19 preapplication changes outlined in the record, which I have
20 reviewed all of the exhibits, by the Applicant address the
21 specific concerns of height, density, or scale.

22 Instead of engaging in a good faith discussion, the
23 Applicant has flatly refused to make any mitigation concession
24 or compromise on the height or density, or even to take into
25 consideration where it could scale the building differently and

1 maintain the percentages necessary to remain eligible for the
2 affordable housing subsidy it intends to pursue. A reduction in
3 density while maintaining percentages for affordable housing will
4 still maintain eligibility for affordable housing subsidies.

5 As it relates to density, the Applicant continues to
6 maintain it cannot reduce a single unit from the 67 affordable
7 housing units without impacting available subsidies, thereby
8 preventing the entire project from proceeding. (See Applicant's
9 exhibits in the record 525C, D, and E).

10 The consideration of addressing density goes beyond the
11 67 affordable units. The Applicant has taken the density
12 concerns, which are directly related to our height concerns, and
13 promoted that our opposition is instead to affordable housing and
14 the arts component of the project. I again assure this
15 Commission, it is not. The Applicant has not considered any
16 reduction or restructure of the other 34 residential units not
17 classified as affordable, or even reconfiguring the Dance Loft
18 retail space. These two obvious considerations can and could
19 have been made to address some of the density concerns, which
20 ultimately could impact the available height and/or scale
21 mitigation options, while still maintaining eligibility for
22 applicable affordable housing subsidies.

23 An alternate scale of the building is a viable
24 mitigation approach. In relation to addressing the height
25 concerns, we would like this Commission (audio interference) to

1 the rear to the building, and my exhibit is pictured in red.
2 This -- and shift those units to the front of the building on
3 the 14th Street commercial corridor slide, which is pictured in
4 green. This mitigation scaled alternative would be a reasonable
5 compromise amongst the parties and the abutting negatively-
6 impacted property. The rear/back approximately two-thirds of the
7 building could consist of four levels, three levels above ground
8 and a setback penthouse. The front approximately one-third of
9 building can scale up on the 14th Street commercial corridor side
10 and consists of six levels and a penthouse.

11 The Applicant flatly rejected this alternate mitigated
12 scale consideration as far back as June 2021 during the meeting
13 when it was proposed. When meeting with abutting property owners
14 during that meeting, the Applicant stated: 1) changing the scale
15 of the building just would not be financially feasible for the
16 Applicant; and 2) that many other neighbors supported the Dance
17 Loft as it was proposed. So the Applicant really didn't need to
18 consider any additional changes or additional -- incur additional
19 costs and redesigning options for our consideration or in
20 compromise. The Applicant indeed made good on that statement in
21 its October 26, 2021, filing of its analysis of potential project
22 impacts, Applicant's Exhibit K. In that exhibit the Applicant's
23 analysis stated in relevant part, and I quote, "To the extent
24 there are negative impacts from the project's height or density,
25 those impacts are more than acceptable in light of the project's

1 significant affordable housing contribution, which would not be
2 possible absent the project's height or density."

3 The Applicant's outcome in that exhibit was premised
4 on the analysis and that concluded in relevant part, I will quote,
5 "The project's urban design impacts are favorable. Any massing
6 impacts are acceptable in light of the public benefits, primarily
7 the amount and depth of the proposed affordable housing." That's
8 just circular reasoning from the Applicant. It's nothing more
9 than stating that the height and density shall be, because it is,
10 so, therefore, the height and density is, because it shall be.

11 From that June 2021 meeting until now, the Applicant
12 has not met with members of this party for the purpose of
13 discussing any mitigation related to height, density, or even
14 scale. At that meeting the Applicant provided a slightly lower
15 building with absolutely no setback, and obviously, equally
16 untenable proposal.

17 The June -- in June 2021, the Applicant stated that it
18 considered its obligation to meet with us, the abutting property
19 owners, fulfilled. It had checked that box. In June 2021, the
20 Applicant stated that it would proceed with the height, density,
21 and scale as it -- as it was proposed, because it believes it
22 had the public benefit over any homeless shelter that could be
23 put there by other developers and that it had other neighborhoods
24 support (audio interference). The concerns (audio interference).

25 CHAIRPERSON HOOD: Ms. Baughns -- let me interrupt you.

1 You're -- let me interrupt you. You're starting to go in and
2 out. You may want to cut your video off, so maybe your voice
3 won't -- because it's starting to break up.

4 MS. BAUGHNS: Oh, I'm sorry.

5 CHAIRPERSON HOOD: That might help.

6 MS. BAUGHNS: I can do that.

7 CHAIRPERSON HOOD: Okay, let's try it again.

8 MS. BAUGHNS: The concerns (audio interference) height
9 to be in ultimate scale (audio interference) and from any (audio
10 interference) to this Commission that (audio interference).

11 CHAIRPERSON HOOD: Ms. Baughns, I think I made it worse.

12 MS. BAUGHNS: It's worse?

13 CHAIRPERSON HOOD: Yes, it's -- what we might need to
14 do is take a minute and let you shut down and come back on.

15 MS. BAUGHNS: Let me try that.

16 CHAIRPERSON HOOD: Okay.

17 MS. BAUGHNS: Hang on a second.

18 CHAIRPERSON HOOD: Okay.

19 MS. BAUGHNS: Is this better?

20 CHAIRPERSON HOOD: That's excellent. So you can turn
21 your camera back on. That's excellent.

22 MS. BAUGHNS: Okay. This is what's so difficult, that
23 I don't want it on my clock, okay. The hiccups? Is that what
24 we calling them?

25 CHAIRPERSON HOOD: I'm sorry, I didn't hear you. You're

1 on mute, so.

2 MS. BAUGHNS: Back.

3 CHAIRPERSON HOOD: I don't want to say yes, and I can't
4 hear.

5 MS. BAUGHNS: You can't hear me still?

6 CHAIRPERSON HOOD: I can hear -- you're going in and
7 out. You were doing an excellent job, but you're going in and
8 out.

9 MS. BAUGHNS: Okay. I -- well, I don't know how to
10 solve that at the moment.

11 CHAIRPERSON HOOD: Okay, that sounds good right there.

12 MS. BAUGHNS: Okay.

13 CHAIRPERSON HOOD: Okay.

14 MS. BAUGHNS: I'll just hold the phone. Is this better?

15 CHAIRPERSON HOOD: Yeah, that sounds better. Yes.

16 MS. BAUGHNS: Okay.

17 So, our concerns regarding high density and the
18 mitigating ultimate scale have been summarily dismissed by the
19 Applicant from any further dialogue post the Applicant's
20 application. I submit to this Commission that most, if not all
21 of the supporters the Applicant relies upon, do not and will not
22 live in the shadows of this. It is; therefore, it shall be 66
23 foot plus penthouse building through an entire alley system of
24 Square 2704, over homes with a rear height of 22 feet. This
25 group sought to understand the Applicant's proposed height and

1 scale and commissioned the build of a scaled model to understand
2 first the height and scale of the building and proposed setback,
3 and then to hopefully foster a productive discussion with the
4 Applicant. Unfortunately, no productive discussion has ever
5 occurred. And despite using all of the publicly-shared
6 measurements by the Applicant for the scaled model build, the
7 Applicant questioned the accuracy of the scaled model and still
8 questions it to this day and dismissed its relevance.

9 The Applicant was invited to instead produce its own
10 model to the project to promote additional discussions on height,
11 density, and scale, and refused to do so. Instead and again,
12 the Applicant defaulted back to telling us that its supporters
13 of the arts and affordable housing were the reasons why it didn't
14 have to engage in any discussion on modifying the height or scale
15 or density. The Applicant never made any consideration to
16 mitigate the impact of these things to the abutting property
17 owners.

18 I strongly caution this Commission to not be misled by
19 the Applicant. The Applicant is disingenuous in how they
20 consistently recast their support, which is specifically for the
21 arts, affordable housing, and other community benefits as also
22 support for height, density and scale of their proposed building.
23 Do not be misled by the Applicant's misrepresentations in the
24 record and taken under oath that it has engaged this group in
25 good faith on height, density, or scale.

1 I direct the Commission's attention to the Applicant's
2 Exhibit K, titled Open Space Urban Design and Massing Impacts and
3 that the analysis and outcome which makes clear that, "While
4 massing impacts are capable of being mitigated" the Applicant's
5 offer of affordable housing negated its need to mitigate height
6 or density. Take a close look at the analysis and the outcome
7 there.

8 The Applicant has wholly ignored the concerns of this
9 group and now attempts to shroud its neglect and complete
10 disregard as deep community engagement. This is not accurate or
11 truthful. A careful review of the letters reveal that supporters
12 do not address the very specific concerns raised by this group
13 regarding height and density. The letters of support do
14 specifically address the arts, affordable housing, and other
15 neighborhood benefits. Indeed, this is a unique opportunity for
16 our neighborhood. And this group has expressed support for the
17 Dance Loft and the benefits that it can offer our community.
18 This group has also stated their support for providing a viable
19 path for affordable housing in this neighborhood and for
20 fostering greater diversity on many levels. However, our primary
21 concerns and opposition has been and remains height and density,
22 which are separate and apart from supporting the arts and
23 affordable housing. Let me repeat that, because it seems to
24 always get missed or dismissed. Our primary concern and
25 opposition has been and remains height and density, again,

1 separate and apart from supporting the arts and affordable
2 housing.

3 Instead of the Applicant engaging in a good faith
4 dialogue of how to address the height and density concerns, it
5 has proffered a take it or leave it height and density proposal,
6 and instead spent its time, quite frankly, bullying and
7 misrepresenting homeowners like me, dubbing us all, including
8 during the hearing last week, as non-supportive of the arts and
9 affordable housing. I've been called a racist, wealthy million-
10 dollar homeowner suffering from nimbyism. I had to look that up.
11 I didn't even know what that meant. The Applicant's campaign was
12 as tactical and as purposeful in this regard as its presentation
13 to the ANC and this Commission, a record and presentation which
14 this Commission remarked about, but I note specifically, excluded
15 views of the proposed building from a single backyard of an
16 abutting property owner. It excluded any views of the rear,
17 insides of the building from the abutting home, it excluded any
18 view of the actual distance across the alley from the subject
19 property to a single abutting neighbor. The Applicant instead
20 provides exhibits that show the rear of the building, removing
21 abutting home and removing clear property lines from view and
22 showing its building barely peeking over the tallest home at the
23 crest of a hill at Crittenden and 15th Street.

24 We have repeatedly asked for good faith discussion and
25 believe we could reach a reasonable compromise in the height and

1 scale, but the Applicant refused. And the evidence of their
2 refusal is riddled throughout multiple submissions to this
3 Commission. The Applicant has done nothing but decline to engage
4 on these very specific concerns to simply -- because it simply
5 believed and concluded early in this process, as far back as
6 June, that it didn't have to. And unfortunately, they were never
7 compelled to do so preapplication.

8 I would now like to bring the Commission's attention
9 to another exhibit, Baughns Exhibit G. As additional support for
10 height and scale of the project, the Applicant provides what is
11 termed as context precedent along 14th Street, A.025 -- of several
12 four-story buildings. This exhibit is also misleading. These
13 contextual photos are only precedent for multilevel dwellings
14 that do not protrude into the alley system, as the Applicant's
15 property does in Square 2704. I submit to this Commission that
16 the context to be taken from the photos in that exhibit is that
17 none of those buildings extend into the alley system impacting
18 abutting properties on the blocks that run both parallel and
19 perpendicular to the property like that which is proposed by the
20 Applicant for Square 2704. The building pictures are not within
21 10 and 15 feet from the property lines of homes on the streets
22 that run parallel and perpendicular to 14th Street impacting
23 natural light year-round, shattering -- shadowing over
24 neighboring properties, and impacting privacy and personal use
25 and enjoyment of other property owners. The Applicant's exhibit

1 quite simply does not depict similarly situated properties, so
2 it's not a precedent.

3 The Applicant has not provided any precedent for
4 erecting a structure that at a minimum will double in size,
5 dwarfing the rear of all the surrounding homes, which by great
6 measure changes the character, enjoyment, and environment of the
7 homes of abutting property owners. The precedent to be taken and
8 follow from the photos in the exhibit is to require the Applicant
9 to scale on the 14th Street side, like the buildings in the
10 exhibit, and reduce the height to the rear two-thirds from four
11 levels to three levels above ground.

12 We respectfully request this Commission to deny the
13 application in its entirety and require the Applicant to
14 reconsider its design and reduce the height to the back two-
15 thirds of the proposed building from four levels to three levels,
16 and instead increase the height on the 14th Street commercial
17 corridor side from five levels to six levels, like the photos in
18 their exhibit. Any approval from the Commission should, at a
19 minimum, at a minimum, require the Applicant to reconsider its
20 design and reduce the height of the back two-thirds of the
21 proposed building and increase the height on 14th Street. Many
22 of the objectives of the Applicant, all of the benefits to the
23 entire Ward 4, the affordable housing mission of the city and the
24 Mayor, can still be achieved under an alternate scaling
25 mitigation of the building. Doing so also factors in the primary

1 concern of this party, maintains the density and reconfigures the
2 height, and removes the weighty burden and negative impact this
3 albeit well-intended project places on the abutting homeowners
4 and their personal real estate investments and their residences.

5 I also ask respectfully and invite the Commissioners,
6 on behalf of the Friends of 14th Street, to come and put boots
7 on the ground. Walk these alleys for yourselves prior to making
8 a decision on this application. Thank you.

9 MR. DONOHUE: Thank you, Dana. Sorry for the technical
10 difficulties. We'll see what we can do.

11 And can we have you briefly introduced the model that
12 was prepared and then also your research that you've done on the
13 affordable housing in Ward 4? But you're going to have to move
14 quickly. You're muted in.

15 COMMISSIONER IMAMURA: Mr. Donohue, before Ms. Garlow
16 gets started, I just want to make an announcement here. I have
17 a hard stop at 5:45, but will continue to review the record.
18 This is an important case and just wanted to let everybody know
19 that.

20 MR. DONOHUE: Thank you, sir.

21 MS. GARLOW: Hi, my name is Anne Garlow. I live at
22 1424 Crittenden Street, I'm an abutting neighbor and more than
23 familiar with all of the things that Dana just took us through.

24 I am going to discuss, a little bit briefly, for those
25 of you who are familiar or not familiar with our neighborhood,

1 | how it was incarnated back in the 1870s. It is a planned
2 | community. It was part of a farm originally. Eventually, with
3 | the advent of the trolley cars coming all the way up here, which
4 | used to be housed at what is now the bus barn, which is now under
5 | renovation, it was expanded and became more of a residential
6 | neighborhood that consisted of squares of homes with squares
7 | around -- squares in the middle with homes around it. And some
8 | of which are even -- have been produced and architected by Harry
9 | Wardman. So I wanted to let you know that this is a planned
10 | community and has been a planned community. Intentionally, the
11 | area has few apartment houses and large retail operations. There
12 | was one time a small department store at Decatur and 14th, now
13 | it's Andromeda Transcultural Health. The theater that houses
14 | Dance Loft was a theater that was in business for five years.
15 | Those are the only two buildings of any size or scale here that
16 | we had.

17 | After the riots in the '60s, this neighborhood went
18 | through a difficult passage of time with many of the retail
19 | operations boarded up. They now have a lot come back. But we're
20 | still looking for ways to improve.

21 | We are all positive on affordable housing. We are all
22 | positive on the arts in the community. But we also want to
23 | discuss, just briefly, the notion of environmental justice. One
24 | of the things that has come up with the idea of having over --
25 | I'm going to say approximately 300 people, give or take, living

1 in a small square in an alley structure next to residential homes,
2 which now include pop-ups, which I happen to live next to, is
3 that you're looking at developing a situation where you'll have
4 a lot of people in a small space with high buildings around it
5 and it itself being a high building. These houses were designed
6 for air flow and for fresh air. They weren't designed to be
7 enclosed tight buildings. We live on a hill. There's a lot of
8 breeze up here for us. So one of the things that HUD came up
9 with was that we don't want to put low-income and/or affordable
10 housing in adverse environmental or health effects that wouldn't
11 -- that would particularly affect minorities and low income
12 populations, that you were to engage minority and low-income and
13 indigenous populations in the community where HUD action is
14 proposed -- we assume that they're using HUD for their development
15 -- recognition of areas of local and cultural significance where
16 a HUD action is proposed. They have disregarded all the cultural
17 significance, if there is any to be had, in the theater that
18 they're going to disrupt in order to build this new development.

19 Directly across the street from the proposed building
20 on Square 2704 is the bus barn. That will come up later with
21 our transportation expert. But the way I have looked at this is
22 as such, it has a significant number of two- to three-bedroom
23 units, which is ostensibly for families with young children or
24 some level of children and probably, as one of my neighbors told
25 me, a grandparent. So we're looking at probably in the two- to

1 three-bedrooms, five to possibly ten; people live very close
2 together in situations where they're sharing resources in an
3 affordable housing situation. Does it seem fair to place them
4 across the street from a diesel barn renovation, which is it's
5 still a diesel facility, and it has toxic remnants underneath the
6 facility, which have to be dug out and dealt with. And then
7 raise the -- as Dana said, have the building be high enough to
8 basically stop all airflow in the alleys and into our homes. So
9 that what you're creating is loss of natural light, increase of
10 unnatural light, which has its own set of health issues associated
11 with it, and creating a dark, dank, air-trapped building with no
12 natural ventilation. There will be no natural ventilation in the
13 building, unless you live in the penthouse. There's been no
14 mention made of how Heleos and Dance Loft plan to manage a dead
15 air building in an area that already has significant air
16 pollution. Those studies are well-known, and you can look -- we
17 can offer those to you if you would like. No amount of green
18 LEED building can change the fact that the square stands to be
19 affected by the bus barn, bus stops, low to no natural ventilation
20 in the alleys. So it sounds to me like this could be both an
21 environmentally discomfort and possibly even a disaster.

22 The traffic in this area has become very intense. We
23 don't -- once there's large buildings going up, that will
24 completely change the nature of the neighborhood as well as the
25 air that we breathe.

1 I also am going to talk just for a moment on what is
2 currently available in the pipe, excuse me, under construction
3 for affordable housing in Ward 4. And this is only Ward 4. There
4 are 427 units under construction right now. There are 1,343
5 units completed including senior housing, and the units that are
6 under construction, there are some that are even going to be in
7 assisted living. There will be actually 54 of those on Main
8 Drive. So that will be up in the Carter Barron, excuse me, not
9 Carter Barron, further north than that, on 16th Street. So there
10 are a lot of things that have already been completed. There are
11 those that are under construction. And the notion that the rest
12 of Ward 4 has to come down to our particular block in a small,
13 dead air location is not something that we can support. So we
14 are in opposition to that.

15 MR. DONOHUE: Thank you, Ann. That was great.

16 Julio, can we ask you to go through your graphic? And
17 tell staff which slide you want them to go to, please.

18 MR. FERNANDEZ: Absolutely. Thank you, Ed.

19 Mr. Young, if we could go to slide that is labeled 19,
20 please.

21 And while that is coming up, let me introduce myself.
22 Good evening, Chairman Hood and Commissioners. My name is
23 Julio Fernandez. I've been a D.C. resident for 22 years, proud
24 D.C. resident. And 16 of those, I have been a resident on the
25 1400 block of Buchanan Street, Northwest.

1 Now the Commission has my testimony, and in the
2 interest of time, I am not going to read through that verbatim.
3 But I am going to just very briefly highlight some of the main
4 points with respect to the letters of support and opposition that
5 have been filed.

6 As you all know, there's a lot of information on the
7 record. There are over 600 letters that have been filed in
8 support. And compared to that, there is a very small amount or
9 what you would say initially would be a small amount,
10 approximately 52 letters of support filed. And both of those
11 numbers are as of May 5th.

12 Now the one thing that I want to impress on the
13 Commission is that the vast majority of the letters of support
14 do not come from individuals that are near our neighborhood, near
15 the actual immediate site. Specifically, they're not, you know,
16 very close to the project site or abut itself. Those letters of
17 support, the vast majority of them come from across Ward 4, across
18 DC, and also other parts of the country, quite frankly. Those
19 letters are not really representative of the letters of
20 opposition who come from the individuals that are actually going
21 to be most directly and negatively impacted by the project, if
22 this project is approved, as it is currently on the table as it
23 is filed. It is those individuals, the individuals that abut the
24 property, the individuals that are in the immediate area, that
25 are going to be mostly negatively impacted. And my request, I

1 would urge that the Commission not give greater weight to those
2 letters from far away or even other portions of the District of
3 Columbia, but instead that you really look at the immediate impact
4 to the neighbors, because that impact is going to be on a daily
5 basis once this project is built.

6 And lastly, in closing, I do want to reiterate what you
7 have heard my other neighbors say. We are not opposed to
8 affordable housing, and we are not opposed to the arts. We are
9 also not opposed to Dance Loft. Our opposition is solely focused
10 and limited to the current size and scale that are on the table
11 with this project.

12 And so with that, I will go ahead and yield it back to
13 you, Ed. Thank you.

14 MR. DONOHUE: Sorry about that. Thank you, Julio.

15 Kathy, Peter, you online?

16 UNIDENTIFIED SPEAKER: They need to be brought up into
17 the hearing, Ed.

18 UNIDENTIFIED SPEAKER: I don't think they've been
19 brought up, yeah.

20 MR. DONOHUE: All right.

21 David, are you on?

22 UNIDENTIFIED SPEAKER: We do have Andy on for sure and
23 David.

24 MR. DONOHUE: All right. Let me introduce David Hollis,
25 and we can get Kathy and Peter in after that.

1 MR. HOLLIS: Okay. Thank you.

2 Good afternoon Chairperson Hood and members of the
3 Zoning Commission. Thank you for the opportunity to testify. My
4 name is David Hollis. I reside at 1419 Crittenden Street,
5 Northwest, where I've lived for 30 -- more than 30 years. My
6 spouse and I came to this neighborhood in search of a
7 single-family home in a quiet neighborhood of moderate density
8 that was racially, ethnically, and economically diverse.

9 We were seeking a community that included older
10 residents with deep roots in the community and younger residents
11 looking for a safe, comfortable place to raise a family. We
12 wanted to be part of a community that welcomes people from a
13 variety of backgrounds, including those of limited means. We
14 support efforts by the District to include -- increase the
15 availability of affordable housing across the city. And we would
16 welcome a development that preserves the basic character of the
17 neighborhood and accommodates the needs of the current residents.

18 Unfortunately, the plan put forward by the Applicant
19 does not do that. Instead, the proposed development would be
20 vastly disproportionate to the site it has intended --

21 UNIDENTIFIED SPEAKER: I don't know what else to do.

22 MR. HOLLIS: -- towering above the surrounding homes,
23 compromising their privacy and reducing their access to natural
24 light. The plan would substantially reduce residential parking
25 that is already in short supply and would exacerbate noise and

1 congestion. In addition, the plan would displace local
2 businesses and amenities on which neighbors rely on. In the face
3 of these and other objections to the plan, the Applicant has
4 prevaricated going through the motions of consulting the affected
5 community, but failing to listen to their concerns or to propose
6 reasonable modifications to the plan that would ameliorate these
7 concerns. Indeed, rather than engage with the community in good
8 faith, the developer has conducted a cynical media campaign to
9 caricature those who oppose the plan as homeowners who are opposed
10 to affordable housing.

11 Nothing could be further from the truth. This is a
12 hard-working, progressive, middle-class community. We support
13 reasonable, well-conceived efforts to increase affordable housing
14 in the neighborhoods like ours. What we oppose is the effort to
15 impose outsized development on a neighborhood that cannot
16 adequately accommodate it. What we oppose is the elaborate
17 charade by which the developer has made a show of consulting the
18 affected community without listening to their concerns or
19 attempting to address them in any meaningful way. What we oppose
20 most of all, is the shameless exploitation of a genuine shortage
21 of affordable housing by a developer whose interest is not to
22 serve the underserved of our city, but simply to maximize its
23 financial return. Opponents of the plan have put forward a number
24 of ideas for mitigating these harms that the plan would cause,
25 yet the Applicant has declined to consider these ideas. And the

1 Applicant has stated on the record, that the reason it refuses
2 to modify the plan is that a properly scaled development would
3 generate insufficient revenue for the developer. We have no way
4 of evaluating this claim, but if nothing else, it is an admission
5 that that applicant is attempting to shoehorn into the
6 neighborhood, a development that is too large for the site it
7 would occupy.

8 Whether their claim is true or false, the business
9 interests of a developer should not take precedence over the
10 well-being of the existing community. Either the Applicant
11 should engage with the community in good faith -- in a good faith
12 search for solutions, or it should find another site. I urged
13 the Zoning Commission to vote against the Dance Loft Ventures PUD
14 application and related map amendment. Thank you.

15 MR. DONOHUE: Thank you, David. We appreciate it.

16 Kathy? Peter? Are you in the queue now?

17 MS. MILIKIN: Can you hear me?

18 MR. DONOHUE: Yes.

19 MS. MILIKIN: Okay. For whatever reason, I can't come
20 up on video, so I'll just -- it might be easier that way.

21 MR. DONOHUE: Okay.

22 MS. MILIKIN: So good afternoon Chairperson -- Chairman
23 Hood and members of the Zoning Commission. Thank you for the
24 opportunity to testify.

25 My husband and I moved to 16th Street Heights in 2002

1 and raised two children in this diverse community of neighbors
2 that understands the value of connecting among each other. Our
3 neighbors helped to raise our children. They were in and out of
4 our homes, down -- up and down their stoops for Halloween and on
5 the basketball courts and playing laser tag in the alleys.

6 In these 20 years, we've waited for good and thoughtful
7 development to occur behind our home while being good customers
8 to all of the businesses. Chef Mo of Highlands always, always
9 ask about my son.

10 We will say that the former owners of the Value
11 Furniture cared very little about their property and its
12 maintenance or their engagement with surrounding neighbors.
13 While our view of the barbed-wire fencing is not pretty, we have
14 beautiful sunrises and light throughout the day. We hope for new
15 neighbors that would treat their community more thoughtfully.
16 This past year has been an effort in futility and talking with
17 the new owners. The Applicant's current success is in dividing
18 a neighborhood that values the same thing; a community with older
19 residents, new families, couples, singles, single mothers, single
20 fathers, as well as the accompanying ethnic and economic
21 diversity. What supporters of the project value, so do we. The
22 Applicant's outreach and marketing has focused on gathering
23 support for their project rather than working through the
24 objections of abutting neighbors. The Applicant's public
25 relations caricature of opposition as anti-affordable housing and

1 NIMBYs, has overshadowed the legitimate concerns of our neighbors
2 who believe that this overreach does not set up new and current
3 residents for success.

4 Last week, the Commission heard substantive testimony
5 about the benefits of live performance, the study of dance, how
6 new residents and neighbors will be advantaged, among other
7 positives. While we don't dispute these sentiments, we want to
8 call your attention to the deficit -- the deficiencies in this
9 plan. Our question is, is the Applicant's proposal framed strong
10 enough to support these goals? For example, there are few
11 amenities to support the new residents; grocery stores,
12 pharmacies, parking -- we'll get to that in a second -- in the
13 neighborhood. As you know, the 2012 Small Area Plan noted the
14 neighborhood's prominent charm, advocated for development to be
15 contextually sensitive, and to attract a medium scale grocery
16 anchor to support the existing businesses and spur increased foot
17 traffic from neighbors west of the park -- bus barn. While the
18 Applicant's proposal may not violate the letter of the plan, it
19 does not align with the spirit of it. Infill in this area is
20 not contextually sensitive to the current neighbors. The
21 Applicant did not take into account its immediate surroundings,
22 providing a balance of community values and assets. If they had,
23 our community would not be divided against itself. We would not
24 have to hear my neighbors and friends who have known us for years,
25 blithely discard our opposition, describing that opposition of

1 spreading misinformation, or calling us uncivil or worse, calling
2 us and my neighbors liars.

3 The Small Area Plan listed parking as a concern for
4 neighbors as well as businesses and should be considered as part
5 of the redevelopment process. It has been a concern of abutting
6 neighbors from the very first conversation. The Applicant and
7 submitted traffic consultant's report did not take into
8 consideration the simultaneous redevelopment of the bus barn that
9 will increase the number of cars in a congested area, nor streets
10 cleaning on Mondays and Tuesdays, nor the state of parking on
11 Sundays. When Dana asked you to come and put boots on the ground,
12 we asked you to find parking in the neighborhood on any Sunday
13 morning. The study is flawed from the outset. And until last
14 Thursday, I did not know from previous meetings or the plans that
15 the theater would seat 150 to 200 people. I am sure their goal
16 is to have many events to meet the goal of increased accessibility
17 for the arts.

18 One of the two concessions the Applicant made was to
19 include 20 spaces designated for residents. The other was to
20 provide two additional businesses to support what commercial
21 activity we might lose. Likely, new residents will park on the
22 streets like most of us. In terms of security for those families
23 and residents who will park in the neighborhood, they will park
24 away from their homes as we do when coming back after 9 p.m. We
25 have an 18-year-old daughter who parks blocks away after dark due

1 to a lack of parking on our own block. We stay up to make sure
2 she gets home safely. These are real concerns and not mere
3 inconveniences. As to our current backyard, it's our greenspace
4 -- green space, much like Dana, my next-door neighbor, with trees
5 and flowers. We would lose considerably to build a car pad.

6 If the proposal moves forward, new residents will need
7 better transportation options for their trips to grocery stores,
8 physicians, or pharmacies to be successful. For example, the 52
9 and 54 bus lines are packed at peak times. WMATA is considering
10 not reinstating the S1 on 16th Street. The S buses are full
11 always. Always.

12 The Small Area Plan advocated for a grocery store in
13 the current space with two or three floors of residential units
14 above it. In the scenario, residents of affordable housing, as
15 well as neighbors, would have easy access to the most important
16 thing, food.

17 The Small Area Plan also identified multiple parcels
18 to support the need for increased affordable housing. The plan
19 had considerable neighborhood support. It certainly had ours.
20 This development will concentrate that increase into one parcel.
21 In the current proposal, the Applicant plans to build 101 units,
22 an increase from its original 99. After hearing concerns from
23 neighbors about the height, scale, and density, the Applicant
24 ignored those concerns and answered with an increased number and
25 no real explanation. Now the Applicant has offered that 101

1 units is the threshold for its own viability. The number of
2 market rate apartments has not been adjusted to address our
3 concerns. In fact, last week, the Applicant declined to commit
4 to keeping the current 67 affordable rate apartments if asked to
5 reduce the total number of apartments. When faced with concerns
6 from neighbors, the Applicant has chosen to expand and increase.

7 In a year of presentations and limited conversations,
8 we gained 20 parking spaces, two businesses, and two new units.
9 There has been no concession or compromise on height, scale, or
10 density. Peter and I are not architects nor urban planners. We
11 live and work in the city, and we are open to variations of
12 development that allow for compromise. This opportunity is not
13 a binary choice. It is not zero sum. It is both/and.

14 With approval from elected officials and the Zoning
15 Commission, this development would supply half of Ward 4's
16 affordable housing units in the pipeline. Abutting neighbors
17 will carry most of that burden. My neighbors living away from
18 the site and supportive of the project, while well intentioned,
19 likely wouldn't swap properties with us anytime soon. In many
20 ways, and in this instance, we've squandered the opportunity to
21 develop the parcel in ways that benefit its current residents and
22 that provide the important amenities new residents need to live
23 and work in this amazing city.

24 We hope you will consider the spirit of the Small Area
25 Plan as useful to this discussion and reject the Applicant's

1 current proposal. Most respectfully, Kathy Milikin and Peter
2 Bouma.

3 MR. DONOHUE: Thank you Kathy, Peter. That was
4 excellent.

5 Andy, are you up?

6 MR. ELTING: Sure. Thank you.

7 Thank you, Chairman Hood, and members of the
8 Commission, Commission Counsel, and Ms. Schellin. I appreciate
9 the opportunity to speak tonight.

10 My name is Andy Elting. I live with my wife and my
11 two kids, age two and seven at 1419 Buchanan Street, Northwest,
12 which directly abuts the southwest corner of the PUD in question.

13 When my wife and I purchased our home, our
14 understanding was that the existing zoning and Comp Plan would
15 allow for development of the space within the MU-3 zoning. We
16 didn't imagine a scenario in which the City might allow a project
17 larger than that. When we first heard about the PUD, we were
18 actually initially supportive until we learned about the height
19 and footprint proposed for the project, which again, which would
20 encompass the entirety of the internal alley space on our block.

21 We and fellow neighbors you've heard from tonight, were
22 involved from day one, and have made it very clear in that process
23 that our central concern was the size of the proposal. But the
24 Applicant's stance has been from the start that there can and
25 will be no compromise on that issue. While the Applicant cherry-

1 | picked individual comments made by neighbors throughout the
2 | process, built in lesser concessions, they consistently turned
3 | down the opportunity to truly compromise and find a
4 | mutually-agreeable alternative. As you heard last week, they've
5 | been open about that refusal. At the meeting where the
6 | alternative proposal that my neighbor Dana, referenced earlier,
7 | was presented, the Applicant compared their plan to a balloon
8 | that would need to squeeze out if it were pressed downward, and
9 | our request to simply take some air out of the balloon was
10 | dismissed out of hand.

11 | The Applicant also never intended to make good on that
12 | "compromised proposal," as they put it. They presented it and
13 | immediately stated that they preferred their original plan and
14 | didn't want to pursue that modified version.

15 | I'd also like to reiterate, as Dana said, that every
16 | angle that's been presented has been carefully chosen to minimize
17 | the imposing nature of this plan.

18 | Mr. Chairman, I believe last week, you asked to see a
19 | rendering of the would-be representative of what we would see
20 | from our backyards, and I appreciate that request, because to
21 | date, I haven't seen one. Ward 1, that would represent what we'd
22 | see from our second-floor windows, where my children have their
23 | bedrooms. And again, my kids are -- what it really comes down to
24 | for me, as a parent, I still have serious concerns about this
25 | PUD and what it means from a privacy perspective, but also for

1 emergency vehicle access to that 10-foot wide portion that we've
2 been over and over, for my own family, for my neighbors, who my
3 kids play with regularly, and for the residents of this proposed
4 building.

5 So I won't retread the argument about trashcan
6 placement from last week, or the use of rear parking spaces. I
7 think that's well established at this point. But I can say that
8 I think it's incredibly disheartening to hear we're -- that we're
9 expected to alter our fences or garage doors at significant costs
10 to accommodate a project that's actually asking for a zoning
11 change in order to maintain their profitability. That's
12 indicative of what we face throughout this process.

13 And I would say that there's a key distinction between
14 those of us who are testifying tonight and our neighbors who
15 testified in favor of the proposal last week, and that is our
16 involvement from day one. We have been there throughout every
17 stage of this process. So we understand that we can't come to
18 the table and say we will support this proposal with conditions.
19 We understand that there has been and will not be a compromise.
20 So the alternative is simply that this plan must be rejected.

21 I also want to emphasize that the homes in the square
22 and particularly those on my portion of the street and Buchanan
23 Street, have significantly smaller backyards than surrounding
24 homes. And this proposal, because the proposal presses just to
25 the 10-foot-wide alley portion, actually is significantly closer

1 to our homes than in any other portion.

2 At the end of the day, what we're simply asking for is
3 a meaningful compromise. We as neighbors have a reasonable
4 expectation about what we should see from our homes and backyards.
5 And I know there's been a lot of discussion about how this
6 proposal addresses the need for affordable housing in Ward 4. I
7 think all my neighbors agree that affordable housing is
8 necessary. I would applaud this proposal if it was across 14th
9 Street where there are no abutting residences, and I would support
10 my neighbors in opposing it if it was on another block. I simply
11 feel that the Applicant stated earlier this evening and
12 repeatedly last week and repeatedly over the last year that the
13 project was financially unviable if it were scaled down. In
14 doing so, they're admitting that they've overestimated what they
15 could and should achieve in this space. A hundred and one units
16 of housing plus a dance studio is too much to cram into one square
17 block. They bought the building as is and are requesting changes
18 to the current zoning to allow for a larger building than is
19 currently permissible. Their miscalculation shouldn't be
20 rewarded at the expense of my neighbors and my family.

21 I feel it's the responsibility of the Commission to
22 correct their miscalculation here today by denying the
23 application for PUD and related map amendment as presented so
24 that the Applicant will finally be compelled to engage in a
25 serious discussion about right sizing this project for the

1 neighborhood. If the displaced businesses and their tenants can
2 be accommodated, why not us?

3 Chairman Hood, last week you said at the beginning of
4 the evening, that you wanted to see the parties come to an
5 agreement. I was so glad to hear that, because that's exactly
6 what we're asking for and have been asking for. And if you can
7 take nothing else away from my testimony tonight, please remember
8 there has been no compromise on the central issue of the building
9 size from day one. As I said, the Applicant admits they haven't
10 moved on the issue, because frankly, they haven't been given any
11 reason to to this point.

12 Mr. Chairman and members of the Commission, if you
13 truly want to us to reach an agreement and drop our opposition,
14 the solution is simple, deny this application for PUD and related
15 map amendment as presented today and compel a meaningful
16 compromise. Please don't signal to the Applicant and developers
17 that they can use the need for affordability to bypass the need
18 for good faith negotiations with impacted neighbors. Thank you
19 for your time.

20 MR. DONOHUE: Thank you, Andy.

21 Reju, are you on the phone?

22 MR. RADHAKRISHNAN: Oh, yes. Can you hear me?

23 MR. DONOHUE: Yeah. Before you begin --

24 Mr. Chairman, we submitted Reju's transportation
25 report, his critique of the Gorove Slade report. So I'm going

1 to ask him to summarize, but I want to be sure that that report
2 is -- it reflected in the record?

3 And also, Paul, could you go to slide 23, please?
4 Great. Thank you.

5 Go ahead, Reju.

6 MR. RADHAKRISHNAN: Good afternoon. Thanks, Chairman
7 Hood, and members of Commission for giving me the opportunity to
8 speak.

9 My name is Reju Vidya Radhakrishnan. I'm a senior
10 transportation engineer at MCV Associates. My office address is
11 4605 Pinecrest Office Park Drive, Alexandria, Virginia 22312.

12 Background. I'll try to be brief and touch up on
13 critical issues with the traffic story. Background conditions.
14 Exclusions of WMATA Northern Garage traffic. Section 3.2.8 of
15 the CTR requirements states that CTR will account for vehicle
16 trips generated by developments in the study area that have an
17 origin destination within the study area. The WMATA Northern
18 Garage across the proposed site is currently nonoperational for
19 redevelopment. The redevelopment project is anticipated to begin
20 in 2022, with a total duration of three to four years and is
21 expected to be operational in 2026.

22 The Gorove Slade study did not include this project as
23 part of the background traffic. The study states that sufficient
24 details are not currently available to estimate the net increased
25 trips for this site related to the existing operation for this

1 garage. Now some of the pertinent details of this project are
2 available on WMATA website and are as follows: About 150 buses
3 are expected to be stored and maintained at this facility.
4 Additionally, the project includes amenities within the building,
5 such as office space for Uptown Main Street, 27,500 square feet
6 of retail space, and a community room with capacity of up to 150
7 seating and 200 standing.

8 The redevelopment project will include 306 on-street
9 parking spaces for employees and nonrevenue vehicles as well as
10 20 parking spaces for retail employees. The primary access to
11 the facility would be via the 14th Street Northwest. It is
12 anticipated with construction-related impacts, such as lane
13 closure, will last for the duration of construction, which is
14 three to four years. The inclusion of traffic from this project
15 and capacity reduction scenario due to long-term lane closure is
16 an important element that were not interested in the traffic
17 study. Moreover, the concurrent nature of the construction
18 activity of these two projects on both sides of 14th Street is
19 anticipated to increase the per vehicle delay during peak periods
20 of neighborhood intersections.

21 The traffic project from this -- the traffic from this
22 project is likely to have significant impact on the neighborhood
23 streets and should have been included in the traffic study for
24 both background and total conditions. Unless you do a traffic
25 study -- traffic analysis, you can't say what the impact of WMATA

1 garage is going to be. In addition to cars, this site will
2 generate a lot of buses. Heavy vehicles accelerate and decelerate
3 slowly, take up considerable roadway capacity and increase
4 vehicle delay. A quantitative analysis should have been done by
5 including the traffic report from WMATA's northern garage.

6 Site Trip Generation - Mode Assumptions. Section 3.2.3
7 of the CTR requirements states that a CTR is expected to include
8 further analysis of vehicle impacts if the proposed site
9 generates 25 trips in the peak directions for either peak period,
10 A.M., P.M., or weekend. The current study estimates the P.M.
11 peak car trip to be 24 vehicle trips. The trip computations
12 assume that only 35 percent of residential trips are going to be
13 based on automotive travel. The study assumes more people will
14 use Metro than travel by cars. This assumption is erroneous as
15 the nearest Metrorail station is .09 nine miles away and well
16 outside the point five mile walk trip.

17 The WMATA redevelopment -- sorry -- the WMATA
18 development related ridership survey shows the automotive be 39
19 percent for the study area. This survey shows the distance
20 between the residential site and station have a strong
21 correlation with mode share. The Metrorail uses -- the Metrorail
22 use decreases by 0.87 percent for every 100 feet increase in
23 distance residential site is located from the station.
24 Furthermore, the Census Transportation Planning Product, CTPP,
25 which provides information on commuting patterns, find -- finds

1 the automotive report 46 percent, bus motor vehicle 36 percent,
2 and subway to be 4 percent for the study area. Based on this
3 survey data, the conservative assumption for automotive is about
4 45 percent. Computing resident residential trips on this basis
5 will increase the P.M. peak car trips to more than 25 vehicle
6 trips, thereby triggering the traffic impact analysis component
7 of the CTR.

8 Parking. This study does not address visitor parking
9 and the demand on neighborhood streets. The study analyzed
10 parking conditions on a week -- weekday evening and a Saturday
11 evening. Based on the adjacent land uses, particularly the
12 Church, a Sunday analysis should have been done. The Ethiopian
13 Church is at proximity to the site, and it seems that parking is
14 an issue during the times when church services are active. The
15 residents state that multiple services run late into the
16 evenings. With the limited parking proposed at the site and
17 propose theater expected to attract more infrequent visitors, the
18 parking analysis on Sunday evening should have been done.

19 Next slide please.

20 Alley Operations. The current activity level on the
21 streets within the block and public alley are not captured
22 adequately in the existing conditions, as no traffic counts were
23 performed at the intersections of 15th Street and Buchanan Street
24 and other alley access points. In this -- in the existing
25 conditions, some of the area residents rely on the alley for

1 regular access to their property. The alley are not wide enough
2 for two-way operations. This poses a challenge for vehicles
3 entering and exiting the site from two multiple access points at
4 the same time, having to negotiate long alleys with limited sight
5 distances.

6 This slide shows the loading analysis of the All Point
7 SU-30 truck. This graphic shows the truck trying to exit the
8 site via the 10 feet alley onto Buchanan Street. Now this
9 maneuver is tricky, as the alley access is constrained by existing
10 walls on adjacent properties and due to the presence of a utility
11 pole. The graphic, in fact, shows side mirrors scraping the
12 walls. The utility pole, which is not in the graphic, restricts
13 the alley width. This is not -- this is also not a complete
14 graphic as the full maneuver of the truck onto Buchanan Street
15 is not shown. It is important to note as to why this option is
16 in the first place. It seems that this is an option that
17 Applicant is considering when vehicles from the garage is unable
18 to exit to the site alley on 14th Street. Currently, about four
19 vehicles queuing up on southbound approach on 14th Street and
20 Buchanan street block site access. Traffic Analysis for existing
21 and future conditions confirmed this case. When vehicles queue
22 up on 14th Street, vehicles from alley won't be able to exit the
23 site onto 14th Street and will most likely use the alley to the
24 south accessing Buchanan Street. This will put considerable
25 strain on the narrow alley. The thing to notice that this study

1 does not even consider traffic from approved developments in the
2 background conditions. A quantitative analysis from WMATA would
3 most likely worsen traffic at the site entrance.

4 Now to summarize, assuming a low auto mode of travel,
5 vehicle trips during the peak hour were underestimated,
6 therefore, not meeting the minimum 25 peak hour trips thresholds
7 required for the full traffic study. Now, because a full traffic
8 study was not done, the existing traffic conditions in the
9 neighborhood was not documented thoroughly, and WMATA's northern
10 garage development was also not considered in the traffic study,
11 they were grossly underestimating traffic resulting in an
12 erroneous site analysis.

13 Now to conclude, the traffic analysis conducted by
14 Gorove Slade is incomplete --

15 MR. DONOHUE: Reju, we're running real short on time,
16 so I'm going to ask you to rest there. We have one more speaker.

17 MR. RADHAKRISHNAN: Okay.

18 MR. DONOHUE: Thank you, sir.

19 MR. RADHAKRISHNAN: Thank you.

20 MR. DONOHUE: Ted, I want you to make sure you take us
21 through the model as you go through your testimony, please.

22 MR. HALLINAN: You got it, Ed.

23 MR. DONOHUE: Tell them the graphic that you want.

24 MR. HALLINAN: Yes.

25 Good evening.

1 Could you start with slide 37 and slip slowly scroll
2 through to slide 46, as I get underway?

3 Good evening, Chairperson Hood and members of the
4 Zoning Commission. Thank you for the opportunity to testify. My
5 name is Ted Hallinan, and I've lived in D.C. for a long time and
6 at this house. I live at 1418 Crittenden Street for the past 20
7 years, and my house backs up to the proposed project site. I
8 also happen to be a registered architect, licensed to practice
9 in D.C. for 28 years. Most of my work has been on downtown
10 projects, like the Convention Center, the SEC Headquarters, and
11 Capitol Crossing.

12 I'm testifying today to request that you oppose the
13 Dance Loft application for a PUD and related map amendment. The
14 project will overwhelm the surrounding homes on Crittenden,
15 Buchanan, 15th Streets as proposed, and we believe it's
16 inconsistent with the attendant neighborhood development in this
17 part of the City. We oppose the height, size, and density of a
18 101-unit project in this residential neighborhood.

19 The application proposes a height of 66 feet, 8 inches
20 with a penthouse, with a penthouse roof height at 75 feet, 4
21 inches, with an additional six feet, six inches of rooftop
22 enclosure covering condensing units and solar panels, making the
23 completed project elevation at 81 feet, 10 inches above the
24 measurement point of 14th Street. It also seeks to extend the
25 entire mass of the proposed building from the eastern lot boundary

1 295 feet west into the alley areas directly behind the existing
2 rowhouses, overshadowing a 100-year-old residential community,
3 while the topography of the site extends upward to roughly 20
4 feet above the measuring point on 14th Street towards the western
5 end of the development, resulting in a building that, at its
6 penthouse roof, tops out of 58 feet plus an additional six feet
7 six inches of rooftop enclosure, bringing the total built height
8 to 64 feet six inches above the western alley behind the houses
9 that front 15th Street. This is considerably higher than the
10 adjacent row houses that are typically between 22 and 25 feet at
11 their highest elevation and the rear yards facing the proposed
12 Dance Loft project. We think the setbacks on the application do
13 not mitigate this kind of high discrepancy.

14 While the Comp Plan and the Small Area Plan authored
15 in 2012 call for consideration with respect to additional density
16 on 14th Street in order to achieve certain land use objectives
17 in D.C., the heart of our objection is that the Dance Loft is
18 making a huge overreach. Please note that the Small Area Plan
19 say, "Pursue land changes and infill development that is designed
20 with contextual sensitivity," and specifically addresses the
21 Value Furniture site by identifying it as the best redevelopment
22 potential and outlines its favorable attributes from that
23 perspective, and goes further to say that, "The development
24 concept includes a ground floor retail idea for neighborhood
25 grocery with two to three floors of residential above." As you

1 know, parking is always a concern for residents and businesses,
2 and the Small Area Plan addresses that.

3 While the recently-adopted adopted Comp Plan identifies
4 this area as a potential site for more intensive development, the
5 Small Area Plan speaks to our concern in a more holistic way.
6 This part of 14th Street serves a national transitional block for
7 lower density commercial uses, and is compatible with the
8 residential uses on the west side of the corridor. The Small
9 Area Plan continues, the surrounding residential uses between
10 Crittenden and Buchanan consist of single-family homes with rear
11 yard backed into the opportunity site, which is the Dance Loft
12 PUD site. In all cases, height and density should front 14th
13 Street and step back away from existing residential
14 neighborhoods. Community residents emphasize the need for future
15 development and (indiscernible) remain sensitive to the
16 surrounding neighborhood, character, and height. Adequate
17 setbacks from residential properties should be supported as
18 appropriate.

19 Our opposition to the proposed PUD is not without
20 merit. It's not an academic exercise for those of us that share
21 a backyard or adjacent street with this development. It's
22 fundamentally about context. That context is generally
23 recognized in the Small Area Plan. How does a building proposing
24 to extend into the alley at a height that's between two and a
25 half to three times taller than its immediate neighbors really

1 makes sense? The bulk of the building and its length has not
2 had the benefit of a reasonable residential right of way to
3 mitigate its mass. It's shoved into an area fronted by 10- and
4 15-foot-wide alleys that it shares with rowhouses. If this
5 project goes forward as planned, I think it will establish an
6 objectionable precedent for the rest of D.C. Can an undersized
7 alley typically developed to service the area that surrounds it
8 become the ascendant or primary element in the square, especially
9 at this scale? I offer that it's subverts good planning practice.

10 If you wouldn't mind, would you mind getting to slide
11 28, and scroll through that slowly to slide 36?

12 It talks about -- I'm going to talk about a model
13 rebuild. In an effort to fundamentally understand the impact
14 this project will have on our neighborhood; our group pooled our
15 resources to build an eighth-inch scale model of the proposed
16 project in Square 2704. We built it from dimensions included in
17 the Dance Loft PUD application, and the topographic information
18 available to us from D.C. OCTO GIS Services to obtain the site
19 contours for the square. We included alleys, sidewalks, roadways
20 and sample houses. The model gave us the kind of -- provided
21 for us the kind of physical clarity that the Applicant was
22 unwilling to provide. It demonstrates for many of us that the
23 project is out of scale with the neighborhood.

24 I've included some photos in the written testimony so
25 you can see how the scale of the proposed development is

1 inconsistent with the neighborhood, and, in fact, overwhelms it,
2 a condition that the renderings and the application do not address
3 fully. I offer the project scale will create special problems
4 with respect to how it impacts our homes over the long term.

5 The underlying question for those of us opposed to this
6 project is how did we get here? We think the design process
7 neglected to fully consider the existing conditions of the
8 theater that occupies the bulk of the site at 4618 14 Street when
9 the Small Area Plan was authored in 2012. That footprint
10 extending so far back into the square from the property line that
11 the east-facing 14th Street at 300 nearly 300 feet. The theater
12 built in 1921, around the same time that our houses were built,
13 was only in operation for several years. It later became
14 distribution space and remained largely the same until its
15 current life as the Value Furniture store. This site had been
16 largely overlooked by the City's as zoning regulations evolved,
17 and our neighborhood remained largely unchanged for many years
18 to the mix of town and single-family houses with only nominal
19 consideration for potential outcomes as evidenced in the Small
20 Area Plan.

21 Commercial and mixed uses in our area 14th Street and
22 identified in the Small Area Plan are typically 80 to 100 feet
23 back from the property lines at 14th Street. This one is 295
24 feet back, three times the depth. Does zoning have to follow a
25 specific address when this specific address is especially

1 problematic from an urban design point of view? The Small Area
2 Plan touches on this matter by talking about engagement with the
3 surrounding residential community, but doesn't go far enough to
4 restrict this type of invasive proposal. The MU zoning or
5 commercial zoning, in the case of the Small Area Plan, makes more
6 sense from a development perspective when it acts as a 80 to
7 100-foot boundary or border to the 14th Street arterial, like it
8 does in many of the photos of the buildings lining 14th Street
9 included in the application. I offer the photographs of these
10 recent multifamily developments on 14th Street to the south of
11 this project between node one and node two, if we refer back to
12 the Small Area Plan do more to show that these taller four to
13 six story projects are better suited to the 80- and 100-feet deep
14 sites that don't approach so aggressively on the more
15 finely-grained residential zones. In all cases, these are
16 bounded by alleys that run parallel to 14th Street.

17 Furthermore, in 2012, the Office of Planning prepared
18 the historic alley building survey. Even though 16th Street
19 heights wasn't included in the survey, this area has alley
20 development that's consistent with the rest of D.C., and the
21 alleys here were developed and serviced to the dominant
22 neighborhood form, typically rowhouses. Regardless of the
23 context, alley buildings such as garages, carriage houses, are
24 typically smaller than the surrounding residential or commercial
25 development in the area and don't seek to dominate it. Time and

1 effort and taxpayer dollars went into the survey. And while our
2 neighborhood might -- may not merit historic consideration, the
3 form and substance of its urban fabric should not be set aside
4 in favor of a ham-fisted and ordinary project that the Applicant
5 asserts is exceptional. We believe that an exceptional design
6 will be the result of a more community-focused process that yields
7 new ideas and balanced results for how best to integrate the
8 Applicant's admirable pursuits of providing affordable housing,
9 art space, and retail in a challenging and constrained site.

10 My personal view is that the Applicant squandered a
11 tremendous opportunity to show us how a contextually rich and
12 thoughtful design could establish a model for alley redevelopment
13 throughout the City that would be welcomed by all.

14 I think it's also worth mentioning that that in their
15 presentation, the Applicant showed us an exhibit that outlines a
16 summary of changes made to the project because of neighbor
17 concerns. I think it's important to characterize these
18 correctly. A couple were made -- some of these changes were
19 driven by the neighborhood, but the majority were driven by
20 regulatory imperatives in the design building code, or D.C.
21 agencies. Moreover, building designs change because that's the
22 process. Building program and design are iterative by nature.
23 And to characterize all of these changes as solely related to our
24 desires is not how it works. You can see where that's gotten
25 us. Our central concern remains it's too big and will dominate

1 and overwhelm our neighborhood.

2 I'll close this evening to say that I'm invested in my
3 neighborhood and our community. I think my work on this project
4 and my profession reflects that. I think our neighborhood
5 deserves good faith compromise from this Applicant, and to date,
6 that hasn't happened. And I'm asking the Zoning Commission to
7 deny the Dance Loft application for a PUD and related map
8 amendment, and to instead insist that this -- they effectively
9 engage with Friends of 14th and the rest of the neighborhood to
10 reach a reasonable compromise. Thank you for your consideration
11 and for giving me the opportunity to speak tonight.

12 MR. DONOHUE: Thank you, Ted. That was great.

13 MR. HALLINAN: Thanks.

14 MR. DONOHUE: Mr. Chairman, I know we ran a little
15 over, and I appreciate that. We did have some technical issues.
16 I'd like to ask the last witness just one question about the
17 model if I can. I'll be very brief.

18 Ted, the model that you prepared was one that was done,
19 because the Applicant declined to prepare a model for discussion
20 with the community; is that correct?

21 MR. HALLINAN: We built it on our own. I took it upon
22 myself to get -- to start the model as a way to understand the
23 project. It's kind of -- it's something design people typically
24 do.

25 MR. DONOHUE: Right. And the photographs that were

1 taken, it's your understanding that Friends of the 14th had the
2 professional photographer take those photos and submission for
3 the record, correct?

4 MR. HALLINAN: Yes, that's right. It was -- I forget
5 the name of the photographer, but she is an architectural
6 photographer --

7 UNIDENTIFIED SPEAKER: Judy Davis.

8 MR. HALLINAN: Thank you. Judy Davis took the
9 photographs several weeks ago so that we'd have something to
10 offer as -- in support of our testimony.

11 MR. DONOHUE: All right. And finally, is it your
12 testimony that the accurate -- that the model is an accurate
13 representation of the project as you know it and given the
14 topography, as you said, as provided by D.C. and OCTO, et cetera?

15 MR. HALLINAN: Yes.

16 MR. DONOHUE: Right. Thank you.

17 Thank you, Mr. Chairman, I appreciate that.

18 CHAIRPERSON HOOD: Okay. Thank you, Mr. Donohue.

19 And thank you Friends of 14th Street.

20 Ms. Schellin, can you bring the Applicant's counsel
21 back up?

22 MS. SCHELLIN: Mr. Young, would you bring Mr. Utz up?

23 CHAIRPERSON HOOD: Mr. Utz, as you know, the Applicant
24 went over eight minutes, and the party in opposition went over
25 as well. Would you like to take those minutes that the party

1 | went in opposition over, or would you like to forego that?

2 | MR. UTZ: We can forego that. We do have a rebuttal

3 | --

4 | CHAIRPERSON HOOD: Right.

5 | MR. UTZ: -- presentation that we'd like to present,
6 | but we don't need to belabor the hearing portion, but thank you.

7 | CHAIRPERSON HOOD: Thank you. I appreciate it.

8 | Thank you, Ms. Schellin, and everyone for bringing him
9 | back up.

10 | I just wanted to make sure I'm fair across the board.
11 | I did -- we did it for the Applicant. The parties in opposition
12 | had an additional eight minutes, and that went over. So I wanted
13 | to make sure to Applicant also had -- went over, so. All right.
14 | And I have my rationale and reasoning for doing that.

15 | Thank you, Mr. Utz.

16 | Mr. Donohue, your team is still up, so we may have some
17 | questions and comments. I know I have a number of questions I
18 | wrote to all of the -- we may have questions or comments for all
19 | of your witnesses, including you, Mr. Donohue. So I want to go
20 | down the line of what you said, I said, and I want to have a
21 | dialogue with you about that.

22 | First, let me see. Commissioner --

23 | Hold on one second. Let me change my screen here.

24 | Commissioner May, you have any questions of any of the
25 | panelists, Friends of 14th Street?

1 COMMISSIONER MAY: Well, questions, comments.

2 First of all, I want to make the observation. I know
3 it was suggested that the Zoning Commission should actually go
4 out onsite and walk the alley and all that sort of stuff. I
5 mean, the Zoning Commission cannot logistically do that. It's
6 just not possible for us. Because every time three of us get
7 together, it's a meeting, and we are bound by all of the laws
8 regulating meetings and all those things. So we typically -- we
9 do not do site visits. You're not the first people to suggest
10 it. But it's something that we don't do. That being said, we
11 are very familiar with many of the City's neighborhoods and in,
12 you know, including projects that are not far from here that we
13 have considered. And so we understand a lot about these projects,
14 based on the information that has been submitted. And we
15 understand the limitations of exhibits that are presented by the
16 Applicant. We also appreciate receiving information from the
17 opposition that that provides a different perspective on it. So
18 with all of those things, I think that we are well prepared to
19 be able to evaluate this case.

20 I do have a question, which I mean, there are references
21 to the change in the Future Land Use Map that was done a while
22 back, that basically made this project possible. And what I'm
23 wondering is whether the Friends of 14th Street or its constituent
24 members were active in that process when those changes were made,
25 because the writing was on the wall when that Comp Plan change

1 was made. So I'm wondering if anybody, you know, if people
2 participated in that.

3 MR. DONOHUE: Ted, you want to take that?

4 MR. HALLINAN: Yes. And some of us were involved
5 early on, and we thought that it was mostly Small Area Plan, not
6 the Future Land Use or the recent Comp Plan. It was the Small
7 Plan, yes, not insofar as the Comp Plan was involved.

8 COMMISSIONER MAY: Right. And I mean, the complication
9 is that it's the Comprehensive Plan and the Future Land Use Map
10 that are the primary guidance. I mean, we can look to the Small
11 Areas Plans as supportive of that, but if it's in the Comp Plan,
12 you know, our guidance is to not be inconsistent with the
13 Comprehensive Plan.

14 I have to say, you know, I mean, the message from all
15 of your testimony is very clear. You'd like to see a different
16 project. You're supportive of the goals, generally, but not the
17 specifics of this proposal, because it's too massive and has too
18 much of an impact.

19 I think one of the things that we have struggled with
20 here is that this level of impact was contemplated in the
21 Comprehensive Plan Amendment. So I think that's what led to the
22 ANC's position that there really was no strong planning or zoning
23 basis to oppose it. But again, you know, I think that you made
24 your point loud and clear on all fronts, including the concerns
25 about the narrowness of the alley and so on.

1 It was a little bit concerning that the -- the negative
2 tone of so much of this, because, I mean, you must be hearing
3 some other things outside of the -- this hearing room or this
4 virtual hearing room about the efforts of the Applicant to
5 disparage or diminish the concerns of the neighbors, because we
6 didn't really hear that in the hearing. I mean, I heard people
7 talk about that happening, but it wasn't happening so much in the
8 hearings themselves, or in the -- in our last hearing, where the
9 Applicant was attacking the surrounding neighbors for being
10 NIMBYs and things like that. So it's -- it -- and I don't know
11 that it necessarily helps you make your case when you complain
12 about those sorts of disparagement, when they're not in evidence
13 in the hearing that we have. It's just people testifying about
14 having experienced that.

15 There are -- issues have become very emotional, and
16 people do wind up -- all discussion is two-way, so people say
17 one thing, intending one thing, and people may hear different
18 things. So we have to try to put all of that aside and look at
19 this objectively based on the merits of the project itself, and
20 so I think that's what we have to try to do.

21 I will say that the thing that struck a chord for me
22 is the need for some more visual information regarding the
23 relative heights of buildings and distances between them. And I
24 know that there are some site sections, I think they're just
25 north-south site sections. They're not particularly clear,

1 | because they show sort of elevations in the foreground. So I
2 | think simple site sections would be helpful, taken at several
3 | points, going across the length of the building or the full depth,
4 | the long way of the building, and then some -- and then a
5 | longitudinal section, so that we, in particular, can see the
6 | relationship between Ms. Baughn's property and the rear of the
7 | project. There is one rendered view that is sort from the alley
8 | that kind of cuts the corner there. But it's not -- that --
9 | those sorts of views can be deceptive, depending on the view
10 | angle and so on. So seeing it more abstractly in section, I
11 | think would actually be helpful.

12 | And so I see Mr. Utz is taking note of all these things,
13 | and we will be expecting to have that information before we can
14 | actually take a vote on it. So most of that was just commentary
15 | on it. But again, I appreciate all the testimony from the party
16 | in opposition. I think you've made your case very clearly in
17 | the information presented today, and we will have to take all of
18 | that in consideration. That's it for me, Mr. Chairman.

19 | CHAIRPERSON HOOD: Okay. Thank you, Commissioner May.
20 | Vice Chair Miller?

21 | VICE CHAIR MILLER: Thank you, Mr. Chairman.

22 | And thank you to the party in opposition, Mr. Donohue
23 | and all the folks who testified just now. I think you may -- I
24 | think, as Commissioner May said, I think you made it very clear
25 | what the opposition is focused on, which, I think, the Applicant

1 in their summary of the opposition testimony recognized that the
2 primary opposition is to the height, the density, and the scale
3 of the project.

4 I want to -- I don't really have a question for any of
5 the witnesses or for the party in opposition, but I will have a
6 question of the Applicant -- at least one question of the
7 Applicant. And that is about what something about Ms. Dana
8 Baughns testified to. I don't know if I pronounced your name
9 correctly. I hope I did. But let me make sure I understand what
10 you testified to so that I ask my question correctly to the
11 Applicant.

12 As I understand it, you have suggested here tonight,
13 and maybe I think during the course of this project's development
14 to Dance Loft and their representatives, that the height that
15 they could have their -- all of the program that they want, in
16 terms of the Dance Loft program space and the affordable housing
17 and market rate housing space that they want -- but you, what
18 you suggested a compromise that would add a floor. Correct me
19 if I'm wrong. This is what I understand. That you would add a
20 floor to the building for the front on 14th Street, and take a
21 floor away from the rear, which is closer to the backs of your
22 homes on Crittenden and Buchanan. So it's adding a floor in the
23 front and reducing a floor in the back.

24 As I understand it, the Applicant at some point -- I
25 don't want to get into who did what when -- but at some point

1 did offer to, I think, reduce the height, but eliminate all the
2 setbacks. And I think I saw a rendering of that, which did look
3 worse, I think, because it looked like it was just even more
4 imposing on the neighborhood, because there weren't those
5 setbacks. But let me understand. Were you suggesting that as a
6 compromise? Have you suggested that as a compromise? Are you
7 suggesting that as a compromise to move -- to add a height --
8 add a floor on the front, and reduce a floor on the back, and
9 still get the entire program that they're -- of uses that are
10 part of this proposal right now?

11 Ms. Baughns, have I -- I know I've oversimplified it,
12 but is that basically what you suggested?

13 MS. BAUGHNS: Yes, Commissioner Miller. That's
14 correct. Okay.

15 VICE CHAIR MILLER: Okay. Well, that helps me in terms
16 of my being able to ask them about that when we get --

17 MS. BAUGHNS: Okay.

18 VICE CHAIR MILLER: -- to that point. Thank you very
19 much.

20 MS. BAUGHNS: Uh-huh.

21 VICE CHAIR MILLER: Thank all of you for your testimony.

22 CHAIRPERSON HOOD: Let me -- Ms. Baughns, let me follow
23 up on that. If that was the case, closer to the front, what
24 about the houses that -- are there any houses that it would affect
25 that are closer to the front? Yeah, we're getting out of some

1 yards, but what about the houses towards the front?

2 MS. BAUGHNS: The houses towards the front that are
3 already on the 14th Street commercial corridor, as well as the
4 businesses is where the scale would be.

5 CHAIRPERSON HOOD: Okay, so we would not -- and so
6 you're saying (indiscernible) backyard.

7 MS. BAUGHNS: Think of the normal course of building a
8 building on 14th Street that doesn't extend into the alley
9 exchange. That's what I'm proposing where the height would be.

10 CHAIRPERSON HOOD: Okay. Okay. All right. Let me
11 just run through -- some of these are questions, and some of
12 these comments. Let me just run through these.

13 Mr. Donohue, I think you said at the last meeting --
14 and I have -- I get in trouble for a whole bunch of stuff, but I
15 don't -- I'm going to have to go back and look at the transcript
16 and see if I said if -- here. Not here. I think -- and if it
17 came out that way, that wasn't necessarily correct, because
18 actually, I would take it over here in my neighborhood and take
19 the trash transfer stations and put them somewhere else, but
20 that's not the way life worked out for me. And what I will say
21 is -- what my point was, that is the project that's being
22 proposed. I said the Zoning Commission -- we get beat up a lot
23 on about affordable housing, and they don't -- the residents of
24 the city have told us -- a lot of residents of the city have told
25 us a lot. Even though we make incremental moves, we've been

1 | doing things, and there's a balancing effort, people in the city
2 | want us to do more. And the biggest thing here for -- and it's
3 | not about Dance Loft.

4 | And, Ms. Baughns, I get it. I get the height and the
5 | density. And that's why I asked for the rendering I asked for.
6 | I get that. But sometimes to be able to develop and to build
7 | that affordable housing, you have to increase the envelope. So
8 | the question -- and that's what -- and maybe Ms. Baughns, I'll
9 | ask you this question.

10 | So I think Mr. Donohue, why you interpreted my -- and
11 | I'm going to go back and look at the transcript, because I believe
12 | that's my -- that was my point. We get beat up for -- about
13 | affordable housing, and then in order to get it and to pay for
14 | it, we have to increase the density. So that's not necessarily
15 | a question, that's just a reflective measure. But I will -- and
16 | I'm going to ask Ms. Schellin to remind me to send the transcript
17 | as usual so I can remember.

18 | And Mr. Donohue, if I said that, I stand to be
19 | corrected. And if not, I will let you know, so.

20 | The other thing is Ms. Baughns, I will tell you that I
21 | get the height and density. I get that. And I know you're not
22 | against affordable housing. I get all that. I'm just trying to
23 | see -- and I'm going to ask you the same question I think I asked
24 | one of the -- well, let me let me back up.

25 | Mr. Donohue, is there anybody -- and I'm going to ask

1 the applicant this first. Was there anybody last week -- and
2 you can answer this in rebuttal -- who lived in that area in the
3 back where their backyard would be -- no, let me rephrase that
4 so Mr. Donohue won't say I said the question. Is there anyone
5 who is in support who is affected as Ms. Baughns and others are?
6 And that's a question I'm going to ask you on rebuttal. I'm
7 asking it now because I have to seize the moment. I probably
8 would have forgot by the time I -- because I don't have that
9 written down.

10 So Ms. Baughns, let's go back to height and density.
11 So you realize in order for you -- you're not against affordable
12 housing, but you realize -- and let's just have a quick
13 conversation. Let's go down this road. You realize that in
14 order for the height -- the affordable housing to be built, a
15 lot of times we have to increase the envelope. And I'm not trying
16 to get you to buy into that. I'm trying to get you to help me
17 see which way -- how much we want to push. I'm just trying to
18 figure that out. You realize that.

19 MS. BAUGHNS: I tell you what I do understand and
20 what I do realize is that there needs to be a certain percentage
21 of units allotted for affordable housing. And they can still
22 maintain a percentage needed for the affordable housing subsidies
23 that are available.

24 CHAIRPERSON HOOD: Okay. And you made a statement line
25 in the shadows.

1 MS. BAUGHNS: And -- I'm sorry. I'm sorry, Chair Hood.

2 CHAIRPERSON HOOD: There's two things, right? There's
3 the consideration of reducing a number of the units to address
4 the scale, but then there's also shifting units, maintaining the
5 density, and scaling it differently, so that there's not such a
6 impactful negative impact on the abutting property owners. This
7 is still a building that will be in the rear, taller. That's
8 compromise. Balconies, that's compromise. And they would still
9 be eligible for subsidies.

10 CHAIRPERSON HOOD: So, Ms. Baughns, have you ever had
11 an opportunity to speak with the developer and your ANC about
12 -- I'm not trying to get into what all went on, but I'm just
13 curious --

14 MS. BAUGHNS: Yes.

15 CHAIRPERSON HOOD: Were some of those ideas brought to
16 your attention? Have you had an opportunity to discuss that with
17 the Applicant and all those who are in support?

18 MS. BAUGHNS: Yes. I actually requested that meeting
19 in June that I'm referring to, because I thought that I could
20 bring the sides together and to mediate a compromise. I requested
21 the abutting neighbors to come. I had conversations with Etta
22 from the Dance Loft. We worked together to get people at the
23 Dance Loft to hear the presentation and the proposal for the
24 alternate rendering that was presented that didn't have any
25 setbacks in it, which was more imposing on the properties. When

1 the meeting went left, which was shortly after there was a
2 discussion around couldn't you just move that mass to the 14th
3 Street side? And the response to that was, no, no, we cannot
4 just because it's not financially feasible.

5 CHAIRPERSON HOOD: Okay.

6 MS. BAUGHNS: That's what the response was, and that's
7 also when the response -- the additional response we received
8 was, we're not inclined to continue to build renderings that cost
9 money for consideration when there are a number of supporters in
10 the neighborhood that support the proposal as it had been
11 proposed. And this is before application. And this is -- and
12 because it was before application at that time, my conversations
13 and -- my conversations with Commissioner Campbell at the time,
14 and his direction and guidance given to the residents in
15 opposition was, this is going to be a long process. I encourage
16 you to stay engaged, but there's really nothing for the
17 Commissioners to do until an application is set and filed.

18 CHAIRPERSON HOOD: Okay. All right. Thank you, Ms.
19 Baughns. I appreciate your comments. And I thank you. And I
20 will -- we will, as the Vice Chair has mentioned, we will talk
21 again about the -- your proposal and find out where that fell
22 off and went left.

23 Mr. Elting, you mentioned significant costs after this
24 development, that the neighbors whose backyards abutted, there
25 would be significant costs. Can you expound on that again for

1 me, because I missed some of it.

2 MR. ELTING: That was just in response to the suggestion
3 last week that rather than having issues with placing trash cans
4 in the alley on trash day, or if we have issues entering and
5 exiting our parking spaces currently, that we should widen our
6 parking spaces or build pockets in our fences. And simply that
7 was a comment, you know, that was geared towards expressing a
8 sense of frustration that we are not the ones who are asking to
9 make these changes. This is being imposed upon us. And the
10 solution then is for the inconvenience being imposed upon us,
11 that we should then bear greater inconvenience by having to make
12 those changes at our own cost. That was it.

13 CHAIRPERSON HOOD: Okay. Thank you. I remember that.
14 And I also have in my notes here, I think you said -- mentioned
15 right size, and I take cliff notes, that's why I have to come
16 back and ask the question. You said no compromise. Is that what
17 the Applicant mentioned to you, no compromise, or where did that
18 come from?

19 MR. ELTING: No compromise. Essentially, we were told
20 from the beginning that this is the amount of units were going
21 to build. Initially, it was 99. Now, I believe it's 101. But
22 that reducing that in any significant way, was a non-starter, and
23 therefore bringing the size down would reduce the number of units,
24 would therefore make it unviable. Does that answer your question?

25 CHAIRPERSON HOOD: Let me ask you, Mr. Elting, is that

1 the only -- it would be setbacks -- reducing -- more of a setback.
2 Let me ask you. What is the -- is it just basically, height and
3 density for you? That is -- is that it? If it's height and
4 density for you, let me ask this question, right, because Mr.
5 Donohue is -- I don't know if he is keeping tabs on my questions.

6 But height and density, if you -- is there anything
7 else that can be mitigated or worked out other than height and
8 density? And I know Ms. Baughns, I'm not going to ask her that,
9 because I already know what she is. But for you, is there
10 anything else that can be worked out, or is that the major thrust
11 as well?

12 MR. ELTING: Oh, height and density has been issue
13 number one. I stated that on probably the second or third call,
14 the public meetings that they had about this, and I've been
15 consistent about that from the beginning.

16 CHAIRPERSON HOOD: Okay. Now, do you know of anyone
17 -- and I'm going to ask the Applicant the same thing, because I
18 meant to ask -- should have asked this last week. Do you know
19 of anyone who lives in that area where their backyard abuts the
20 building that is in support of it?

21 MR. ELTING: I believe I can think of perhaps one,
22 maybe two people.

23 CHAIRPERSON HOOD: Okay. Okay. All right. All right.

24 COMMISSIONER MAY: Mr. Chairman? Mr. Chairman?

25 CHAIRPERSON HOOD: Yes?

1 COMMISSIONER MAY: I would just note that in their --
2 in the opposition presentation, there were three, and, you know
3 that they had the map of folks who were in support and in
4 opposition, and there were what looked like three homes that had
5 blue dots on them.

6 CHAIRPERSON HOOD: Okay.

7 COMMISSIONER MAY: They were on -- I think there were
8 all on Buchanan. And I think there was one that was on 14th
9 Street that might have actually been a business.

10 CHAIRPERSON HOOD: Okay.

11 COMMISSIONER MAY: That's the -- that was what was in
12 that presentation.

13 CHAIRPERSON HOOD: Okay. I saw that. I just did not
14 remember. I'll go back and look at it. I'm glad you picked it
15 up.

16 COMMISSIONER MAY: Yeah, I looked it up for you.

17 MR. ELTING: Just -- if I could just clarify, because
18 I'm thinking through the -- I do recall there were two individuals
19 last week who spoke in support, one of whom was the gentleman,
20 Mr. Webne, who spoke about the 10-foot alley and wanting to
21 support the conditions. And the other was Mr. Lang -- Jared Lang
22 who, yeah, who spoke and said he wished he'd been more involved
23 throughout the process.

24 CHAIRPERSON HOOD: Okay. Okay. I'm just trying to
25 figure things out. I will say this though, and I heard the

1 traffic consultant. I will say this. I had another case in that
2 exact area, and I do know about the parking issues. But I've
3 never figured this out for years how the same -- the Applicant
4 had pictures of parking and there was plenty of parking. The
5 opponents came down on a Sunday and had parking, and there was
6 no parking. And that's actually -- that happened some years ago,
7 so I would be more interested in -- I'm talking to the Applicant
8 now. Let's continue to talk about the parking, because I do know
9 that there's -- I think there's a major potential problem up
10 there with parking now, and we don't need to exacerbate it.

11 So again, I'm always about communities working it out,
12 and I understand Ms. Baughns and others who've testified height
13 and density. I just don't know how we get around that. How can
14 we mitigate that, if this is the spot. If this -- depending upon
15 how my colleagues, how we go forward. But also know that
16 affordable housing costs. So for me, it's about trying to balance
17 -- strike a balance and also being understanding that that's why
18 I asked for the viewing. That's why I want to see the viewing
19 of what people are going to see in their backyard. The Supreme
20 Court has always said that you don't buy a view, but I can imagine
21 that's going to be a major, major change for those who have lived
22 there and invested in their homes in that area. So anyway, that's
23 all I have to say on that.

24 I want to thank everyone for your -- for coming out for
25 your testimony. Hold tight though, because we -- let's see if

1 we have any cross. Let me go first to the Applicant.

2 Mr. Utz, do you have any cross of any of the witnesses
3 or the party?

4 MR. UTZ: I do have one question.

5 Mr. Radhakrishnan, my question is, how many times have
6 you scoped the CTR with the District Department of Transportation
7 for a multifamily project?

8 MR. RADHAKRISHNAN: I think it is an irrelevant
9 question, because I've helped my supervisor do that multiple
10 times. So personally, I have not, but I have helped my supervisor
11 do that. And I have done multiple traffic reviews in Washington,
12 D.C., for the last 14 years.

13 MR. UTZ: Thank you. That is all. Thank you.

14 CHAIRPERSON HOOD: Okay, thank you.

15 Is Commissioner Campbell.

16 Ms. Schellin, can we bring Commissioner Campbell up if
17 he's on?

18 Good evening, Commissioner. Do you have any questions
19 of the party in opposition?

20 MR. CAMPBELL: Actually, the Commission members
21 addressed a couple of the questions that I had. I do have a
22 general question, because the idea of amassing more -- the
23 impression that I have received from the various parties in
24 opposition, with whom I have communicated throughout the process,
25 has -- the impression I got was that the height and density was

1 | undesirable and unsatisfactory. And so I'm curious about
2 | Ms. Baughns' proposal though, as to whether or not the opposition
3 | parties would accept, you know, this massing of greater height
4 | on 14th Street in exchange for lesser in the rear. Because,
5 | again, the impression that I got was height and density, it was
6 | all bad. And, you know, I was aware of the suggestion that
7 | eliminating the setbacks and reducing the height in the rear.
8 | But this is the first that I'm hearing of the suggestion that
9 | greater height on 14th Street might be acceptable to the
10 | opposition. So I'm just curious, because Ms. Baughns was the
11 | only one that I heard express that. And so I'm wondering if that
12 | is something that would be generally acceptable to those parties
13 | in opposition.

14 | CHAIRPERSON HOOD: I see Mr. Elting's hand up.

15 | MS. BAUGHNS: Commissioner Campbell --

16 | MR. CAMPBELL: Hold on for a second, Ms. Baughns. I'm
17 | going to come right to you, since he gave you first.

18 | MS. BAUGHNS: Okay.

19 | MR. CAMPBELL: I'm going to come right to you, but Mr.
20 | Elting has been raising his hand the whole time you're talking.
21 | So I want to go to him first.

22 | MR. ELTING: Apologies, Dana.

23 | But I was eager to chime in on this, because,
24 | Mr. Campbell to your question. In the public meetings, this is
25 | one of the alternatives that we specifically proposed was greater

1 massing on 14th Street, and we were told that that would change
2 the construction components to necessitating steel; therefore,
3 increasing the costs, making (indiscernible) non-viable. So that
4 was dismissed.

5 COMMISSIONER MAY: So -- but that's not really the
6 question, I think, that the Commissioner was asking. He was
7 asking whether the rest of the party in opposition would be
8 supportive of that kind of proposal. We'll get back to the
9 Applicant. The Applicant is going to answer the question about
10 feasibility. But I mean, I think it's a good question Joe
11 (phonetic) Campbell, had about the, you know, does the Friends
12 of 14th Street generally support that concept?

13 MS. BAUGHNS: And may I answer?

14 COMMISSIONER MAY: Please.

15 MS. BAUGHNS: Yes.

16 COMMISSIONER MAY: Okay. That was easy. Thank you.

17 MS. BAUGHNS: There you go.

18 CHAIRPERSON HOOD: Actually, would --

19 MS. BAUGHNS: And in my testimony, I was -- I had stated
20 that I was speaking -- my testimony was on behalf of myself as
21 well as the Friends of 14th Street, so yes. Yes.

22 CHAIRPERSON HOOD: Okay. Thank you, Ms. Baughns. I
23 maybe should have let you go first, but Mr. Elting really -- he
24 really had to get in there, so. Anyway, Commissioner Campbell,
25 do you have any further questions?

1 MR. CAMPBELL: Yeah. There was one other that I had,
2 because the model that the Friends had constructed, there was
3 some question about that. And there was a meeting that -- an
4 in-person meeting that I organized so that the Friends could show
5 that model. But leading up to that, Mr. Hallinan had declined
6 to provide the figures that were used to construct the model so
7 that the Applicant could verify the accuracy. And so I'm
8 wondering now, since that model has been put forth as being
9 accurate, is Mr. Hallinan willing to share those figures with the
10 Applicant so that that accuracy can be verified?

11 MR. HALLINAN: May I answer?

12 CHAIRPERSON HOOD: Yes. Sure. Of course.

13 MR. HALLINAN: Yeah. I -- during the course of that
14 meeting, Mr. Campbell, if I recall correctly, I explained where
15 I'd gotten the source information from. It was not satisfactory
16 to the Applicant. I mean, it's not a complicated building. From
17 my perspective as a person who does this for a living, I simply
18 got the numbers from the application, translated it into an
19 eighth-inch scale model, and inserted it into our block. I --
20 it wasn't satisfactory to the Applicant that I had gone through
21 that process, and the information that was publicly-available
22 from the District appeared not to satisfy him either. But that
23 doesn't mean that it didn't give us a better understanding of
24 what we were looking at and how big this project was in comparison
25 to our homes. And that's what we were after. So it did its job,

1 and it was accurate.

2 MR. CAMPBELL: What I was looking for was --

3 MS. BAUGHNS: They were offered -- they were offered
4 the opportunity to scale a model and refused.

5 MR. HALLINAN: In fact, the Applicant's architect was
6 measuring the model and checking it against their own documents.
7 I don't see it as being hugely controversial. I would welcome
8 if somebody said, you know, you're two feet too tall. I would
9 -- fine, I'm happy to cut it down. I was -- it's really about
10 understanding the massing. And I think that insofar as an eighth-
11 inch scale model of an entire city block that fits on two card
12 tables in my garage, it does a pretty good job, and it is
13 accurate.

14 MR. CAMPBELL: I'm not an expert in any of this, and
15 my hope had been that -- and I appreciate that you're saying that
16 you had fabricated the model based on these figures that were
17 available publicly. But for the purposes of being able to, again,
18 determine its accuracy, my hope was that, you know, there'd be a
19 sheet of paper or something, something that you could provide the
20 Applicant that had everything that you used to do that.

21 MR. HALLINAN: It was included in their application,
22 Mr. Campbell. It's -- this is a conversation we had on February
23 28, that same evening. And you can agree with me or disagree
24 with me, but I think that an eighth-inch scale model is a pretty
25 straightforward thing. It's just a cardboard box. And the

1 application is clear about its dimensions. It has to be.

2 COMMISSIONER MAY: If I could follow up on that.
3 Mr. Hallinan, was your response at the time what you just told
4 us, or was it --

5 MR. HALLINAN: Yeah.

6 COMMISSIONER MAY: -- as described earlier that you
7 refused to provide the information?

8 MR. HALLINAN: No, I explained that it was coming from
9 the application. They wanted a CAD file; I did not have. I
10 simply took the application and put it down next to me and carved
11 out --

12 COMMISSIONER MAY: Right. So it was not that you were
13 unwilling to provide information, it's just that they were asking
14 for something that you did not have.

15 MR. HALLINAN: That's correct.

16 COMMISSIONER MAY: Okay.

17 MR. CAMPBELL: All right. Thank you.

18 COMMISSIONER MAY: That helps me understand. And I
19 appreciate the question.

20 MR. CAMPBELL: Yeah, thank you, myself also. Because
21 like I said, I am not an expert in this. In fact, leading up to
22 that meeting, I had actually considered having the ANC bring in
23 a third-party architect to verify that model. And ultimately, I
24 determined that that was not something that it was appropriate
25 for the ANC to expend funds on.

1 MR. HALLINAN: No, of course.

2 MR. CAMPBELL: And that the Applicant, and those in
3 opposition should be able to have a meeting of the minds. And,
4 you know, the various, you know, Mr. Hallinan being an architect,
5 and you know, the Applicant, having architectural experts with
6 them, you know, to be able to verify the accuracy of the model.
7 And regrettably, that did not seem to actually happen.

8 CHAIRPERSON HOOD: Mr. Chairman, do you have any
9 additional questions?

10 I mean I appreciate the conversation, but we can
11 probably --

12 MR. CAMPBELL: Yeah. Got to keep it moving.

13 CHAIRPERSON HOOD: Because let me just say, whatever
14 happens in this case, and if it was to go somewhere else, somebody
15 will say, well, why did the Chairman just let them go back and
16 forth. That was an ANC meeting or community meeting they were
17 having. But also, I believe that these discussions are very
18 helpful, so that's why I allowed it.

19 So Mr. Campbell, let's see if you have any additional
20 questions.

21 MR. CAMPBELL: No. Those were all the questions that
22 I had, Chairperson.

23 CHAIRPERSON HOOD: Okay. Thank you very much.

24 MR. CAMPBELL: Okay. You're welcome.

25 CHAIRPERSON HOOD: All right. We will --

1 Now, Mr. Utz, if you can bring your team up.

2 And Mr. Young, if you can take the party in opposition
3 down, we have some rebuttal, and then we will do cross on
4 rebuttal.

5 So Commissioner Campbell and Mr. Donohue, don't go
6 nowhere, because we will do cross and rebuttal.

7 And I want to thank all those who did testify in
8 opposition. And let's just see where we go. You were heard loud
9 and clear. Okay.

10 MR. UTZ: All right. Thank you, Mr. Hood.

11 Mr. Young, could you please pull up the presentation
12 that we submitted into the record?

13 CHAIRPERSON HOOD: Mr. Utz, about how much time do we
14 need for rebuttal?

15 MR. UTZ: I would estimate 20 to 25 minutes, please.

16 CHAIRPERSON HOOD: Okay. All right. Sure.

17 And if we're going to leave Mr. Campbell up, let's
18 bring Mr. Donohue back up as well. Okay.

19 And Mr. Utz, I'll turn it over to you.

20 MR. UTZ: Thank you so much, Chairman Hood.

21 And thank you, Commissioners. Good afternoon. Now
22 evening. Again, for the record. I'm Jeff Utz of Goulston and
23 Storrs, Land Use counsel for the Applicant in this hearing. We
24 appreciate you scheduling so quickly after last week's hearing.

25 As a threshold matter, I do just want to reiterate that

1 the Applicant has absolutely been engaged with the community,
2 particularly the neighbors, throughout this process, focusing on
3 a good faith approach. This dialogue has been an important part
4 of the process from day one. The project was introduced to the
5 community in March of last year, and is just having its hearing
6 now, which is indicative of the extensive number of meetings and
7 outreach that has been done, that was a purposeful approach by
8 this Applicant by this team. The ANC's letter supports this
9 process, and we hope to continue that sort of relationship.

10 Next slide, please.

11 Just quickly, I'll start with the roadmap of rebuttal
12 presentation this evening. We will start with the Comprehensive
13 Plan and Small Area Plan analysis before moving on to the impact
14 analysis consideration under the standard, just an abbreviated
15 snapshot of what we talked about last week and what's in the
16 record. We'll then discuss some of the design evidence that the
17 party in opposition introduced. Finally, we'll end our rebuttal
18 with a response regarding what has been called the three-story
19 option and has been referenced and discussed, in fact, just a
20 little bit and provide a little bit more information about what
21 had been reviewed for the meetings in 2021.

22 Next slide, please.

23 As we discussed, the project's density fits squarely
24 within the Future Land Use Map designation for the property. The
25 property is listed as moderate density, mixed-use on the Future

1 Land Use Map, the definition of which includes an FAR range of
2 2.5 to 2.0. And it also notes that more could be provided with
3 a PUD or through IZ. And that same definition also references
4 both the MU-5 and MU-7 zones. Here we're requesting an MU-5A
5 zone.

6 Many of the opponents in the record were asking for
7 matter of right development or reduced building, including
8 reductions of up to half of the building. Those types of projects
9 would be inconsistent with the Comprehensive Plan, and we don't
10 see how it could be supportive, even if not accounting for the
11 67 affordable units that are proposed here.

12 We recognize that the Comprehensive Plan is not
13 necessarily the top priority or consideration of the opponents,
14 but consistency with the Comprehensive Plan and the Small Area
15 Plan is something that is central to the PUD and that the map
16 amendment analysis by the Commission hinges upon. We think that
17 Commissioner Campbell stated perfectly last week where he said,
18 "No, there is no basis for the Commission to oppose this project.
19 Doing so would arguably be inconsistent with the Comp Plan."

20 Next slide, please. Next.

21 The Small Area Plan also gives specific guidance about
22 the site. The site was not just tangentially addressed in the
23 plan, and, in fact, identifies it as the best redevelopment
24 potential in the study area. And the reasons it cites is because
25 it is located mid-block, has good visibility, a deep footprint

1 and multiple alley access points. The plan called for a grocery
2 store anchored here and residential above, so a meaningful
3 building has always been envisioned by the plan. Interestingly,
4 the Small Area Plan didn't mention affordable housing at all, but
5 the Comprehensive Plan certainly does.

6 Next slide, please. Thank you.

7 We'd like to respond to some of the concerns about
8 construction impacts. We've worked with the ANC on some
9 construction period conditions. We responded to the DDOT item
10 as well, as we mentioned last week. We think that this is a
11 place where we could work with the neighbors, if they are
12 interested in doing so. We've already committed to the ANC's
13 requests, which are shown here and listed in the ANC report.

14 Next slide, please. Thanks.

15 To respond to some of the specific concerns that the
16 opposition put into the record. There are no known environmental
17 issues at the site. The testimony that was filed into the record
18 asked for a phase one report, so we obliged. It's a several
19 hundred-page report, and it's highly technical, which is why
20 owners don't usually share this publicly. And it also, frankly,
21 isn't typically included in a PUD. But because they asked, we
22 filed it. It's there, and hopefully that helps assuage some
23 concerns about the environmental impact of the project in the
24 construction phase. So it shows that there are no environmental
25 issues at the site. We're happy to elaborate on that.

1 Further construction impacts here are mitigated by the
2 fact that there is no basement. The project avoids a below grade
3 garage, so the scope of excavation is highly limited. We've also
4 already started coordination with WMATA across the street. That
5 was mentioned earlier this evening and last week as well,
6 particularly if the two sites are under construction
7 simultaneously. There are construction-related traffic control
8 measures appear to be focused on the public space off of 14th
9 Street, while the projects will focus on 14th Street itself.
10 That's if there's overlap with the construction.

11 Next slide, please. Next.

12 As I mentioned, we think there's room for compromise
13 on specific precautions during construction for surrounding
14 homes. The Applicant would be willing to propose a form of
15 construction management plan in the post-hearing submission and
16 work with the neighbors once the project moves into the permit
17 and construction process.

18 Next slide, please. Thank you.

19 Before I turn it over to Mr. Zeid, in response to some
20 of the comments from the opponents' transportation review, we
21 wanted to underscore a point that we mentioned last week. And
22 that is that the Applicant went above and beyond what DDOT
23 required through their scoping process and the policies that they
24 have in an attempt to assuage the neighbors' concerns and to
25 provide a more exhaustive analysis of potential impacts with

1 Grove Slade taking the step of preparing a second study, just for
2 neighbor questions that's in the record. When Commissioner
3 Campbell and the other ANC commissioners had questions, Grove
4 Slade either answered them or worked with DDOT to have DDOT answer
5 them. So the Applicant's team has focused on consistently working
6 to be responsive and collaborating whenever they can, and this
7 is another example of that.

8 With that, I'd like to turn it over to Mr. Zeid to say
9 a few more words about the traffic report that the FOFs submitted
10 into the record.

11 Will?

12 MR. ZEID: Yeah. Good afternoon. I'm William Zeid
13 with Gorove Slade, and I'd like to address a few points brought
14 up by the party in opposition regarding traffic.

15 If we could go to the next slide.

16 There we have a quick overview of the DDOT scoping
17 process. The mixed-use building is proposed to have a parking
18 supply of 40 spaces with a few spaces reserved for Dance Loft
19 and retail employee parking. There will be a residential parking
20 ratio of approximately 0.33 or one per three dwelling units. The
21 project's proposed TDM plan and loading management plan were
22 developed in coordination with DDOT and include items added by
23 DDOT, such as Capital Bikeshare expansion at a nearby station
24 from 11 to 19 docks. It also includes extensive pedestrian and
25 ADA improvements at the Crittenden Street and 14th Street

1 intersection. The LMP includes a DDOT requested condition to
2 continue to assess alley operations following the building
3 opening. And so this will include whether or not additional
4 signage is needed, striping, or even the potential conversion to
5 one way, as some have said to you know, a 10-foot alley is not
6 necessarily conducive to a traffic. So, if DDOT and the community
7 have identified after the building opening that one way is
8 desired, the Applicant is more than happy to assist with that
9 process.

10 The project is expected to generate fewer than 25 peak
11 hour, peak direction trips, which does not trigger a CTR,
12 vehicular analyses per the CTR guidelines. This was confirmed
13 by DDOT during the scoping process, and a transportation
14 statement was submitted and approved. As Jeff mentioned, we did
15 also submit a supplemental vehicular analysis at the request of
16 the community, which we also submitted to DDOT to get their
17 opinion on, and they concurred with our findings.

18 The parking relief previously being sought is no longer
19 needed since RPP has been permanently removed from the block.
20 The parking occupancy prepared was only required by DDOT to
21 support parking relief. DDOT did support the parking relief when
22 it was being requested based on the parking assessment. There
23 was a --

24 If we could go to the next slide, please.

25 There was a contention by the opposition party that the

1 project should have assumed a vehicular mode share of 45 percent
2 based on census data, and the project's location approximately
3 0.9 miles from a Metrorail station. Metrorail and the existing
4 area mode share are only a few of the many considerations that
5 are taken into account when projecting mode share, just as
6 Metrorail is only one form of public transportation. This
7 contention ignores access to bus service, access to bike lanes,
8 execution of a TDM plan, and vehicular availability, which is
9 defined by the parking availability. DDOT looks at all of these
10 items during the scoping process when assessing whether or not
11 the proposed mode shares are appropriate.

12 The project fronts 14th Street with the 52 and 54 major
13 bus routes as well as the local 59 route. Approximately 1000
14 feet to the west along 16th Street are the new bus lanes with
15 the S2 major, the S9 local, and D33 commuter routes. Stops for
16 these lines are available at -- on each side of the road at the
17 Buchanan Street intersections. The census data from 2012 to 2016
18 survey, American Community Survey, identified a vehicle ownership
19 for this census tract of approximately 1.2 vehicles per
20 household. So that that 1.2 vehicle per household is what
21 correlates with a vehicle mode share of 46 percent. The proposed
22 project is proposing a parking ratio of approximately 0.33, about
23 one-fourth of the single-family residential vehicle ownership in
24 the area, as we are a multifamily building, targeting a lower
25 parking ratio in accordance with zoning.

1 Further, as I've mentioned, the RPP has been
2 permanently removed. Since this isn't a matter of lease
3 conditions for this project, residents of the building will
4 simply not be able to obtain it at the DMV. With a low parking
5 ratio meeting zoning requirements, access to the 16th Street bus
6 lanes, the 14th Street priority corridor bus routes, access to
7 the 14th Street bike lanes, and the implementation of a TDM plan,
8 we have projected a vehicular mode share of 35 percent for the
9 residential portion of the development. So this is in contrast
10 to a 46 percent existing for the single-family homes in the area.

11 This was reviewed by and approved by DDOT. It's also
12 worth noting that high affordable housing percentage for the
13 project may have a noticeable impact on the vehicular mode share,
14 as the Federal Highway Administration data shows lower income
15 households relying less on vehicular mode share with higher
16 income houses relying heavily -- more heavily on the single
17 occupant vehicle travel.

18 If we could go to the next slide.

19 And very briefly here just some of the other mode shares
20 for the other components of the site. I was specifically focusing
21 on residential. So for the retail, the theater and the dance
22 studio here, you can see that goes between 35 and 45 percent. Of
23 note, there is no retail customer parking onsite. There will be
24 no onsite dance studio patron parking and no onsite theater
25 parking. And the theater space itself will operate outside of

1 the weekday commuter peak periods. I think we've mentioned during
2 in our previous presentation, expected Friday nights essentially
3 and weekend days during the afternoon, primarily Saturday with
4 potentially some Sundays as well.

5 If we could go to the next slide.

6 This slide shows a summary of vehicular trip generation
7 for the project based on the mode share assumptions shown on the
8 previous slide. These trips represent the generation of the new
9 uses only. What these numbers do not show are the trips that
10 will come off of the road network with the removal of the existing
11 24,000 square feet of commercial space onsite. The new uses will
12 generate below 25 peak hour peak direction trips, and therefore,
13 do not trigger DDOT requirements for vehicular analyses. To
14 address a point made at the hearing last week, the 10 trips for
15 the theater space do not represent the trips that are expected
16 during an event. These trips were estimated using the closest
17 available land use category that may coincide with the peak hour
18 of weekday commuter traffic. So we recognize that more than 10
19 trips would correlate with the theater use. We do not expect
20 -- in reality, we do not expect any appreciable traffic for the
21 theater use during the commuter peak periods.

22 If we could go to the next slide, please.

23 The WMATA bus garage. So we did coordinate with WMATA
24 on this project. We're well aware that it was going on. In our
25 supplemental traffic assessment that we prepared, we clearly

1 identified we did not want that to be a question. We wanted to
2 recognize that it was not in operation when we collected our
3 traffic counts. And we could not obtain adequate information to,
4 you know, from the project website, and anywhere else that would
5 really reflect what -- how the project was going to generate
6 traffic, where that traffic would be, et cetera.

7 Following the preparation of our study, WMATA did
8 release its document of categorical exclusion for the project,
9 which provided additional details and a traffic assessment for
10 that project. I believe that -- our traffic assessment was dated
11 April 4th, and the document of categorical exclusion was approved
12 April 20th. There's a date on it of April 1st, but to our
13 knowledge, it was not available until April 20th to the public.

14 The WMATA -- a few items of note for the amount of
15 project. It will be reducing the existing facility, which
16 currently houses 175 buses down to 150 buses, and it will be
17 designing the facility to be WMATA's first 100 percent electric
18 vehicle operation. So fully electric fleet eventually. We
19 recognize that it won't open likely at 100 percent EV capacity,
20 but that is their target for that facility in the future.

21 The new facility will be increasing its internal site
22 parking, as was mentioned in the party in opposition's
23 presentation. However, what was not mentioned was they're doing
24 this to bring all of their employee parking off the public street.
25 So they have a large portion of employees that currently park on

1 the public street. So they are building new parking internal to
2 their site to park everyone onsite. They will be distributing
3 the shifts throughout the day, so that that that parking occupies,
4 you know, it will fill it multiple times throughout the day, if
5 it ever does become full. It's not like all 300 spaces are being
6 occupied all at once at one part of the day from inbound traffic.

7 The retail for the project is stated to be intended to
8 serve neighborhood serving uses, and only a small amount of office
9 space is stated to be provided for the Uptown Main Street
10 development, I believe that it's supposed to be around 500 square
11 feet or less for that use, which is not an appreciable amount of
12 office space as far as trip generation is concerned. For the
13 neighborhood-serving retail, they're providing minimal parking
14 for that on site.

15 If we could go to the next slide, please.

16 So here we have -- this highlighting was done by us,
17 but the text here is quoted from WMATA's document of categorical
18 exclusion. This was the traffic assessment that they prepared
19 for their project, which correlates with the traffic assessment
20 that we have prepared, which states that there are -- there is
21 significant capacity along 14th Street to accommodate the WMATA
22 bus barn project. With our project adding only a very small
23 additional amount of traffic, a few percentage points compared
24 to the traffic on 14th Street, we fully expect that the
25 combination of those two adequate results would not result in a

1 failing condition when they are overlaid on top of each other.

2 COMMISSIONER MAY: Can I interrupt for one second?

3 MR. ZEID: Yes.

4 COMMISSIONER MAY: Mr. Chairman, I just want to point
5 out, level of service A and B, right?

6 CHAIRPERSON HOOD: Yeah, I haven't talked about that
7 in a long time.

8 COMMISSIONER MAY: I know. I know. That's why I'm
9 pointing it out for you. That's all.

10 CHAIRPERSON HOOD: Yeah, we'll see.

11 MR. ZEID: Yeah, so that -- so I'll get to a point on
12 delay too here in a minute, Mr. May, as -- to further access
13 that. But -- so the 14th Street is generally prioritized along
14 this corridor, in correlation to the side streets which are sort
15 of allowed to have a higher amount of delay, so that 14th Street
16 traffic can move freely. So the results here are very -- sorry.
17 Were you saying something? Go ahead.

18 COMMISSIONER MAY: I wasn't asking for anything in
19 particular in terms of further explanation.

20 MR. ZEID: Got you.

21 COMMISSIONER MAY: I was making sure the Chairman saw
22 that.

23 MR. ZEID: Yeah.

24 CHAIRPERSON HOOD: So Mr. Zeid, I'll tell you why.
25 Because you're telling -- you're proposing to the Commission

1 level of service A and B, and I just want you to know that we
2 travel around the city too. And I just want you to know when we
3 ride up there, we will be thinking of you in level of service A
4 and B. And I just want you to know that.

5 MR. ZEID: Understood, Mr. Hood.

6 So our capacity results, as I say, they were similar
7 to these that are shown here on the screen. These were WMATA's
8 results that we're looking at right now, and ours are provided
9 in our traffic assessment.

10 We did have a meeting with WMATA and their contractor
11 in 2021, sort of at the early stages of this, because we wanted
12 to understand what they were doing and how that was going to
13 impact if the two projects were being constructed simultaneously.
14 They indicated to us that the only roadway impact for the duration
15 of the project would be on Buchanan Street between 14th and
16 Arkansas and that they would be converting that to one way only
17 eastbound during construction, but it would revert following
18 construction. That was our understanding. We did specifically
19 ask about 14th Street, and they did not indicate to us any planned
20 permanent closures along that roadway during construction.

21 If we could go to the next slide.

22 Regarding trip routing and the suggestion that we
23 should have assigned traffic to Crittenden Street, 15th Street,
24 and Buchanan Street, West of 14th Street in our supplemental
25 traffic assessment, we do not expect a significant portion of the

1 site traffic would utilize those roads as a primary travel route
2 to and from the property. 14th Street does connect through to
3 the north and into downtown D.C. to the south. The overwhelming
4 majority of traffic at the 14th Street intersection with Buchanan
5 Street is the northbound and southbound thru movements that you
6 can see here. What this sort of indicates to us is Buchanan is
7 not really a, you know, a cut through super like connector,
8 east-west connector for this area. The big connector route is
9 the north-south connection of 14th Street.

10 We do recognize that the analyses results identified
11 in now what is D for the side streets of Buchanan Street. What
12 we looked at in that previous slide was the overall intersection
13 of A, and that's because it's an average of the side streets and
14 the main line that is weighted based on the volume of traffic.
15 So the higher delay for the smaller amount of volume on the side
16 streets averaged in with the northbound-southbound heavy traffic
17 with minimal delay results in a level of service A or B. So the
18 level of service D for the side street is purely due to the
19 allotment of green time that DDOT has programmed at the
20 intersection.

21 DDOT has prioritized 14th Street over Buchanan street
22 so that traffic can move freely along 14th Street. From our
23 analysis, the queuing on Buchanan street only reached a maximum
24 of two vehicles. So a level of service D with only a two-vehicle
25 queue and volume to capacity ratios that show significant

1 capacity available, this intersection, in our opinion, is not
2 over capacity. The side street D is just purely due to selective
3 choice of DDOT and signal timing. So having said that, this
4 intersection can be easily mitigated by adding more green time
5 to Buchanan Street, if that's what DDOT chose to do.

6 Finally, with only 24 feet direction vehicles and a
7 mode split to the north and south, we're only going to have 12
8 vehicles going in each direction from the site. So even if we
9 had added 20 percent of that to Buchanan Street, we're talking
10 about two vehicles. So we do not think that that would have
11 changed any of our results.

12 Finally, for this slide, as you can see here on this
13 graphic on the bottom left, there is a north-south alley
14 connection directly to the garage between Buchanan and the site.
15 We do not see any reason for anybody to travel to 14th Street to
16 reach the garage from the west on Buchanan Street. It just does
17 not represent a route that somebody would take.

18 Next slide, please.

19 COMMISSIONER MAY: Mr. Utz, I just want to point out,
20 we're at about 20 minutes right now, and you're not even --

21 MR. ZEID: I'm --

22 COMMISSIONER MAY: -- a third of the way through.

23 MR. ZEID: I'll go very quickly through the rest of
24 this here.

25 COMMISSIONER MAY: Okay.

1 MR. ZEID: So This just goes over the parking we are
2 providing the parking required by zoning. RPP has been
3 permanently removed, as I said.

4 Regarding the church that was mentioned next to the
5 building which appears to operate out of a converted row house,
6 given its small size and theater events will not be occurring on
7 Sunday mornings or Sunday midday, we feel like we have assessed
8 the appropriate parking times for the peaks of our project.

9 If we could go to the next slide please.

10 For the alley network, there was a contention that we
11 were going to be narrowing the alley. We are not -- this project
12 will not be narrowing any portion of the public alley right of
13 way. Rather, we will be widening the public alley from the garage
14 entrance over to 14th Street by a minimum of five feet and even
15 further at the garage entrance, as you can see here. We've also
16 chamfered the corners at the west end to improve maneuverability
17 for the existing trash service for surrounding residents.

18 If we could go to the next slide.

19 For loading operations, I just want to clarify that our
20 primary loading operations are to and from 14th Street. As we
21 can see here on the left, the inbound route, and on the right,
22 the outbound route for 30-foot trucks to 14th Street. As was
23 shown in the Applicant's -- the opposition's presentation, we did
24 prepare an optional outbound route assessment on the north-south
25 alley. We are happy to restrict that to not occur and have

1 30-foot trucks only access via 14th Street. I will note that it
2 was stated that that vehicle shown was touching a building. It
3 is not. The area on the right is a paved parking area. There
4 is no building wall there.

5 If we could go to the next slide, which is actually my
6 last slide. That is, so I'm done.

7 MR. UTZ: All right. Thank you, Will.

8 And we'll try to pace on our way through this. This
9 is just going back to the concept of the project impacts. Will
10 already talked about these, but just this slide reiterates there
11 is no alley narrowing. The project occurs on public -- private
12 property, not on public property. And the chamfers in the --
13 shown here by the blue boxes are kind of a self-selected element
14 that the Applicant wrapped in to make sure that the alley operates
15 more efficiently.

16 Next slide, please. Thank you.

17 Now I'll move quickly on this as well. I mentioned
18 that we provided the Phase One report to show no adverse
19 conditions. The project will also file an EISF during the
20 permitting phase in consultation with the agencies. There were
21 some concerns expressed about the healthiness and ventilation in
22 the building and impacts on the garage across the street on the
23 residents of this project. We think that the focus on healthy
24 living, including air quality is something to celebrate about
25 this project. The project's EGC Plus rating prioritizes indoor

1 | air quality and ventilation. It's a true amenity of this project.
2 | Likewise, WMATA, as it previously announced is committed to make
3 | the garage across the street all electric vehicles.

4 | Next slide, please. Next slide, please.

5 | And with that, I'd like to turn it over to Sean to say
6 | a few quick words about the model and some of the elements in
7 | the record that we need to respond to.

8 | I think you're on mute, Sean.

9 | MR. PICHON: All right. Trying to move too fast. Just
10 | quickly, I wanted to address a couple of elements about the
11 | model. What we requested of the opposition was data about the
12 | context of the model that was built. The model, as you can see,
13 | was done as a way to show the building and context. But as noted
14 | here in the slide, that context omits a lot of the surrounding
15 | neighborhood, and some of the buildings that are omitted are some
16 | of the taller buildings around the site.

17 | Next slide, please.

18 | We also looked at some of the data that was provided,
19 | some elevations that were created by the opposition.

20 | Next slide.

21 | And in comparison to our street elevations, which show
22 | our building accurately in context and photo overlay, realistic
23 | photos, you can see where the buildings, and their imagery is
24 | almost a story taller than what is actually being proposed.

25 | Next slide.

1 Again, here is another rendering that was created by
2 the opposition.

3 And the next slide.

4 The superimposed -- from the same vantage point, the
5 same photographs overlay, our building in actual context, and you
6 can see the variation to the massing of the building.

7 That's all I had there, Jeff. I'll turn it back over
8 to you.

9 MR. UTZ: Great. Thank you, Sean.

10 Next slide, please. Thank you.

11 So we included a few slides that kind of gives some of
12 the historical information about some of the options that were
13 discussed with the community. Some questions came up about this
14 during the FOFS presentation, so we wanted to make sure to have
15 it clear in the record what that was and why it didn't work and
16 wasn't pursued. And we can talk a bit about the other three-story
17 option that was discussed earlier this evening, which was also
18 discussed last summer. This slide just quickly shows the
19 proposal, the current LEED proposed project at the top, and then
20 at the bottom shows the three-story concept that was discussed
21 with the community at the time. There is a bump into the setback.
22 As you can see, it kind of flares out at the rear there, but
23 actually it does maintain as much of the setback as it could
24 behind the flare out towards the back. It's kind of a "T" as it
25 comes to the west of the property closer to the north-south alley.

1 But the result of that discussion was that it was not desired by
2 the folks in the room, so the Applicant team did not pursue it
3 further, because there was no support for the concept.

4 Next slide, please.

5 This response to this concept of reducing a story in
6 the interior of the squares, as was mentioned, I think, a
7 two-thirds removal and putting one-third in the front. We did
8 want to speak to that in several components. The first is that
9 actually this isn't -- there are several reasons why this won't
10 work. First of all, the building loses its efficiency. Secondly,
11 an additional story pushes the building into higher fire code
12 classification based on the concrete and steel construction,
13 which was mentioned earlier, which is prohibitively expensive,
14 and it would disallow obtaining a DHCD subsidy. We talked about
15 that last week. The concept would also not be a one-for-one
16 replacement, unfortunately. The same square footage as currently
17 proposed would require both a sixth and seventh floor on 14th
18 Street. So this is not a solution that would actually work on
19 this site in our view.

20 Some opponents also suggested removing some of the
21 market rate units and the Dance Loft. So it's not clear how this
22 project would be achieved in that way. As a reminder, the
23 proposed market rate units help subsidize the affordable housing
24 in this project. So simply removing those 34, 33 units would
25 not work.

1 Next slide, please.

2 I'll just mention quickly, we don't have to speak about
3 all of these concepts. But I want to jump right to the last one,
4 because that to us, is one of the most important ones. We do
5 think that there are areas for compromise with the -- our
6 (indiscernible) here. As we mentioned earlier today, and
7 actually a bit last week, there is this concept of the
8 Construction Management Plan, which would benefit from
9 neighborhood input, and we'd like to apply our resources and our
10 time there. We've also committed to working with DDOT on alley
11 operations and think that's a place where the neighbors and the
12 Applicant team can work together. That will be a shared resource,
13 and everybody on the block will benefit from curating the alley
14 a little more intentionally.

15 Next slide, please. Thank you.

16 With that, that concludes our rebuttal. We're happy
17 to answer any questions that you might have. And we appreciate
18 the opportunity to present.

19 CHAIRPERSON HOOD: Okay. Again, want to thank the
20 Applicant for giving us conversational rebuttal.

21 Let's see if we have any questions on rebuttal.

22 Commissioner May?

23 COMMISSIONER MAY: Yeah, I have a few.

24 First of all, I would note, I think that in the rest
25 of your presentation, you have a number of sort of point-by-point

1 rebuttals of the opposition, and it's a little more than we can
2 get into here and presentation. But that's material that I think
3 we will have to read and digest, and it looks like many pages of
4 it. So boy, do I look forward to some follow up reading.

5 So anyway, back to my questions. So you mentioned the
6 fact that the WMATA garage will be all electric, but not
7 immediately. So do we -- we've heard testimony that the all-
8 electric fleet won't happen for, I don't know, until 2040 or
9 something like that. So what -- at what point do they anticipate
10 that this bus garage will have only electric vehicles? I mean,
11 is it 10 years in the future or 20 years in the future or five
12 years, or do we know?

13 MR. UTZ: Actually, I'm not sure if we have that
14 information.

15 Will or Chris, do we know the --

16 MR. ZEID: No, I don't believe we know. They stated
17 in that document of categorical exclusion they would be the first,
18 and we just wanted to recognize that. It probably won't,
19 obviously, open that way, but we do not have the timeline.

20 MR. UTZ: Okay.

21 COMMISSIONER MAY: All right. Well -- and I don't
22 suppose that we could get it.

23 MR. UTZ: We can certainly try.

24 COMMISSIONER MAY: All right. Well, I appreciate the
25 effort.

1 MR. CAMPBELL: Excuse me. Commissioner May?

2 COMMISSIONER MAY: Yeah?

3 MR. CAMPBELL: I can offer a little bit of clarity on
4 that. The ANC has been in communication with WMATA. I believe
5 the target for that is 2040. Now the council is trying to push
6 them to do it more quickly, but one of the things that WMATA has
7 said is the technology on all this is still evolving. And, you
8 know, that's creating a challenge for them in terms of
9 implementation. But we're looking at later rather than sooner
10 on that, for what it's worth.

11 COMMISSIONER MAY: Right. Well, thank you. Yeah, and
12 we had heard that 2040 date. I'm glad to hear it confirmed,
13 though. And it's good know that it will be the first, but the
14 first may still -- I mean, even in this, it could be 18 years
15 from now, right, before that happens, but hopefully not.

16 You showed some images comparing the building that you
17 have designed with the opponents, sort of their own renderings
18 of that. I don't recall seeing those renderings. Were they part
19 of their submission somewhere that I missed, or was it --

20 MR. UTZ: It was, yes. Commissioner, they were in
21 Exhibit 772 in the record.

22 COMMISSIONER MAY: Okay. I missed that, because it
23 would have would have caught my eye. Okay.

24 And the last thing I would say is just, I think, Mr.
25 Utz, you will go down in history as the first zoning lawyer to

1 talk about "curating an alley." I think that's quite a phrase.

2 MR. UTZ: Thank you.

3 COMMISSIONER MAY: That's it for me, Mr. Chairman.

4 CHAIRPERSON HOOD: Okay. Thank you.

5 Vice Chair Miller, you have any questions on rebuttal?

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

7 And thank you, Mr. Utz for -- and your team for the
8 rebuttal presentation.

9 So I guess I want a little more discussion about the
10 non-feasibility of the potential compromise of an additional
11 floor being on the 14th Street side of the project and reducing
12 a floor on the back side of the project and maintaining all the
13 -- or pretty much maintaining all the current setbacks that are
14 in the existing proposal. I heard -- I saw the -- I heard the
15 discussion -- I heard the presentation that a DHCD subsidy
16 wouldn't be available somehow for a, I guess, a higher cost,
17 taller building at the front. I heard the conclusion, but I
18 don't have any -- I'm not sure there's something in the record.
19 Maybe there is. If you can point me to it where in the record
20 DHCD says it's not feasible or somebody says it's -- or where
21 there's a little more information about why it's not -- why a
22 DHCD subsidy isn't available for whatever it is. It's a five,
23 six, seven -- whatever stories you need to do to get the program
24 that you want on 14th -- to get it on 14th Street lot in order
25 to reduce the height, the back adjacent to the rear of the homes.

1 And I heard that it wasn't more efficient to have a
2 taller building, I guess, in the front and a less small building
3 in the back. I can understand why that isn't less efficient. I
4 guess that's more costly, as well. But I guess I want some more
5 evidence of that in the record, or maybe it's already there, and
6 you can just point me to it, Mr. Utz.

7 MR. UTZ: Sure.

8 VICE CHAIR MILLER: I think if we could get to all of
9 your program with higher height on 14th Street where it belongs,
10 that's the corridor, that's a higher density corridor, and the
11 lesser density in the back where the residential townhomes are
12 located, if we could get everything that everybody wants, okay,
13 there might be more cost, but what is that cost and what is the
14 non-feasibility? I just need more information. I just don't
15 need a conclusionary statement.

16 MR. UTZ: Sure. So thank you for that question. We
17 did submit into the record a scale of the DHCD kind of cost per
18 square foot for construction analysis when we were speaking in
19 terms of the number of units. That same scale would apply for
20 an analysis in this case, and we can see --

21 VICE CHAIR MILLER: I'm not talking about reducing any
22 units.

23 MR. UTZ: Right. Right.

24 VICE CHAIR MILLER: The entire program.

25 MR. UTZ: So right. So this, instead of being a number

1 of units consideration, would be a cost of construction
2 consideration. So it would still be a cost per square foot. It
3 would still result into a number that's a cost per square foot
4 figure. And there is a DHCD minimum threshold that exists, and
5 that -- so we submitted that kind of chart when we were studying
6 the unit analysis, and we -- so we could use that same kind of
7 square footage analysis in another way.

8 VICE CHAIR MILLER: Right. And I do -- and thank you
9 for bringing that up. I remember you showing that cost per square
10 foot presentation that you made, although I didn't necessarily
11 see DHCD's confirmation of that or their -- something in their
12 record that showed that that's what it is. But I did see your
13 cost per square foot and what DHCD accepts for this type of
14 subsidy.

15 MR. UTZ: I would point out also, you know, the -- one
16 of the keys is that the square footage kind of replacement, the
17 one-for-one concept would add two floors at the front, so, you
18 know, it would really take this in a different direction from a
19 construction and code compliance perspective for fire safety and
20 the costs that come with that. And we're happy to do -- detail
21 that more, if helpful.

22 VICE CHAIR MILLER: I think it'd be helpful to me,
23 because I'm willing to go for two more floors on 14th Street, if
24 it will mitigate the impact in the back. But I -- realizing that
25 this is only -- counts only to the moderate density increase to

1 the Comp Plan. They probably should have done medium. So do
2 you have more information about the non-feasibility or less
3 efficiency of having a higher, taller building in the front and
4 a shorter building in the back?

5 MR. PICHON: If you'd like, I can add a little color
6 to that, Jeff.

7 MR. UTZ: Go ahead.

8 MR. PICHON: Yeah, so we did look at that, and we
9 studied that as an option when we were -- last June and when we
10 were going through various iterations of this. What happens is,
11 as Jeff mentioned, there's -- the mass towards the back is
12 considerably larger than the mass at the front, in terms of its
13 footprint. So if we remove a story from the rear, that requires
14 more stories on the front. It's also exacerbated by the fact
15 that once we've removed the floor in the back, we now have a
16 noncontinuous penthouse level as well. So you're losing on the
17 penthouse as well. So now your penthouse is a much smaller roof
18 area, and then setback and even much smaller penthouse. A
19 penthouse on the front of the building is almost rendered useless
20 at that point.

21 So when we talk about the inefficiencies, those
22 separations of the building mass have multiple layered effects
23 on the overall structure of stability, not to mention what Jeff
24 was alluding to as the construction classification that changes
25 as you go higher on the front of the building and it applies to

1 the entire structure there. We have to adhere to fire --
2 mitigation for fire controls throughout the building. Hopefully,
3 that helps a little bit more.

4 VICE CHAIR MILLER: Yeah. And remind me what's on the
5 penthouse of this particular building in addition to whatever
6 mechanical. Is there other amenity space up there? I just don't
7 recall it off the top of my head right now.

8 MR. PICHON: We have a very moderate, small amenity
9 space on the penthouse level, but the remainder of the penthouse
10 level is residential units -- occupied by residential units
11 currently.

12 VICE CHAIR MILLER: How many units?

13 MR. PICHON: I believe it's like 12 or -- 11 or 12
14 units up there. I can get the exact number.

15 VICE CHAIR MILLER: Which you couldn't make up on the
16 additional floors, if you added those on the 14th Street?

17 MR. PICHON: No, we could, but what it's going to do
18 is it's going to raise the building even further. So that in
19 addition to the penthouse being reduced, we also have a footprint
20 in the rear that is larger than the footprint at the front. So
21 we have to go multiple stories to make up that same amount of
22 units on -- along 14th Street. So in essence, you're looking at
23 probably a -- we are at a six-story building, you're looking at
24 an eight- or nine-story building along 14th Street to accommodate
25 the same amount of square foot and unit totals.

1 VICE CHAIR MILLER: Okay. Well, I appreciate that
2 explanation. I personally don't have a problem with a taller
3 building on the 14th Street facade. I'm two blocks from Wisconsin
4 Avenue where they are nine-story, eight-story building. I'm not
5 -- particularly I'm not the adjacent single family home adjacent
6 to those apartment buildings, but the -- it's not an unfamiliar
7 characteristic throughout the city.

8 But the cost, I don't know Mr. Utz, if there's something
9 readily available from DHCD that shows that cost per construction
10 unit, just so we have it in the record that it's verified. The
11 exhibits would be -- it wouldn't be eligible or it just becomes
12 prohibitively or non-feasible --

13 MR. UTZ: Yes.

14 VICE CHAIR MILLER: Thank you.

15 MR. UTZ: There is. We did submit a clip from the RFP
16 -- from the most recent RFP from DHCD into -- it's Exhibit 525E.
17 And it's in there, and we can bring it up for you.

18 VICE CHAIR MILLER: Okay. I'll look at that. I need
19 to look at that again then. Thank you for directing me to that.

20 MR. UTZ: Sure.

21 VICE CHAIR MILLER: I think that's it for now,
22 Mr. Chairman.

23 CHAIRPERSON HOOD: Okay. Thank you. Actually --

24 VICE CHAIR MILLER: Thank you all for your responses.

25 CHAIRPERSON HOOD: Okay. Thank you. I actually don't

1 have any questions on rebuttal. I just need to think -- process
2 and think about everything I've heard in this case. And I
3 appreciate the Vice Chair having that discussion just now about
4 pushing more of the density and additional density towards 14th
5 Street. That was suggested by Ms. Baughns and others. So anyway,
6 let's just see where it goes.

7 All right, Mr. Utz, unless there's some other
8 questions, Mr. Utz, do you have any closing?

9 Commissioner May?

10 COMMISSIONER MAY: Yeah, I was just going to say, do
11 we need cross from --

12 CHAIRPERSON HOOD: Oh.

13 MR. SCHELLIN: Mr. Donohue.

14 CHAIRPERSON HOOD: Oh, yeah, we do. Mr. Donohue?

15 MR. DONOHUE: Yes, sir?

16 CHAIRPERSON HOOD: You have any cross on rebuttal? Oh,
17 no before -- hold on. Before I go to you Mr. Donohue.

18 Mr. Campbell, you have any cross on rebuttal?

19 MR. CAMPBELL: I do not. But I would -- if Mr. Zeid
20 could send me some -- because he was mentioning the WMATA impact,
21 and I don't think that I understood one particular element of
22 what he said. But if he could let me know where I could find
23 either -- and I'm assuming it was in the supplemental traffic
24 analysis on the WMATA impact. If he could shoot me an email,
25 and just let me know where I could find that. I don't have to

1 delay this with any questions.

2 CHAIRPERSON HOOD: No, that's fine.

3 Mr. Zeid, can you let him know now where he can find
4 it?

5 MR. ZEID: Absolutely. And just to note, I did also
6 include a link to it in my point-by-point response that was
7 submitted today.

8 But Mr. Campbell, I'll --

9 MR. CAMPBELL: Okay.

10 MR. ZEID: -- we can directly send you a link to it so
11 you don't have to search for it.

12 MR. CAMPBELL: Thank you, Mr. Zeid.

13 Yeah, and Chairperson, that's all I had.

14 CHAIRPERSON HOOD: Okay. Great. Thank you.

15 Mr. Donohue?

16 MR. DONOHUE: Just a couple questions, Mr. Chairman.

17 Mr. Pichon, couple questions for you, if I can. I
18 noticed that there are some criticisms of the model. And I know
19 in the rebuttal PowerPoint presentation you had comments there
20 about the lack of veracity. You were critical of some lack of
21 context, et cetera. Is that correct?

22 MR. PICHON: Yes.

23 MR. DONOHUE: All right. Do you know, was the Applicant
24 asked to prepare a model for this project?

25 MR. PICHON: We have prepared a model virtually, within

1 our Revit model, accurate to the entire site context.

2 MR. DONOHUE: Was the model shared with the neighbors?

3 MR. PICHON: Yes. We have a full animation that takes
4 you around the block through the alleys, yes, and that's all on
5 the Applicant's website.

6 MR. DONOHUE: It's on the Applicant's website. Was it
7 submitted into the record here?

8 MR. PICHON: That's a question for Jeff.

9 MR. UTZ: So the answer is no, because, as you know,
10 models are not typically submitted into the Zoning Commission PUD
11 record.

12 MR. DONOHUE: Well, the man made statements about the
13 model that my client's built. And I guess my next question would
14 be, did they do a side-by-side comparison?

15 Mr. Pichon?

16 MR. UTZ: Of what, I'm sorry?

17 MR. PICHON: We did a tentative --

18 MR. UTZ: Of what? What is the -- what exactly is your
19 question?

20 MR. DONOHUE: Did you do a comparison of the two models
21 so that you could perhaps show us where there are inaccuracies?

22 MR. PICHON: Our model was virtual. Their model is
23 physical. So I'm not understanding how we would compare the two.
24 That's why we were looking for data to be able to compare to the
25 data that we have in our model.

1 MR. DONOHUE: Well, Mr. Hallinan testified that he took
2 the height and FAR and all the specifics from your plans, the
3 plans submitted with this PUD application and took TOPO and other
4 data from DC, from OCTO and other agencies.

5 MR. PICHON: That is correct. The information that's
6 missing is the contextual information.

7 MR. DONOHUE: Okay. But just to be clear, the model
8 that you have, the virtual model, that was shared during the
9 community discussions?

10 MR. PICHON: Yes, it was presented, yes.

11 MR. DONOHUE: Okay. The testimony that went to the
12 third floor solution, I'm going to use the shorthand, the June
13 of 2021 community meeting, were you a part of that meeting?

14 MR. PICHON: Yes.

15 MR. DONOHUE: Okay. And there's a statement in the
16 PowerPoint submitted today, that there were ANC commissioners
17 present at that meeting; is that correct?

18 MR. UTZ: Objection. Mr. Pichon didn't testify to that
19 slide. That was one that I presented.

20 MR. DONOHUE: Okay, Jeff. Can you tell us what
21 commissioners were there then at that meeting?

22 MR. UTZ: Commissioner Campbell and Commissioner Barry
23 were highly diligent in the number of meetings that they attended,
24 well into the dozens, and that was one of them.

25 MR. DONOHUE: Commissioner Barry, and Commissioner

1 Campbell were at that meeting. Is that your testimony -- your
2 statement?

3 MR. UTZ: That is what occurred, correct.

4 MR. DONOHUE: Okay. Can I ask you why have you then
5 -- can I ask you about Exhibit 772 and the images you did a --
6 I guess you probably asked the architects to do a comparison of
7 the images, the rendering shown as Exhibit 772. There are two
8 of them -- the Chairman asked you about those and asked you where
9 those came from, correct?

10 MR. UTZ: And as you said, they came from Exhibit 772.

11 MR. DONOHUE: Right. So the record reflects that that's
12 a submission from Mr. Lee Jantzen --

13 MR. UTZ: Right.

14 MR. DONOHUE: -- not part of the Friends of the field
15 (sic). Does that sound correct?

16 MR. UTZ: I don't understand your questions, but we did
17 not present that --

18 CHAIRPERSON HOOD: Let me just say, Mr. Donohue, I know
19 people like to give me credit for anything good or bad, but I
20 don't think I asked that. But I think Mr. May may have asked
21 that.

22 COMMISSIONER MAY: I --

23 CHAIRPERSON HOOD: But anyway, I'll take it though,
24 because I get it for everything else.

25 MR. DONOHUE: My question was, we were doing a

1 comparison here of a rendering, and the purported statement from
2 the architect is well, this is a corrected version. What was
3 submitted was in error. And if the answer is the submission was
4 Exhibit 772, the record reflects that that's not a submission by
5 my client. It's a submission by Mr. Jantzen.

6 COMMISSIONER MAY: So if I could just interrupt, I did
7 look at Exhibit 772, and Mr. Jantzen claims to be a member of
8 the Friends of 14th Street. He may not have been part of your
9 party who testified, but he claims membership in your
10 organization. Now, I don't know whether that's true or not, but
11 I can understand why the Applicant would think that he was a
12 member, because he said he was.

13 MR. DONOHUE: Thank you, Mr. May.

14 Mr. Zeid, may I ask you a question?

15 MR. ZEID: Yes.

16 MR. DONOHUE: So the conversation with WMATA is
17 fascinating. So it's going to be electric, and the aspiration
18 is it is going to be all electric in 2040? Is that what we're
19 now hearing?

20 MR. ZEID: So that was no part of the conversation that
21 we had with WMATA. What you're referencing there on the EV is
22 from -- taken from their document of categorical exclusion that
23 was published in April of this year. And the 2040 number was
24 not -- that was brought up by somebody else.

25 MR. DONOHUE: All right. Let me ask you about the

1 residential parking program, because you did testify that you've
2 been assured that RPP is not going to be available to tenants in
3 this building; is that correct?

4 MR. ZEID: That is correct.

5 MR. DONOHUE: Okay. And that was in conversations with
6 -- was it DDOT? Was it -- I believe you said, DMV. I guess I'm
7 not clear what agency.

8 MR. ZEID: So we -- yeah, I'll give you a little more
9 context. We met with DDOT on this issue specifically, so that
10 we could address RPP for the site. And through work with DDOT,
11 we were connected through to the curbside division, who runs the
12 RPP and makes the decisions on that. We had a few meetings, had
13 some discussions with them. They indicated to us that this block
14 would not be considered for RPP today. It's basically a legacy
15 block in their system. So they decided to remove the block from
16 the RPP map. They -- that went to the DMV and has been enacted
17 at the DMV. I believe I referenced the date of that somewhere.
18 It was April 29th, something like that. That has -- that
19 currently is shown on the RPP map online. You can search for
20 that. You can view it. This block no longer shows up.

21 Just one note on that. There was only one residence
22 on the block that was listed that DDOT had in their database.
23 And that one house, which I believe are rental units, they will
24 individually retain their right to get RPP permits. We didn't
25 want to remove that, so we worked with DDOT so that they could

1 maintain their RPP.

2 MR. DONOHUE: That --

3 MR. ZEID: So having said that, this -- that is the
4 only address, that one single house, that if you go to the DMV,
5 any other address on the 4600 block will come up as not eligible
6 for RPP.

7 MR. DONOHUE: I understand that. And I understand that
8 decision was made in April of this year, correct?

9 MR. ZEID: That's when they -- that's when it went
10 through. That's my understanding. Yes.

11 MR. DONOHUE: Okay. But your testimony today, and you
12 said it a couple times, was that it was permanent. How do we
13 know it's a permanent decision inasmuch as it was just a change
14 position two months ago?

15 MR. ZEID: So I'm taking that -- so maybe the -- I'm
16 taking that from DDOT telling us that it was a legacy block that
17 would not currently be approved for RPP.

18 MR. DONOHUE: But your testimony, it was permanent.

19 MR. ZEID: That is the word I used, yes.

20 MR. DONOHUE: Okay. Thank you. That's all I have,
21 Mr. Chairman. Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you.

23 And thank everybody for getting through that.

24 Mr. Utz, you have any closing?

25 MR. UTZ: I do, Mr. Chairman.

1 Could we please pull up the presentation again? We
2 have a few final slides to put a capstone on it. I shouldn't
3 take too much time on this. Thank you.

4 Next slide, please. Thank you.

5 So I'll try to be brief. I won't belabor the points.
6 It's been a long evening or second evening.

7 Next slide, please.

8 I wanted to go back to the slide that you've seen before
9 and highlight one particular thing, that the Applicant has made
10 changes, numerous changes actually to the project in response to
11 comments and concerns from neighbors, from folks in the
12 community, and from District agencies.

13 Next slide, please.

14 This is a continuation of the list. The Applicant has
15 and will compromise about the project in those areas that can be
16 compromised on. We've reached agreement with the retailers along
17 14th Street. The neighbors asked last week for an environmental
18 report, and it's now in the record. We suggested multiple points
19 for further compromise. This list does not actually represent
20 things that we were forced to do or things that were code
21 required, far from it. This is a list that is responsive to
22 those changes that have been requested by all the various
23 stakeholders, and there are many in this case to date over the
24 course of the last year plus.

25 Next slide, please.

1 So again, the Applicant has incorporated community and
2 opponent feedback wherever possible. As we discussed last week,
3 projects, affordable housing, and art schools do not work without
4 the requested density. We think that the proposed height and
5 density are entirely appropriate for this site, and the ANC, OP,
6 and hundreds of others agree. Density here is not a stretch and
7 is entirely consistent with many examples throughout Ward 4 and
8 along 14th Street, including examples of apartments in two-story
9 buildings coexisting and adjacent to each other, including some
10 that the Commission has approved.

11 The neighbors have indicated that they're in support
12 of arts and affordable housing, and they just don't want the
13 density. We understand that. The affordable housing and the
14 arts are entirely reliant on the proposed density. There's no
15 way to have one without the other.

16 As I mentioned, the Applicant does understand the
17 neighbors' concerns and has taken steps to mitigate those
18 impacts. The setbacks themselves are mitigation elements. The
19 quality of the design at the rear of the project mitigates the
20 project size. The brick work and the fact that it's a four-sided
21 facade is a mitigation element of the project's mass.

22 The Applicant anticipated neighbor concerns with the
23 design. We looked at other approaches, as Mr. Pichon was
24 mentioning. We think that setbacks are preferable to a shorter
25 building with reduced setbacks. We think that the proposal that's

1 brought forward is "threading the needle," as we mentioned last
2 week, for all the various considerations that are in play here.

3 Next slide, please. Thank you.

4 As stated last week, the application satisfies the PUD
5 standards and the balancing test. The opponents have not
6 demonstrated how the project violates any of these PUD standards
7 or fails the balancing test. As Commissioner Campbell noted last
8 week, there is no basis to oppose the project. The project
9 satisfies all the PUD and map amendment standards, and it does
10 so by a wide margin. The project is consistent with the
11 Comprehensive Plan and the Small Area Plan. It is actually an
12 ideal example of what was envisioned by both. Any project impacts
13 are either mitigated or acceptable, particularly in light of the
14 project's exemplary benefits.

15 We're not saying that the neighbors won't look out
16 their window and see a building or that a portion of the neighbors
17 won't experience modest increase in the shadows in the winter
18 months. But we think those modest impacts are acceptable in the
19 light of the project's mitigations and in providing its
20 affordable units, its family-sized units, its art use, and its
21 sustainability. That is what this case is about. If the District
22 is going to provide affordable housing, it has to be through
23 moderate density buildings like the one that we're talking about
24 tonight.

25 The project provides commendable public benefits and

1 amenities, as we've discussed many times. There are not many
2 PUDs in Northwest D.C. that provides 67 affordable units or 20
3 to 30 percent MFI units, and there are even fewer and probably
4 none that provide those housing benefits within arts use as well.
5 This type of benefits package is the result of the Commission
6 asking for and pushing for 30 percent MFI units and working with
7 ANCs and others to deliver three-bedroom units, balconies on
8 units, contextual design, and the like.

9 The Comp Plan also supports this in Section 22.9. I
10 just want to read a blurb of this that's particularly relevant.
11 "In light of the acute need to preserve and build affordable
12 housing, the following should be considered as high priority
13 public benefits in the evaluation of residential PUDs." And it
14 goes on: "The production of new affordable housing units above
15 and beyond the legal requirements."

16 Next slide, please. Thank you.

17 The opponents did raise five bases for opposition that
18 we need to respond to as well. Number one, the opponents objected
19 to the project's height, density, and bulk as we've talked about
20 a great deal tonight. On their own, these elements are not a
21 basis for the denial of the project. The project's height,
22 density, and bulk are consistent with the Future Land Use Map and
23 Small Area Plan. The project's design and setbacks make it even
24 more so.

25 Number two, there's alleged inadequacy of concessions

1 on height and design. There are some opponents that did not get
2 all the things that they wanted, including this, but we did -- I
3 do want to point out that the Applicant considered ahead of time
4 and made a deliberate decision not to pursue a more aggressive
5 height and density approach and instead tried to plan a project
6 that's right size for this location and contextually appropriate.

7 While we haven't thought about this particular
8 component, in terms of a "concession," this was a specific project
9 direction taken with the neighbors in mind so that it could be
10 viewed in that light. The Future Land Use Map would support a
11 taller building and more GFA, up to 5.0 FAR. We propose something
12 that is contextual, and we think that the Commission could
13 approve, and we have been advancing that design since about a
14 year ago. Not providing further concessions is not a basis for
15 withholding approval now.

16 The third item, the third row, the opponents alleged
17 Small Area Plan inconsistencies. We've provided a lot of
18 documentation on this, but the Small Area Plan expressly calls
19 for moderate density on this site and an upzoning. The project
20 is consistent with the Small Area Plan. Further, this site was
21 noted as the best redevelopment site in the plan study area, in
22 part because of its mid-block location and its deep footprint,
23 which was something that was challenged earlier tonight. The
24 deep footprint is a reason that the Small Area Plan focused on
25 this exact site. The very characteristics that are decried are

1 some of the reasons that the Small Area Plan decided this was
2 the best candidate for meaningful info.

3 As part of this objection, the opponents also allege
4 transportation impacts. We discussed that at length earlier.
5 The project's minimal transportation impacts are capable of being
6 mitigated and indeed are mitigated. DDOT concurs. Moving down
7 to the fourth row. The opponents also allege Small Area Plan
8 and zoning flaws. We strongly disagree with that. The Small
9 Area Plan resulted from the community process that was initiated
10 by some of the community representatives who spoke last week. In
11 any event, it's not part of the PUD process to second-guess the
12 Small Area Plan. The proposed map amendment is consistent with
13 the plan and the Future Land Use Map. It's also highly consistent
14 along 14th Street.

15 Finally, the opponents asserted that the project's
16 public benefits are minimal. We again strenuously disagree with
17 this. We're not sure how this can be so. The amount of affordable
18 and family sized housing in this project are remarkable,
19 especially for a building of this overall scale. The arts benefit
20 would stand alone on any other project. To top it off, the
21 project will be designed to an Enterprise Green Communities Plus
22 standard. It is not credible to call these benefits minimal.

23 In sum, we think that it's clear that none of these
24 would be bases for opposition, and there's no justification for
25 opposing this project.

1 Next slide, please. Thank you.

2 Just quickly, we've shown this slide before. As the
3 Commission considers the potential impacts and benefits, we'd
4 like to reiterate the standard for review and the balancing test.

5 Next slide, please. Thank you.

6 On the side of the ledger to the left is the long list
7 of benefits, most notably the housing and arts benefits that I
8 just mentioned. On the other side of the ledger is the requested
9 map amendment and the related additional density, entirely
10 consonant with the Comprehensive Plan's moderate density
11 designation. Also on the right side is the potential modest
12 impact list, all of which are capable of being mitigated. And
13 as discussed last week, and just now in our rebuttal, are
14 mitigated. The project's benefits more than justify the
15 requested density and potential impacts, particularly when
16 coupled with the project's mitigation. As a result, the project
17 readily satisfies the relevant standard of review.

18 Next slide, please.

19 So this slide is a little dated now after tonight's
20 discussion, but this is a snapshot of the eight items that we
21 heard from the Commission last week as elements for a post hearing
22 submission. We are happy to provide the information on this
23 slide, and we're also happy to provide other information that you
24 requested this evening. So with that, we can close our testimony,
25 take any further questions if you have them, and express our

1 gratitude for how much time you've spent with us tonight. Thank
2 you.

3 CHAIRPERSON HOOD: Okay. Thank you, Mr. Utz. I don't
4 think that we need anything else than what we've already asked
5 for.

6 But let me just say this. Normally, this is the point
7 of the time of the hearing that I would ask that the community
8 and the Applicant continue to work together, because if not,
9 we're going to make the decisions, and we don't live in area. So
10 it's always good when the Applicant -- just because we're stopping
11 the hearing today does not mean there could still be -- I'm not
12 saying to have meetings, but there could still be conversations
13 to see how we can lessen the impact on those, especially on those
14 neighbors who are most affected. So I'll just leave it at that.

15 I'm not pushing it, but I would rather for -- and I'm
16 not asking the ANC to do anything. I'm asking nobody to do
17 anything, I'm just throwing that out there. I've done it in
18 every case that I've ever been on with the Zoning Commission when
19 there's been some opposition on one side or the other as to
20 discord or disagreement. I always try to bring them closer
21 together. I'm not asking anybody to have any special meetings
22 or anything else, because at the end of the day, guess what,
23 we're going to make the decision. But it would be good if the
24 people who are going to be most affected, and those who are going
25 to be neighbors, I call it the "good neighbor policy," if you

1 all do it.

2 Commissioner Campbell, you wanted to say something?

3 MR. CAMPBELL: Yeah, I just wanted to offer a
4 correction, since we're on record. I have checked my notes and
5 the WMATA website. It's actually 2045. That's WMATA's target
6 for converting their bus fleet to electric, not 2040.

7 CHAIRPERSON HOOD: Okay.

8 MR. CAMPBELL: So I apologize for the inaccuracy.

9 CHAIRPERSON HOOD: No problem. We probably wouldn't
10 have remembered. It would have been no problem. I know I
11 wouldn't; Commissioner May may have.

12 Okay. Ms. Schellin, do you have any dates?

13 Well, first, let me see. Colleagues have any final
14 comments on this?

15 (No audible response.)

16 CHAIRPERSON HOOD: Okay.

17 Ms. Schellin, do you have any dates?

18 MS. SCHELLIN: I do.

19 Mr. Utz, is two weeks going to be enough time to get
20 the changes that you need to do? I think they asked for a couple
21 of views, so will they be able to provide those in two weeks?

22 MR. UTZ: (No audible response.)

23 MS. SCHELLIN: Okay. Then I'm going to go with the
24 -- I'm sorry?

25 MR. UTZ: That's great. Thank you. Yeah.

1 MS. SCHELLIN: Okay. So I'm going to go with the
2 schedule of all the additional documents. I don't recall, but I
3 thought you may have asked the opposition party for something;
4 is that correct?

5 Did someone ask you guys to provide something? Ed, do
6 you remember?

7 MR. DONOHUE: No, I don't, Sharon, but I could be wrong.

8 MS. SCHELLIN: Okay. I can't recall if --

9 Commissioner May, did you ask them to provide something
10 with regard to their model?

11 COMMISSIONER MAY: I thought the site section drawings.

12 MS. SCHELLIN: Right. And I thought the Applicant was
13 providing those.

14 COMMISSIONER MAY: Oh, I'm sorry. With regard to the
15 architectural model? No.

16 MS. SCHELLIN: Okay. Yes. Okay. So then maybe they
17 didn't.

18 So May 26th, 3 o'clock p.m. for any additional
19 documents that the Applicant needs to provide.

20 CHAIRPERSON HOOD: Ms. Schellin, let me interrupt. Did
21 I ever get -- did the applicant ever get what I asked for, the
22 rendering that shows the back alley? You all gave us that?

23 (No audible response.)

24 Okay. All right.

25 MS. SCHELLIN: No, they're going to.

1 CHAIRPERSON HOOD: Oh.
2 MS. SCHELLIN: They haven't provided it yet, have they?
3 MR. UTZ: No.
4 MS. SCHELLIN: Oh, you did? No.
5 MR. UTZ: No, we haven't --
6 MS. SCHELLIN: They're going to, but they have it on
7 their list.
8 CHAIRPERSON HOOD: They haven't provided it.
9 MR. UTZ: Yeah, we could do it.
10 MS. SCHELLIN: They have it on their list.
11 CHAIRPERSON HOOD: Okay. Good. Okay. Thank you.
12 MS. SCHELLIN: Right.
13 And Chairman Hood, you did ask them to -- the community
14 and the Applicant to work together, try to work together again.
15 And I know they have talked, but --
16 CHAIRPERSON HOOD: Yeah, they have. Normally, I'm
17 optimistic and hopeful, but I -- you all make me into a
18 storyteller.
19 MS. SCHELLIN: Okay.
20 CHAIRPERSON HOOD: I'll leave it at that.
21 MS. SCHELLIN: So with that being said, the responses
22 to the submission. So that would allow the ANC and the party in
23 opposition only. The record is closed to everyone else, but the
24 Applicant and the parties. So the ANC and the opposition party
25 would have until 3 o'clock p.m. on June 9th to provide a response

1 to the documents that are submitted on May 26th, and up until
2 that time, also, in order to file something in the record by 3:00
3 p.m. on June 9th, if the opposition party, and of course, the
4 ANC, could certainly be involved, would meet with the ANC -- with
5 the Applicant. And if something works out, make a submission.
6 If nothing works out, still make a submission so that the
7 Commission knows that you guys did do what Chairman Hood
8 suggested.

9 MR. DONOHUE: We will.

10 MS. SCHELLIN: Try to work things out.

11 MR. DONOHUE: Yes, ma'am.

12 MS. SCHELLIN: Okay. And so that submission about the
13 meeting would be due by 3:00 p.m. on the 9th, and then draft
14 findings of facts and conclusions of law would be due on the 16th
15 of June. And we can put this on for our 4 o'clock meeting on
16 June 30th.

17 Chairman Hood, are you good with that schedule?

18 CHAIRPERSON HOOD: Yeah, that sounds good. Again, I
19 would just encourage everybody --

20 MS. SCHELLIN: Commissioner May is not going to be --

21 CHAIRPERSON HOOD: Are you not here?

22 MS. SCHELLIN: -- be here on June 30th.

23 CHAIRPERSON HOOD: I need everybody here. I need
24 everybody here.

25 MS. SCHELLIN: Okay.

1 COMMISSIONER MAY: Yeah.

2 CHAIRPERSON HOOD: I don't need no proxies either.

3 MS. SCHELLIN: Okay, so --

4 CHAIRPERSON MAY: I will not be here on June 30th.

5 Sorry.

6 MS. SCHELLIN: You'll be here July 14th. I will not

7 but, I do not need to be here. So let's do this.

8 CHAIRPERSON HOOD: So wait a minute. Hold it. Hold

9 it. When is our last meeting in July?

10 COMMISSIONER MAY: 28th.

11 MS. SCHELLIN: Mr. Utz was raising his hand too.

12 CHAIRPERSON HOOD: Oh, Mr. Utz?

13 MS. SCHELLIN: You're not here. Is that it?

14 MR. UTZ: No.

15 MS. SCHELLIN: So we --

16 MR. UTZ: I was going to bring up the draft order timing

17 the draft.

18 CHAIRPERSON HOOD: Let's get the date, and then we'll

19 come back to you, Mr. Utz.

20 MS. SCHELLIN: July 28th.

21 CHAIRPERSON HOOD: Is everybody here July the 28th.

22 And when I say everybody, I mean the Commissioners.

23 COMMISSIONER MAY: No. I think Commissioner Imamura

24 -- I mean, I asked him for -- to schedule a meeting on July 27th,

25 and he could not do that.

1 MS. SCHELLIN: And he hasn't made a --
2 COMMISSIONER MAY: He hasn't -- has he told you
3 anything?
4 MS. SCHELLIN: No.
5 COMMISSIONER MAY: Yeah.
6 MS. SCHELLIN: June -- July 14th doesn't work. Why?
7 Did you say no, that doesn't work?
8 COMMISSIONER MAY: It works for me.
9 MS. SCHELLIN: Commissioner Miller?
10 Commissioner Hood?
11 VICE CHAIR MILLER: I --
12 CHAIRPERSON HOOD: Yeah, it works for me.
13 VICE CHAIR MILLER: It works for me.
14 CHAIRPERSON HOOD: Okay. I thought -- never mind. I
15 thought somebody was going to do roll call again.
16 MS. SCHELLIN: I'm not here, but I don't vote. So Ron
17 can run that meeting.
18 CHAIRPERSON HOOD: Okay. Well, that's true. Okay.
19 MS. SCHELLIN: So yeah.
20 CHAIRPERSON HOOD: So July the 14th. Okay.
21 MS. SCHELLIN: July 14th. And so, with that being
22 said, we could allow a little more time if -- or actually we
23 could just allow an extra week for the draft order. Would
24 everybody be okay with that? Instead of the order being due on
25 the 23rd, it would be due on the 30th of June. And the meeting

1 would be 7/14 at 4 o'clock.

2 CHAIRPERSON HOOD: Okay.

3 MS. SCHELLIN: Any questions from --

4 CHAIRPERSON HOOD: Is everybody on the same page?

5 And Mr. Utz had a question.

6 Are we all on the same page with the schedule?

7 (No audible response.)

8 CHAIRPERSON HOOD: Okay.

9 Mr. Utz?

10 MR. UTZ: Thank you. Yeah, the question really related
11 to the submission of the order, since this is likely to be a
12 significant-sized order, but I think we can probably deal with
13 that timing. I don't want to delay the July 14th vote. And if
14 there's any way it could be earlier, that would actually help on
15 the financing side for the project. It sounds like that might
16 not be the case. But I did want to mention that that if we can
17 even be allowed a few extra days on the order, that would be
18 helpful.

19 MS. SCHELLIN: We could push the order to July 5th.
20 That's the latest.

21 MR. UTZ: Okay. Thank you. Okay. Thank you.

22 CHAIRPERSON HOOD: All right. So Ms. Schellin, do you
23 want to repeat the schedule so we're all on the same page on
24 this?

25 MS. SCHELLIN: Sure. The additional filings from the

1 Applicant, May 26th at 3:00 p.m. The ANC and the opposition
2 party can file a response to those submissions. And I would say,
3 OP and DDOT, I'm not sure if there was anything that's going to
4 be submitted that they want to file a response to, but if they
5 choose to, they can also file by 3:00 p.m. on June 9th. And then
6 draft orders, findings of facts and conclusions of law, the
7 Applicant has to file one; the Friends of 14th Street, if they
8 choose to, they may do so. You submit the draft in IZIS and then
9 email me a Word version. And that's due by 3:00 p.m. July 5th
10 now. And again, 4 o'clock p.m. at the Commission's July 14th
11 public meeting.

12 CHAIRPERSON HOOD: Okay. Anything else, Ms. Schellin?

13 MS. SCHELLIN: That's it.

14 CHAIRPERSON HOOD: All right. I want to thank you,
15 Ms. Schellin.

16 Let me just say this. The Zoning Commission will meet
17 again, May the 16th. No.

18 MS. SCHELLIN: Yes.

19 CHAIRPERSON HOOD: May the 16th. That's the -- yeah,
20 next time. May the 16th at 4:00 p.m. on these same platforms.
21 Our zoning case for that evening is -- hearing is NRP Properties,
22 LLC.

23 I want to thank everyone for their participation in
24 this hearing tonight. And with that, this hearing is adjourned.
25 Goodnight.

1 MR. UTZ: Thank you.

2 COMMISSIONER MAY: Thank you.

3 (Whereupon, the above-entitled matter went off the
4 record at 8:09 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: 05-12-2022

Place: Video conference

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

GARY EUELL