

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION + +

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REGULAR PUBLIC HEARING

+ + + + +

MONDAY

OCTOBER 17, 2022

+ + + + +

The Regular Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Video conference via WebEx, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
ROBERT MILLER, Vice Chairman
PETER G. MAY, Commissioner
JOSEPH S. IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQUIRE

The transcript constitutes the minutes from the Regular Public Hearing held on October 17, 2022.

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 Case No. 15-20D (TBSC Master Owner I, LLC -- First . . 8
 Stage PUD Modification and Second Stage PUD, 50 M
 St. N.W. at Square 620, Lot 254

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

(4:00 p.m.)

CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. Today's date is October 17, 2022. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood, and I'm joined by Vice-Chair Miller, Commissioner May, and Commissioner Imamura, also the Office of Zoning Staff, Ms. Sharon Schellin and Mr. Paul Young, as well as our Office of Zoning Legal Division counsel, lead counsel, Ms. Lovick. I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter, and the platforms used are Webcast Live, WebEx, and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign-up, all participants will complete the oath or affirmation required by Subtitle Z48.7.

Accordingly, all those listed on WebEx or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time. When called, please state your name and home address before providing your testimony. When you are finished speaking, please

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1 mute your audio. If you experience difficulty accessing WebEx,
2 or if you are a telephone call-in, or have not signed up, then
3 please call our OZ Hotline number, 202-727-0789. If you wish to
4 file written testimony or additional supporting documents during
5 the hearing, then please be prepared to describe and discuss it
6 at the time of your testimony.

7 The hearing will be conducted in accordance with
8 provisions of 11 Z CMR Chapter 4 as follows: preliminary matters,
9 applicant's case. An applicant has up to 60 minutes. I don't
10 believe we have any opposition in this case. I would ask that
11 they hit the highlights, hit some of the outstanding issues, and
12 we probably can do that anywhere from 20 to 30 minutes if
13 possible, because I would like for the Commission to ask their
14 questions, and it would probably get better use of our time.

15 Report of Office of Planning and District Department
16 of Transportation, report of other government agencies, report
17 of the ANC. In this case, it's ANC 6E, I believe. Then we will
18 have testimony of organizations, 5 minutes; the individuals, 3
19 minutes; and we will hear in the following order from those who
20 are in support, opposition, or undeclared. Then we will have
21 rebuttal and closing by the Applicant. Again, the OZ Hotline
22 number is 202-727-0789 for any concerns during this proceeding.

23 The subject of tonight's hearing is Zoning Commission
24 Case Number 15-20D, TBSC Master Owner 1, LLC. I'd like to know
25 what TBSC. It may be in there, but I just don't remember.

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1 First stage modification, significance and second stage
2 planning a new development at Square 620, Lot 254, 50 M Street,
3 N.W. Again, this is October 17th, 2022. And, Ms. Schellin, I
4 would ask -- does the Commission have any rule now considering
5 any preliminary matters.

6 MS. SCHELLIN: Just a couple. There are a couple of
7 proffered expert witnesses, Julia Telzak, and she is proffered
8 in as an architect. Her resume is at Exhibit 9, C as in cat,
9 page 1. And then Susie Teal is at page 2 of the same exhibit.

10 CHAIRMAN HOOD: Thank you, Ms. Schellin. We will look
11 at Ms. Telzak and Ms. Teal. Any issues, Commissioners, of being
12 expert status. Again, their exhibits are Exhibit 9-C. One is
13 page 1 and other one is page 2. Any objections?

14 COMMISSIONER MAY: I have a question. I'm sorry. I
15 saw only one architect, Ms. Teal, in that, and Ms. Telzak is
16 representing the Applicant.

17 MS. SCHELLIN: Okay. I'm sorry. I just --

18 COMMISSIONER MAY: I don't have any problem with Ms.
19 Teal. That's fine.

20 MS. SCHELLIN: Okay. I think maybe it's a mistake.
21 Staff just may have made an error on that. So it's just Ms. Teal
22 as architecture? I do see that Ms. Telzak is with Sursum Corda,
23 so that may be just a mistake on our part. So you're okay with
24 Ms. Teal in architecture?

25 COMMISSIONER MAY: Yes.

1 CHAIRMAN HOOD: Okay. Thank you. Any objections to
2 Ms. Teal? So I guess we're out. We'll find out later what Ms.
3 Telzak is doing.

4 MS. SCHELLIN: So Daniel Solomon, the Commission has
5 previously accepted in transportation. Rick Parisi has
6 previously been accepted in landscape architecture. I would just
7 ask the Commission to accept them in this case.

8 CHAIRMAN HOOD: We will continue the status unless I
9 hear any objections. Okay.

10 MS. SCHELLIN: Okay. And that only leaves one more,
11 and that's Brandice Elliott, who was previously with the Office
12 of Planning. This is her first time on the other side of the
13 fence as a expert in, I'm assuming, in planning. So we'd ask
14 the Commission to consider her. Her resume is at 23-H as in
15 Henry. I believe that is also her son. No, maybe her son is
16 Harry. So 23-H as in Harry.

17 VICE-CHAIR MILLER: I give her an expert plus.

18 COMMISSIONER MAY: Who is this Ms. Elliott? I do not
19 remember her at all.

20 VICE-CHAIR MILLER:: It gives me a little room to
21 (indiscernible).

22 MS. SCHELLIN: A pause?

23 COMMISSIONER MAY: It was an interesting and pleasant
24 surprise to see Ms. Elliott's resume in the package, and I
25 personally wholeheartedly support her admission as an expert

1 witness. Hopefully, this means we're going to get some good
2 planning advice out of this firm in the future. I don't know.

3 CHAIRMAN HOOD: So it is always good to see people
4 advance and do better and better themselves, but I hope I don't
5 get her name wrong like I did when she was on the other side.
6 Ms. Elliott, I think I have her right now, but she switched places
7 on me, so who knows what may happen?

8 MS. SCHELLIN: So the slate's been wiped clean. You
9 get to start over, Chairman Hood. Other than that, Ms. Batties,
10 Mr. Glasgow, Mr. Cohen, they are the representatives for the
11 Applicant. They have advised that they can do this in 20 minutes.

12 Kelsey Bridges will be representing DDOT. Maxine Brown
13 Roberts will represent the Office of Planning. And ANC-60 is
14 represented by Denise Blackson, although I don't see her on.
15 They did vote in support. I believe it was unanimous, so they
16 may not appear. I don't see them on, like I said, so far, so
17 they may not come. I will keep a watch for them.

18 So other than that, staff is finished and the
19 Applicant's team can come up. I believe most of them will be
20 available for questions, and I believe it's just Ms. Batties and
21 two others, and they are in the H and K conference room there.

22 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin, for
23 teeing all that up. Ms. Batties, you may begin, introduce your
24 remarks. Let me cut my sound off. And Ms. Batties, let's turn
25 it over to you.

1 MS. BATTIES: Thank you, Mr. Chair. For the record,
2 Leila Batties, Norman Glasgow, Jr. and Christopher Cohen with the
3 law firm of Holland and Knight, counsel to TBSC Master Owner 1,
4 LLC, which is a partnership between Toll Brothers, and L and M
5 Development Partners, and Mr. Hood. TB are Toll Brothers and SC
6 is Sursum Corda, the Applicant name.

7 So this application relates to the north parcel of the
8 Sursum Corda PUD, which the Commission approved in May of 2016,
9 pursuant to Zoning Commission Order 1520. Today, we're seeking
10 the Commission's approval for a modification to the first stage
11 PUD as it relates to the north parcel, and not really to reflect
12 adjustments to the theoretical lot size and programming for the
13 respective buildings, which will still be generally consistent
14 with what was approved by the Zoning Commission, which generally
15 in terms of heights and density.

16 And then the second request is the Stage 2 approval for
17 the north parcel, which will consist of two buildings, the
18 northeast and the northwest buildings, totaling 683 residential
19 units and 32 penthouse units.

20 So as you know, and kind of one of the big components
21 of this project is the south parcel and the return to the Sursum
22 Corda households to the property. So I just want to give a brief
23 update on the south parcel. It is under construction, and
24 occupancy will begin later this year. The south parcel has a
25 total of 561 units. The southeast building has 345 units. The

1 southwest building will have 216 units, and they'll be supported
2 by 304 below-grade parking spaces.

3 As required under the Order, 122 units were reserved
4 for Sursum Corda households. Of those 122, 118 are deemed
5 affordable and count for the overall affordable unit count for
6 the PUD, which is 199 units. And those units will have a blended
7 affordability level of 60 percent MFI. Four of the reserved
8 units are for households who are over income that make greater
9 than 80 percent (indiscernible).

10 So the north parcel, I'm going to get back to the north
11 parcel for one minute. As I noted, it will have 683 units, 32
12 penthouse units. It will be supported by 366 parking spaces, and
13 because 118 affordable units have been assigned to the south
14 parcel, the 81 affordable units will be fine for the north parcel,
15 again having a blended affordability of 60 percent MFI, and that's
16 to fulfill the requirement of 199 units across the PUD site.

17 We have put into the record, as you know and Office of
18 Planning will testify to later, they had asked about the status
19 or confirmation of specific community benefits and amenities. We
20 addressed those comments and questions in a letter dated October
21 14th, which is at Exhibit 30 of the case record. And that letter
22 confirms four things.

23 One, the unoccupied reserved units that are deemed
24 affordable will remain affordable units, even if they're not
25 occupied by Sursum households. Second, the commemorative artwork

1 that was required under the PUD will be located in a public-
2 facing location exterior facade. Third, the Applicant, as
3 recommended by DOED, will commit to Leed Silver Multifamily
4 Midrise rating system. And then fourth, the fourth thing we did
5 in that letter was provide a status of the playground, and
6 Commissioner May's favorite park at First and L Streets.

7 So the Applicant has brought in a Miller Veek
8 (phonetic), which is a communications firm, to assist with
9 outreach. They've done a significant amount of outreach as part
10 of this stage of the project, including outreach to
11 representatives of Mt. Airy Baptist Church, the Tenants
12 Association of 50 M Street, and Holy Redeemer Church. As Ms.
13 Schellin has already noted, ANC 6E voted unanimously in support
14 of the project on July 5th, 2022.

15 And then finally, I just want to point out, and it's,
16 Mr. Young, you can bring up the side that talks about the
17 collaboration or the notice to the co-op, the last thing I want
18 to note is the Applicant's collaboration with Sursum Corda co-
19 op. And I feel like, Mr. Chair, this really kind of addresses
20 some of the racial equity measures and strategies that the
21 District is putting in place now. And Sursum Corda in a lot of
22 ways represents efforts to promote and advance racial equity long
23 before the District had formally adopted them in their review
24 process.

25 So as you know, the PUD and the related map amendment

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1 included very specifically the reservation of units for Sursum
2 Corda households, and the Order included very specific
3 requirements as it relates to the notice and outreach efforts to
4 bring those households back to this property. And so the Order
5 had very specific requirements. This slide shows how each of
6 those requirements has been fulfilled. And separate from that
7 and very recently, because the Applicant has continued its
8 discussions with the co-op, most recently the Applicant has
9 agreed to accommodate Sursum Corda families who are very low
10 income and who would not otherwise qualify to live in the new
11 development. Those families have been identified through the
12 Applicant's ongoing discussions with Mr. Lonnie Duren, who is the
13 Chairman of the Board of the Sursum Corda co-op.

14 And I'd just like to note, this is a significant proffer
15 on the part of the Applicant, and it's really above and beyond
16 what the proffer that was accepted by the Zoning Commission in
17 connection with the approval of the PUD originally. And again,
18 I will just emphasize that it is also completely consistent with
19 the District's objectives relating to racial equity.

20 So Mr. Duren is here in our office and he will speak
21 in detail about this and other proffers that have been made
22 between the Applicant and the co-op in preparation of the opening
23 of the south parcel and leading up to this hearing today. So
24 with that, I'm going to close my opening remarks and I'm going
25 to turn the presentation over to Susie Teal with COOKFOX

1 Architects. She'll go over the project design, and then after
2 that, the rest of our team will be available for questions. Thank
3 you.

4 MS. TEAL: Thank you. Hi. My name is Susie Teal with
5 COOKFOX Architects, and I thank you all for your time to review
6 this project. I'm going to be walking through the architectural
7 design features of two of the buildings on the north parcel here.
8 So if you move to the next slide, I have our zoning tabulations,
9 and I know these are a little small to read. We can come back
10 to them, but I wanted to make sure all the data was available.
11 We have about 6.05 FAR spread across the northeast and the
12 northwest sites, which is total of a little over 750,000 square
13 feet, and there are 683 dwelling units across the parcel, with
14 32 penthouse dwelling units, for a total of 715 dwelling units.

15 On the next slide, there's a summary of the
16 transportation. There will be two levels of below-grade parking,
17 which will provide 353 parking spaces, and both short-term and
18 long-term bicycle parking for 256 spaces.

19 And then the next slide is just a summary of the
20 penthouse areas, so .26 FAR of the total lots together make up
21 our penthouse area, and our total GAR is .2 through green roofs
22 and landscaping effect at grade level.

23 As we go to the next slide, this is a site plan. It's
24 a rendered roof plan, so we're looking at the landscaped roof
25 levels down into the grade level promenade and courtyards below.

1 So the north parcel consists of two buildings, the northeast
2 building, which is on the right side at 7 to 10 stories, the
3 northwest building, which is 7 to 11 stories. They're both donut-
4 shaped buildings with interior courtyards, and they are separated
5 by a landscape pedestrian promenade.

6 We'll go to the next slide. There's going to be a
7 series of aerial views in which these articulated pair, the stage
8 1 PUD to our proposed massing. So this first slide is looking
9 from the southeast, and this is the PUD Stage 1 massing. There
10 was sort of a baseline for us to work with.

11 And then the next slide will be what is our proposed
12 massing. And some of the features here that we've preserved from
13 the Stage 1 PUD is that the tallest part of the massing is to
14 the north along M Street, and so this is in order to keep in the
15 sort of the widest busy street, which would be the most
16 appropriate street for the tallest massing and then also to kind
17 of capture the views of the tallest portion of the site.

18 And then both of these buildings are designed to be
19 similar but not identical, so they have many of the same design
20 features that are kind of utilized as (indiscernible) apart so
21 that they feel like a pair but are distinct from each other. And
22 sort of a primary feature of the massing is that they still kind
23 of step in a spiraling way away from each other, and so from the
24 tallest part along M Street, the next tallest is just one step
25 down to the part of the massing that faces the promenade and it

1 steps down further to the southern parcel so that the height of
2 the building kind of lock in from the north parcel to the south
3 parcel. And the lowest part of those buildings are on the far
4 east on First Place and the far west on First Street. And this
5 is to help these larger buildings transition into the lower scale
6 neighborhoods adjacent on the easternmost side.

7 So we will go to the next slide, which is going to be
8 another aerial view, which is from the north, kind of hovering
9 over M Street looking south down the promenade. This is the
10 Stage 1 PUD massing.

11 And the next slide is the proposed massing, and this
12 gives you a good sense of the promenade. The promenade is an
13 extension from the park on the south parcel, and the promenade
14 (indiscernible) to make them sort of a connected densely
15 landscaped (indiscernible) connection point through the entire
16 block. And we have widened up that connection at the promenade
17 from its tightest point at 50 feet, at the very kind of bottom
18 of the page closest to M Street widens to 70 feet, so it is kind
19 of a nice, wide connection for the promenade there. And you can
20 also see how the lower parts of the massing on the far right and
21 the far left in the east and west, help transition to the lower
22 scale.

23 And then the next slide will be the last aerial view
24 that we'll look at, this is a view from the northwest. So kind
25 of hovering over the corner of M Street and First Place, and you

1 can see how the Stage 1 PUD massing at its lowest part of the
2 62'6" along First Street.

3 If you go to the next slide, that will be our closed
4 condition, and we're just a little higher along First Street at
5 67 feet, but still trying to keep that nice gradual connection
6 into the First Street lower density neighborhood. But from here,
7 you get a good sense of another planning feature of the massing
8 in which we have kind of treated the building as a series of
9 blocks and tried to articulate them through vertical breaks, and
10 that's going to help give the buildings a little bit more of a
11 pedestrian scale and to make them feel more like a conglomeration
12 of individual buildings than kind of one large building, just
13 through the use of these vertical breaks that are either -- not
14 just that are an architectural feature, actual kind of breaks in
15 the façade that are filled with glass, which allows natural light
16 into the corridors and some of the shared spaces of the building.

17 So we'll go to the next slide and will look at some 3-
18 D views of the building, some rendered views. This is the north
19 facade of the northeast and northwest building from M Street, and
20 on the right is the northwest building, which is a red brick with
21 a double height window expression and a series of corner loges.
22 On the left is the northeast building. I'm going to start out
23 talking about that one and kind of walk our way around the
24 northeast building and look at the elevations and then come back
25 to the northwest building.

1 So the northeast building has a darker red brick and
2 this was selected to be kind of a nice counterpoint to the more
3 true red of the northwest and also be complementary to the
4 material palette that is planned in the southern parcel. And you
5 can see here that how the brick faces around the shapes of the
6 massing and into the vertical notches to help kind of create that
7 articulation, break down the scale of the building.

8 At the ground level of the northeast building is the
9 main entrance into the residential building. The facade has been
10 pulled back at the ground and second floor to create a two-story
11 glazed curtain wall that will allow views into the small corner
12 retail and residential entry. And these are articulated with
13 some round concrete columns that will kind of help support the
14 building but also create a little bit of an area with some
15 sidewalk cafe seating. And then the rest of the ground floors
16 are articulated with some brick tiers and planters that help
17 provide privacy for the residential units that come up to M
18 Street.

19 If we go to the next slide, it will be a detailed
20 rendering. It will go into the materiality of the northeast
21 building, so you can see it's kind of a better look at this very
22 dark red maroon colored brick, but most of the material palette
23 in the northeast building is an articulated metal panel with
24 large optical and fixed windows, and then a patch of perforated
25 metal, which is opportunity to provide some additional sign

1 interest and conceal any louvers that are for unit intake and
2 exhaust.

3 We'll go to the next slide, and this will be a view
4 standing in the promenade. Go to the next slide, please. Thank
5 you.

6 So this is a view in the promenade, and this is looking
7 between the two buildings back towards M Street and looking
8 towards a planted canopy that is over the main entrance of the
9 northeast residential building. And then there is a large expanse
10 of balconies that stands between parts of the building that are
11 kind of pulled apart in this kind of recessed area as one of the
12 many ways that residential units are provided direct access for
13 connection to nature and not to stand outside their apartment.
14 So there are balconies predominantly in this view overlooking the
15 promenade.

16 And go to the next slide. And this will be standing
17 in Banner Lane looking up the promenade with both buildings, with
18 the northeast building on your right and the northwest building
19 on the left. And the Banner Lane elevation is very articulated.
20 It's one of the very interesting parts of this project. It's
21 the distinct grade change from the north to the south, which
22 gives us an opportunity for a secondary entrance at the lower
23 level, which is what you're seeing here. As well, kind of right
24 behind the trees, there's a recessed terrace that provides an
25 opportunity to overlook Banner Lane and the steps and ramp that

1 connect the promenade. And then there's a series of terraces and
2 setbacks here that all include private residential space direct
3 access for units. And at the very top, there will be a landscaped
4 (indiscernible) on the roof level.

5 So the next two slides will be elevations of the
6 northeast building, so it will be starting with the north
7 elevation of the northeast building. And you can see the vertical
8 breaks that help to break up the scale of the building and there
9 are different variations of how the building meets the ground.
10 And then this is also -- the renderings don't really show the
11 penthouses very much because they are set back quite a bit, but
12 from the renderings, you can see the extent of those penthouses
13 and the (indiscernible) screen walls that are being of patterned
14 metal.

15 The next slide is the east elevation, so this is the
16 lowest scale of the northeast building, and there's a series of
17 brick tiers that make up the scale of this building so they almost
18 sort of feel like part of a townhouse scale. And there is a
19 parking entrance off of First Place here on the east elevation.

20 And then the next slide is the south elevation, which
21 is highly articulated with (indiscernible) and setbacks and a
22 combination of brick and metal panel. The loading entrance is
23 off of Banner Lane here on the south elevation as well as the
24 secondary entrance to the lower level of the lobby. And then
25 here you can also see there is a, kind of right next to the

1 promenade, amenity terrace that overlooks Banner Lane.

2 And then the last elevation is the west elevation.
3 This is the promenade on the next slide. And this is kind of
4 one of the defining features of this facade, is these linear
5 balconies that you can see from the rendering view that we saw
6 earlier, and those expand to connect to the two brick-clad masses
7 on the left and right side of the building. And there is a series
8 of articulated glazed curtain wall at the ground floor and a
9 planted canopy that stands across the exposed concrete columns
10 that are kind of helping to frame a small setback for some
11 sidewalk seating at the retail entrance on the far left side of
12 the image.

13 So in the next slide, please, we're going to come back
14 and just to reorient yourselves, and I'm going to walk through
15 similarly on the northwest building, so the northwest building,
16 as you can see here, as I mentioned, is a kind of a true red
17 brick that really draws on some of the historic architecture of
18 the neighborhood, and it is with a kind of -- it's a way to help
19 differentiate the two buildings with an increased amount of
20 bricks.

21 So we have some more brick standables with a two-story
22 expression, but then trying to kind of keep that same
23 (indiscernible) with the glass and metal from the northeast
24 building, keeping that northwest building just with a slightly
25 different color, so different trim profile, so the buildings sort

1 of feel unique but connected.

2 The next slide, please. We'll go to the -- you'll see
3 some of the details of the brick articulation on the northwest
4 building. There's a series of kind of change in coursing which
5 is a running bond course on the vertical tiers and an ultra-bond
6 course on the horizontal spandrels and then some more articulated
7 metal panel and perforated screens that fall on the left side of
8 every window opening.

9 The next slide, please, is the north elevation, and
10 this is a good view of the corner balconies on the northeast
11 building and -- oh, northwest building. I'm sorry.

12 And the next slide will take a slightly closer look at
13 the main entrance of the northwest building. There's a similar
14 language of these linear balconies that span across between two
15 brick masses and those land on top of the planted canopy that's
16 in the entrance into the northwest building. This is off of the
17 landscaped promenade.

18 The next slide is -- one other one of the defining
19 features of the northwest building is along First Street, where
20 there is a 30-foot setback from the street level. The
21 (indiscernible) landscaping allows us to provide some direct
22 walk-up townhouse units in order to have kind of a nice
23 residential scale feel and provide direct eyes on the street
24 along First Street. And I think there's a series of five or six
25 residential entrances off First Street.

1 And the next and last rendering will be the courtyard.
2 So both buildings are going to carry the same materials and
3 articulation from the courtyard into the building -- I'm sorry,
4 into the facade of the exterior street-facing materials will come
5 into the courtyard, and there is a number of balconies on each
6 facade of the courtyard as well and some lots of landscaping
7 provides opportunities for passive recreation within the
8 courtyard.

9 And then I want to take the last slide if we go to the
10 next slide that we'll walk kind of quickly through. I understand
11 I don't have a lot of time here, so this is the north elevation
12 of the northwest building.

13 And the next slide will be the northeast elevation of
14 the northwest building, so you see there the way the brick kind
15 of splits apart and the glass and metal kind of come down in
16 between the two massings there over the entrance.

17 The south elevation will be the entrances on the next
18 slide to a secondary entrance into the residential level, as well
19 as a loading and parking entrance. And this is (indiscernible)
20 balconies facing south to the loading dock and then on the corner
21 as well.

22 And the last elevation on the next slide will be the
23 townhouse units that are facing First Street on the west elevation
24 and a kind of series of steps with a kind of traditional
25 residential expression and many kind of terraces and balconies

1 that are facing the corner of Banner Lane and First Street.

2 And the next slide is the last slide we have here,
3 which is just sort of summary of the materials on the northwest
4 building. It's a true red brick with a darker charcoal gray
5 metal panel. On the right side is the northeast building, which
6 is a maroon, very dark red brick with sort of a lighter gray for
7 the articulating metal panel, and a metal column, just some slides
8 that talk to some of the other materials and textures that were
9 represented earlier.

10 So with that, thank you for your time, and so I'll turn
11 it back to Leila.

12 MS. BATTIES: That closes our presentation on direct,
13 Mr. Chairman.

14 CHAIRMAN HOOD: Thank you, Ms. Batties. Okay. I'm
15 hearing myself again. I could hear myself earlier. Okay. We're
16 good. All right. So typically, I go to Commissioner May, but
17 I'm going to go this myself first and we're going to go around
18 the opposite way this time. Give him a break tonight.

19 Okay. Ms. Batties, you mentioned the blended
20 affordability. When I was looking at that, I almost asked the
21 same series of questions up to 60 percent of the MFI. Can you
22 kind of explain? I know we have the details. Can you kind of
23 explain what you mean when you say blended affordability levels?

24 MS. BATTIES: Sure, Mr. Chairman. Many of the
25 affordable units will be accessed by persons who are well under

1 60 percent, including Sursum households that may be at 30 or 50
2 percent MFI. We know that we include those affordability levels
3 and kind of average them out thorough half the project, whether
4 it be just lack of project in its entirety. You'll have some at
5 30, some at 50, maybe even some at 80, just depending on how many
6 30/50 percent families are in the project. We will achieve,
7 taking an average of all of the units, a blended affordability
8 level of 60 percent MFI.

9 CHAIRMAN HOOD: Okay. So we will have a number of
10 units that are going to be -- is 30 percent the lowest of the
11 MFI?

12 MS. BATTIES: We will have some. With this recent
13 agreement between the Applicant and the co-op, there will be
14 families that are below 30 percent.

15 CHAIRMAN HOOD: So some will be below 30 percent?

16 MS. BATTIES: That's correct.

17 CHAIRMAN HOOD: That's excellent, and I think that
18 answers my next question, which was you said very low income.
19 And I know that the Chairman of the Board, who's, I believe, Mr.
20 Duren, I think, is one of Mr. May's players when the played on
21 Georgetown, and I bet I'm sticking my head inside this, so I hate
22 to say that, Commissioner May, because I know it's probably not
23 true.

24 COMMISSIONER MAY: Definitely not true.

25 CHAIRMAN HOOD: Maybe it was represented to me. Maybe

1 I misunderstood you that night. I thought you said you played
2 on the team.

3 COMMISSIONER MAY: Yes, you clearly misunderstood me,
4 and you just will not forget it.

5 CHAIRMAN HOOD: All right. So I'm glad to hear that.
6 The serious part is I'm glad to hear that, Ms. Batties. So I
7 want to make sure, and I'm hoping my counsel hears this, because
8 at some point I need to make sure that's memorialized, it's in
9 our order. It needs to be because I've never heard that before.
10 I've asked for it but I've never heard it, so I want to make sure
11 that's captured. So my hat's off to this team.

12 I will also say, Ms. Batties, you obviously have been
13 watching these hearings because the status of what's been going
14 on with the tenants of Sursum Corda, I was actually shocked to
15 see that, but I was glad to see it. So that saved me from having
16 to ask a number of questions on that. So we've been staying in
17 touch with them, and I think initially some of that's going to
18 be our racial equity tool as we continue progress.

19 The issue -- now, what's going on over in Mt. Airy?
20 Are you all working with L.D. West? Is he still the pastor?
21 He's still the pastor at Mt. Airy; am I correct?

22 MS. BATTIES: Yes. Two things. First, Pastor West is
23 still there, and actually the church is an owner of a portion of
24 the property that is included in the PUD. So the Applicant works
25 with Pastor West regularly. And then, Mr. Chairman, I need to

1 clarify one thing. There may be families below 30 percent of
2 MFI. They will be kind of regulated at the 30 percent MFI level,
3 and so we'll have to work with counsel to figure out how that
4 language is going to be memorialized in the Order if necessary.
5 But there will be families at very low income.

6 CHAIRMAN HOOD: So it could be some families at 10
7 percent, right, from what I'm hearing? Okay? That's what I
8 understood.

9 MS. BATTIES: That's the additional proffer, right? So
10 the original proffer is 30 percent and above. And what the
11 Applicant has agreed to now is to be able to accommodate families
12 that have been identified that are even below that. They will
13 accommodate those families, but the blended affordability will
14 be 60 percent. So it's an additional proffer below -- above
15 what's required in terms of the original.

16 CHAIRMAN HOOD: Okay. I think I understand. As long
17 as we get there. (Indiscernible.) I'm hearing myself again.
18 As long as we can understand, as long as I understand and I
19 understand we get get to where the most need, and I think when
20 we start talking about people with 10 percent, 20 percent, and
21 30 percent, that's where we're trying to get, because 60 and 80,
22 and we're not just talking about these applicants but all
23 applicants, that's still not a program to allow our residents of
24 the City who need it, the people who most need it. I think this
25 is actually -- I'm glad to see this. I'm glad to see that -- I

1 want to make sure that this is captured in our Order. Somehow
2 tonight, it needs to be captured, and I'm insistent on that. I
3 don't really have more questions now. Ms. Batties, do you know
4 of any known opposition to this case?

5 MS. BATTIES: No opposition that we're aware of.

6 CHAIRMAN HOOD: Okay. All right. Well, thank you very
7 much. That's all the questions I have so far. Let me go to
8 Vice-Chair Miller.

9 VICE-CHAIR MILLER: Thank you, Mr. Chairman, and thank
10 you, Ms. Batties and your team for this presentation today on a
11 very long awaited project, the Sursum Corda development. I think
12 it was one of the first -- I might be wrong and you can correct
13 me -- but was this one of the first designated New Communities
14 under Mayor Williams, or is it just separate from that? It
15 includes elements of the New Community initiative of replacement
16 of one-for-one of public housing, with dilapidated public housing
17 with quality public housing for the tenants who are there, plus
18 other affordable housing, plus market rate housing, plus
19 additional retail. Was it part of the New Community? Is it
20 still part of -- maybe people don't want to use that term anymore,
21 since it's been disparaged so much and hasn't --

22 MS. BATTIES: Actually, it's a part of urban renewal
23 and was one of the first low income housing co-ops, so it was
24 not public housing. And the areas around it, so their property
25 to the south is part of New Community, and then you have

1 properties that are controlled by the Housing Authority on two
2 separate sides of the Sursum Corda site. But Sursum Corda itself
3 was part of urban renewal, and but owned as a co-op by the
4 residents.

5 VICE-CHAIR MILLER: Well, thank you for educating me
6 or reminding me about that status. And I appreciate the community
7 outreach that you've done and the modifications that have been
8 made in response to Office of Planning comments and Zoning
9 Commission comments, both design modification, more articulation,
10 and I think that articulation, I think, and the balconies,
11 additional balconies, which even Commissioner May liked in this
12 case, I think, additional balconies, because of that need to
13 break up and make it more distinctive residential from the earlier
14 iteration. So I appreciate those modifications that have been
15 made.

16 Maybe somebody could educate me or re-educate me,
17 remind me, as to, I mean, this is such a -- this project was
18 originally applied for in, I guess, 2015. It has a '15 number
19 on it. I think we approved it originally in '16, and that
20 predates the amended affordability income levels in our
21 inclusionary zoning regulations. Maybe somebody can -- and I do
22 appreciate that many of the 199 reserved, or is it 122 reserved,
23 affordable units for returning, hopefully returning, tenants of
24 the original Sursum Corda, are at or below 30 percent. Do you
25 know how, well, do you know how many, before I get to the question

1 I'm wanting a re-education on, do you know ow many of the 122
2 are expected to be at or below 30 percent out of -- I think I
3 saw the four at 80 percent or market rate, but do you know how
4 many are at or below 30 and how many of the 122 are at or below
5 60 percent, if you have that available? If you don't, maybe you
6 can provide that subsequently.

7 MS. BATTIES: We can provide the breakdown of the
8 households after the hearing. I don't have that information
9 readily available, but I just want to note as to your question
10 about IZ and how it performs to the project. This project is
11 exempt from IZ because we are on the small area planning mandates,
12 the number of affordable units for this project, which is 199.
13 But that is equal to about 18 percent of the units that are
14 proposed for the site overall.

15 VICE-CHAIR MILLER: Can you repeat that again as to why
16 IZ -- why the project is exempt from IZ? I kind of got muddled
17 there. I just --

18 MS. BATTIES: Sure. The all area plan that includes
19 this site dictated that the site be redeveloped with 199
20 affordable units, which is significantly higher than the --
21 what's required under IZ, so we're at about 18 percent of the
22 units.

23 VICE-CHAIR MILLER: So that is a very commendable
24 aspect of this project, among many other commendable aspects of
25 this long awaited project, that there's a greater amount of

1 affordable than we required under our regulations then and now.
2 But it's not at a deeper affordability level than what our
3 regulations require now, because the 80 percent is being used in
4 that blended 60 percent MFI to calculate the total affordable.
5 So why, just to -- why, from your -- from the Applicant's
6 perspective, and maybe I should have asked our own counsel before
7 this case. I've asked them that previously in other cases, and
8 I think the jury's still out on this question of when there's a
9 significant modification -- I'm not trying to understand why a
10 small area plan would trump the inclusionary zoning regulations
11 in terms of exemption, but in terms of the MFI level, but why
12 should a significant modification trigger the 60 percent MFI
13 level, at or below 60 percent MFI level, for what our rental
14 units as opposed using 80 percent, or at or below 80 percent, in
15 that part of the blended calculation? Why should those even be
16 included in a calculation at this point in 2022, when there's a
17 significant modification that's being asked, which I, in my own
18 mind triggers the current regulation?

19 MS. BATTIES: Well, Mr. Vice-Chair, we're not seeking
20 a significant modification of the previously approved PUD or high
21 density. The number of units will remain the same as what was
22 originally (indiscernible). -- making some minor adjustments to
23 the massing, I guess, design, but not the development program,
24 which remains the same.

25 VICE-CHAIR MILLER: Okay. I need to ponder that a

1 little further, but I appreciate your explanation. Why -- can
2 you respond to why the project is not able to -- or could you
3 respond to Office of Planning's recommendation that you -- that
4 the project attempt to achieve Leed Gold rather than Leed Silver.

5 Again, when I think this project was originally
6 approved, we were asking applicants to get to Leed Silver as
7 opposed to just Leed Certified. And since that time, we've been
8 asking, or several years after that time, and we're now several
9 years after that time, we've been asking applicants to get to
10 Leed Gold. There's no way that this project can get to a Leed
11 Gold certification rather than a Leed Silver equivalent
12 certification?

13 MS. BATTIES: Mr. Vice-Chair, I asked the Applicant to
14 study that and they are not able -- they basically have designed
15 the project and purchased the project based on the entitlements
16 that were in place at the time that they purchased the property.
17 So for them, it's really coming up with a project that was
18 consistent with the entitlements at the time they acquired the
19 site. And so but they did agree to -- I should note, though,
20 they did agree to the rating system that DOED recommended. They
21 will have solar on the site. They have a publicly accessible
22 park on the site and other sustainable design elements that are
23 consistent with the sustainable and environmental objectives of
24 this (indiscernible).

25 VICE-CHAIR MILLER: Okay. And I appreciate all of the

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1 outdoor amenity spaces, both the balconies, the rooftop, the
2 park, the playground. Playground's still part of this, right?

3 MS. BATTIES: (No audible response.)

4 VICE-CHAIR MILLER: I see you're nodding yes, looks
5 like, and I think we had exhibits in the record about the
6 playground. And that's under -- is that under construction right
7 now?

8 MS. BATTIES: Playground should be finished by the end
9 of November, I believe; is that correct?

10 UNIDENTIFIED SPEAKER: December.

11 MS. BATTIES: December. November, December, yes. That
12 will be the last item installed, obviously, with all the other
13 construction going on.

14 VICE-CHAIR MILLER: With all the construction that's
15 going on right now on that south -- I'm getting my echo. I guess
16 my echo -- your sound on. Okay. It's hard to do that. It's
17 hard to mute and unmute, even after two-and-a-half years doing
18 this, so I understand that. The units that are being constructed
19 right now are units that are reserved, right, for the tenants of
20 Sursum Corda who were there?

21 MS. BATTIES: Yeah. Yes, that is correct.

22 VICE-CHAIR MILLER: And you think that there are 122
23 households based on your outreach and the notifications that have
24 been made or communications that have had, that are prepared to
25 come back, or how many of those 122 wish to come back based on

1 whatever communications you've had, if you know that?

2 MS. BATTIES: Mr. Vice-Chair, I'm going to let Mr.
3 Duren speak to that directly, because he has the list. He is
4 the one that's been working with the developer. And so when he
5 testifies, I think that's something he's going to address.

6 VICE-CHAIR MILLER: So that's going to come later.
7 Okay. Okay. I think that may be most of my questions. I think
8 I had maybe one more, but I can't remember what it is at the
9 moment. I appreciate that this project is moving forward in a
10 constructive way and all of the work over many, many years that
11 has been done with the Sursum Corda community and the surrounding
12 neighborhood. So I'm looking forward to seeing it and the
13 improvements that have been made to the project over time. That's
14 also very commendable. Thank you, Mr. Chairman. I think that
15 completes my questions at this time.

16 CHAIRMAN HOOD: Okay. Thank you. Commissioner
17 Imamura.

18 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
19 don't think that I have very many questions, just some general
20 comments, and appreciate statements and comments made by Vice-
21 Chair Miller, and I align myself with his position. I think in
22 general, Ms. Teal, in terms of the architecture, I thought you
23 did a nice job in terms of explaining that it's supposed to feel
24 like a pair but separate from each other. So in general, I think
25 the architectural design of it, I think the vocabulary is

1 consistent between the two buildings. I appreciate it.

2 I think this was a classic example of sort of a vignette
3 of playing with volumetric spaces and planes. The vertical breaks
4 that you described to break up the massing and the scale, I can
5 appreciate that. I certainly appreciate the effort to create a
6 transition of height and scale in terms of breaking up the
7 building into (indiscernible) parts, as you described it.

8 Also appreciate the pedestrian connections to the park
9 through the promenade. The renderings illustrations show a
10 densely planted landscape plan, so I certainly hope -- I didn't
11 see any details in the plans, but just based off of the very
12 colorful site renderings, that it shows it's very densely
13 planted, and I hope that's the case.

14 The courtyards and the promenade both, the promenade
15 is very whimsical. I certainly appreciate the design of that.
16 I think my only hesitation, or at least concern, would be the
17 shade and shadow in the promenade, just because of the height of
18 the buildings. I didn't see any sort of shadow studies in the
19 record. I think it's probably pretty evident by most people that
20 in the wintertime, it might have a different feel, which brings
21 up, I think, at least for me personally, a good point for others
22 in the public or other projects that come before the Zoning
23 Commission, to really think about the perspectives that you
24 provide, that it should at least show some seasonal change in
25 what these spaces what might look and feel like. I appreciate

1 the perspectives that you did provide as to scale.

2 The materiality, I think, I appreciate the rich
3 colorful palette you all selected. The metal paneling, the
4 perforation, I thought it was kind of (indiscernible).

5 Outside of of that, I don't think in terms of any
6 questions, I have any, Mr. Chair, but just wanted to -- those
7 are my general comments.

8 I also want to just take note, because it does seem
9 that they ask frequently about access to the green roofs. Based
10 off the site plan, it does show that you all have provided access
11 to the green roofs, so for some reason that seems to be a miss
12 oftentimes, so I did take note of that. So thank you for at
13 least ensuring about that.

14 So with that, Mr. Chair, I turn it over to Commissioner
15 May.

16 COMMISSIONER MAY: Okay. Thank you very much, and
17 thanks for letting me go last.

18 CHAIRMAN HOOD: You ought to be used to it.

19 COMMISSIONER MAY: Yeah. Okay. I actually don't have
20 an awful lot to say. I think that some of the points that I
21 might have hit on were mentioned by my fellow Commissioners. I
22 can personally testify, even though I'm not really supposed to
23 testify, but I can testify to the fact that the park is under
24 construction, because I happened to go past the park the other
25 day and it was one of those moments where I was driving past it

1 and said, "This isn't the way I remember things." And sure
2 enough, yeah, the park was under construction and I was very
3 excited to see that and then proceed to bore my wife for about
4 15 minutes as we continued to drive while I tried to tell her
5 some of the saga of that park. Anyway, it was nice to see.

6 CHAIRMAN HOOD: Let me interrupt you, Commissioner May,
7 right quick. Did you say drive or ride? I wanted to make sure
8 I caught that.

9 COMMISSIONER MAY: When I am traveling with my wife, I
10 am not on my bicycle.

11 CHAIRMAN HOOD: Okay. I just wanted to make sure I
12 caught that correctly. Thank you.

13 COMMISSIONER MAY: You know, not in like 40 years, so
14 anyway. But I'll have to look into that, you know, especially
15 if I can get a, you know, a bike built for two with an electric
16 motor, and that would be good.

17 No, I agree, especially with the comments from
18 Commissioner Imamura about the nature of the design, the palette,
19 the variation in the forms. I mean, it does look both like single
20 buildings, but it also has a variety in the facades that I think,
21 you know, make it not seem big and monotonous. So I think it's
22 -- a lot of times we see attempts like this where it's really
23 overdone, and this is not overdone. I think it's, you know, it's
24 on the heavier side than I might do, but I think it's, I think
25 generally speaking it's pretty good.

1 I do like some of the more clever features like the
2 ability to mask any kind of demolition using the perf metal
3 screens. That's a level of sophistication that we often don't
4 see. Very often, we just see it, like, ignored, or if it's shown,
5 it's shown sort of haphazardly, and this is, I think, well done.
6 So it looks like it's a very attractive set of buildings,
7 interesting plan, interesting ways of taking advantage of the
8 topography as well.

9 So I'm a little surprised that we didn't hear anything
10 from the neighbors to the last because they're, you know, row
11 houses that'll be facing a 60-something foot building. But I
12 don't even remember if we heard that the first time we actually
13 heard the initial PUD for this case.

14 So other than that, I'm disappointed that we did not
15 have the experience of, like, having Ms. Elliott give a two-
16 minute recap of how this is consistent with the comprehensive
17 plan. She's going to have to work on that because there will be
18 other opportunities. I'm sorry. I can't even see -- the images
19 are so small. She's not on the screen yet. Bring her on the
20 screen. I want to prove that she's really there. Oh, there she
21 is. Okay. Good. Now I'm satisfied. But next time, we're going
22 to want, you know, the two-minute Steven Sher, like, recap of all
23 planning, all the planning knowledge that we need to see or need
24 to hear.

25 So that's it. I have no questions. I just had to make

1 a rambling speech. Thank you, Mr. Chairman.

2 CHAIRMAN HOOD: Okay. Sure. Thank you. Any other go-
3 backs? Vice-Chair Miller?

4 VICE-CHAIR MILLER: Yeah. Thank you, Mr. Chairman. I
5 remembered my last question. You give me enough time, I will
6 remember it. Which was, what is the status of this consideration
7 of library relocation that the ANC asked that the retail space
8 that you're asking for flexibility to reduce, I think, but what
9 is the status of that whole -- is it the Northwest One Library
10 to be relocated to this site? I'm not even sure why that library
11 wasn't upgraded as part of the citywide library upgrading
12 program. If she can just give me a brief -- if Mr.
13 (Indiscernible) or somebody can give me a just brief response to
14 the ANC's comment about the library being part of the retail
15 space.

16 MS. BATTIES: Sure. We agreed -- the ANC Committee,
17 the design committee, had asked that the Applicant, as a condition
18 of their support, look further into or have discussions with them
19 about possibly accommodating the Northwest One Library at that
20 site. We did have that meeting with the ANC representatives and
21 it included our single-member district representative, and the
22 commissioner raised the concern initially. But after that
23 meeting, they were -- I think they resigned to the fact that this
24 space would not be appropriate. It wouldn't be able to
25 accommodate the type of library that they were looking for

1 (indiscernible).

2 VICE-CHAIR MILLER: Where is the Northwest One current
3 library located, and has it -- is it slated for upgrading? Has
4 it been upgraded; if you know?

5 MS. BATTIES: I think it's ready to close. It's to the
6 west, like, out on the other side of First Street at L, and I
7 think it's scheduled to close altogether. I think that's what
8 the --

9 UNIDENTIFIED SPEAKER: It's in (indiscernible).

10 MS. BATTIES: Yeah.

11 UNIDENTIFIED SPEAKER: They tried to move it up to
12 Edgewood to build a new one up there.

13 MS. BATTIES: Yeah, it's in the Walker Jones facility,
14 but it's not -- it's expected to close.

15 VICE-CHAIR MILLER: Okay. Thank you.

16 CHAIRMAN HOOD: All right. Ms. Schellin, do we have
17 anyone from the ANC? I think they said who was going to be
18 representing them.

19 MS. SCHELLIN: Right. And she is not on, no.

20 CHAIRMAN HOOD: Okay. So let's go to the Office of
21 Planning and District Department of Transportation. I think we
22 have Ms. Brown Roberts and Ms. Bridges.

23 MS. SCHELLIN: And maybe Mr. Lawson should be brought
24 on.

25 CHAIRMAN HOOD: And Mr. Lawson. Okay.

1 MS. SCHELLIN: Just in case.

2 MS. BROWN ROBERTS: Good evening, Mr. Chairman, and
3 members of the Commission. Maxine Brown Roberts from the Office
4 of Planning on Zoning Commission Case 15-20D. The Office of
5 Planning is supportive of the requested modification to the first
6 stage PUD for change of theoretical lots to accommodate right-
7 of-way dedications and to modify the building density, massing,
8 and height, and also the second stage PUD for the north parcel.

9 OP has worked with the Applicant to retain the stepping
10 down of the building to be respectful of the lower density and
11 lower heights along First Street, First Place, and the south
12 parcel. The Applicant has made modifications in the buildings
13 and setdown to add balconies, more articulation, and materials,
14 to make the building look more residential in character. The
15 Applicant has also responded positively to the conditions and
16 clarifications in our report, although OP continues to be
17 concerned with the consistent shade of the central courts during
18 most of the year.

19 In analyzing the proposal through a racial equity lens,
20 OP notes that the former residents of Sursum Corda community were
21 predominantly black with low incomes. A disadvantage of the
22 development was that all residents were displaced from the
23 property to various locations around the District, the buildings
24 demolished, and some of the residents are now awaiting
25 redevelopment of the property to return. The opportunity for

1 residents to return after redevelopment is an outcome of the
2 zoning action, and they and their representatives have been an
3 integral part of the overall PUD and the redevelopment process.

4 Of the 199 units, affordable units, 122 units will be
5 reserved for former Sursum Corda residents on the south parcel.
6 81 affordable units would be provided on the north parcel.
7 Reserve units would have units with one to four bedrooms and with
8 various affordability, including very low MFI, and overall, the
9 development would have seven unit types.

10 Another element of the proposal which would promote
11 equity will include the improved connectivity to the street grid
12 through the construction, extension, and street dedication, the
13 inclusion of green roofs and solar panels in the first source
14 agreement, the provisions of various amenities, both within the
15 overall development and contributions to various neighborhood
16 schools, libraries, and organizations, and improvement to the
17 adjacent park.

18 To promote cultural identity, a commemorative work will
19 be provided depicting the history of the former Sursum Corda and
20 its residents. Regarding the complaints of planners outlined in
21 the report, the proposal continues to be not inconsistent with
22 the slum and policy maps, the citywide policies in the Central
23 Washington area. Additionally, development meets all the
24 specific recommendations for Sursum Corda in the Mid-City Small
25 Area Plan. The Applicant has requested areas of flexibility

1 similar to those granted on the south parcel. OP believes that
2 the areas of flexibility requested are minor compared to various
3 amenities provided.

4 In summary, the overall Sursum Corda development would
5 have residents of varying incomes, a mixture of nine residential
6 unit types and sizes, retail and service uses, the development
7 of a park, recreation areas, open space, and promenade. On
8 balance, the proposed modifications to the overall PUD and the
9 development of the building on the north parcel would not be
10 inconsistent with the first stage PUD approval, the Comprehensive
11 Plan, the Mid-City Small Area Plan, and the zoning regulations.
12 The Office of Planning, therefore, recommends approval of the
13 application. Thank you, Mr. Chairman, and I'm available for
14 questions.

15 CHAIRMAN HOOD: Thank you, Ms. Brown Robert. Very well
16 done. We're going to go to Ms. Bridges and then we'll come back.
17 Ms. Bridges from DDOT.

18 MS. BRIDGES: Hello. Good evening, Chairman Hood and
19 members of the Commission. For the record, I'm Kelsey Bridges
20 with the District Department of Transportation. DDOT is
21 (indiscernible) of the Applicant's proposal. As you heard in the
22 presentation, Applicant has coordinated with the community and
23 DDOT on many aspects of the project and come to an agreement with
24 the Applicant on a robust transportation demand management plan
25 to mitigate the project's impacts to the transportation system.

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1 The Applicant has agreed to the additional TDM elements
2 requested in their report, as noted in the transportation
3 presentation, Exhibit 29. DDOT also made a comment in our report
4 requesting a status update on the transportation conditions from
5 the first stage PUD. DDOT looks forward to reviewing that once
6 it is ready. With agreed to TDM plan and put it in the final
7 zoning order and continued coordination with DDOT through the
8 horizontal public use agreement and public space permitting, DDOT
9 has no objection to the approval of this application.

10 CHAIRMAN HOOD: Thank you both. Sometimes it takes me
11 a minute to get my mouse to get down there to the unmute button,
12 so this all kind of stays on. Anyway, thank you both, Ms. Brown
13 Roberts and Ms. Bridges. Let's see if we have any questions. I
14 don't have any questions. Vice-Chair Miller, do you have any
15 question of either agency?

16 VICE-CHAIR MILLER: I'm not sure I have any questions.
17 I want to thank each of you for your reports, and Ms. Brown
18 Robert, thank you and the Office of Planning for your continued
19 work on bringing this project to fruition with improvements over
20 the years.

21 I was going to ask you a question and now I can't
22 remember again, so maybe it'll come back to me. I'll raise my
23 hand, Mr. Chairman, if I remember my question for Ms. Brown
24 Roberts.

25 CHAIRMAN HOOD: Sure. No problem. Commissioner

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1 | Imamura.

2 | COMMISSIONER IMAMURA: No questions. Thank you, Mr.
3 | Chairman.

4 | CHAIRMAN HOOD: And Commissioner May.

5 | COMMISSIONER MAY: No questions. Thank you.

6 | CHAIRMAN HOOD: So, Vice-Chairman, don't feel bad. I
7 | was on another meeting and I was looking at my Zoning Commission
8 | stuff, and I should have been looking at something totally
9 | different, and the people didn't even know what I was talking
10 | about. So anyway, it happens. So if you have that question, we
11 | can bring them back up.

12 | VICE-CHAIR MILLER: No need. No need to. No need.
13 | Thank you.

14 | CHAIRMAN HOOD: Let's see if the Applicant has any
15 | questions of either the Office of Planning or DDOT.

16 | MS. BATTIES: Has no questions. Thank you.

17 | CHAIRMAN HOOD: Okay. Thank you both. We appreciate
18 | both your supports. Great job. Ms. Schellin, do we have any
19 | other government agencies in here? We don't have the Commission
20 | on it as the Commission also could ask questions. I don't think
21 | the Commission is on, right?

22 | MS. SCHELLIN: No.

23 | CHAIRMAN HOOD: Okay. Do we have any government
24 | agencies? I don't want to miss anybody.

25 | MS. SCHELLIN: No.

1 CHAIRMAN HOOD: Okay. All right. Okay. Ms. Schellin,
2 let's go to our witness list.

3 MS. SCHELLIN: The only witness we have is the rep from
4 Sursum Corda, Lonnie --

5 CHAIRMAN HOOD: Okay.

6 MS. SCHELLIN: I'm sorry. I've got to get back to my
7 list here.

8 CHAIRMAN HOOD: Oh, that's all right. I know his name.
9 I know his name.

10 MS. SCHELLIN: Lonnie Duren.

11 CHAIRMAN HOOD: Lonnie Duren. I'm not going to say
12 Commissioner May's teammate so, Mr. Duren, we're going to turn
13 it over to you again.

14 MR. DUREN: Okay. Thank you. My name is Lonnie. I
15 reside in Northeast Washington off of Q Street. First thing, I
16 would like to thank y'all for having us on behalf of bringing us
17 to a close to get the north parcel finished as well as the south
18 parcel is working on in the process, and it's been a long time.
19 And I also want to thank y'all for being considerate in making
20 sure that you're looking after the families as well as the
21 development.

22 So I have two items I want to just put on record, and
23 then I can answer any of your questions. One of the items is a
24 list that the Office of Planning gave Toll and L and M in regard
25 to when they sat down in regards to the things the family was

1 | doing to make sure that you were keeping up with the families.
2 | As you know, in the order, we had certain milestones we had to
3 | meet, so this have, like, eight bullet points, and I just run
4 | them off at the top.

5 | The first one is to make sure that we keep up with the
6 | families in regards to if they want to come back or they want to
7 | not come back, and we did, I think, keeping a spreadsheet. We
8 | really think it's hard to keep it up because some people, you
9 | know, don't want to be bothered at certain times. But I think,
10 | you know, once I give you the end result of it, I think, you
11 | know, everybody here will be happy with the return of the
12 | families.

13 | But and most of these milestones, I think we worked
14 | pretty good together and had Julia (indiscernible) and Jonathan
15 | Craig. But the thing about it is, the things we worked for, they
16 | never strayed away from it. And as you know, that can be kind
17 | of hard. And the thing about it, they was flexible with me.
18 | That's why I'm sitting here today.

19 | But I want to read a letter in which we came to, like
20 | I say, I want to put on record.

21 | It say, "As requested, we write this to inform you our
22 | intent to find ways to make rents at Banner Lane affordable for
23 | those families currently on the waiting list of non-vouchers,
24 | returning to Sursum Corda residence. We have reviewed their
25 | files. We have a list of families and I'll explain it to you,

1 that we went over each family and get their incomes. That's how
2 we know the percentage is way far less, low low income and medium
3 income. And as you're aware, they are now, you know, accepting
4 applications in regards to each household. With these
5 applications in hand, with all the supportive material reviews,
6 we expect to get a clear sense of the current resources available
7 to these households for rents and utility payments.

8 And the second paragraph, "We appreciate that some of
9 these households have income level which would be fixed below the
10 convenient income requirement of 30 percent of AMI. We will
11 accommodate these families. We will accommodate these former
12 residents in particular. We would expect to address the gaps as
13 applicants go through the rent credit that is (indiscernible) for
14 each individual."

15 What that is, they're going to look at the families and
16 they're going to see where the rent gap is and try to backfill
17 that gap. So like I think you mentioned earlier, that's something
18 that never happened. When we first (indiscernible) we always
19 said we had low, low, 30 percent and below. So that was one
20 thing, is that a lot of people didn't expect us to have this
21 money, but we have, like, 81 families returning along with the
22 over income, the voucher holders, and their kids. So I think
23 that's a compliment, and I think for them to take on this task
24 with me and we take care of Sursum families before we go outside.

25 But second stage, north parcel, I'm in agreement with

1 it, because as you know, we had already approved the site which
2 will be built on there, but by them buying it, they came and
3 freshened it up with the ideas and the stuff they want to see,
4 because they are the owners. So I can answer any questions you
5 would like.

6 MS. SCHELLIN: Do you want to put that letter in the
7 record?

8 MR. DUREN: Yes, I would like to put both letters into
9 the order for the record.

10 CHAIRMAN HOOD: All right. Thank you, Mr. Duren. I
11 appreciate your comments and I would agree with putting that in
12 the record. Not only on the record, I need to figure out how
13 that can be memorialized. But I think again, as I stated
14 previously, I'm going to ask my Office of Zoning Legal Division
15 to make sure that this is spelled out (indiscernible) in our
16 order. I want that there because that's -- I've never seen it,
17 so I want to commend you and all the work you've done.

18 I do know that's what gives me a (indiscernible)
19 personally. I do the work that you do do, because I think the
20 last time I personally saw you in person, you were doing something
21 and I was doing something. You were getting turkeys and I think
22 we were getting turkeys, or we were getting food to pass out. So
23 I know your commended work in this city. So that gives me --
24 and I know you will honor your word as you continue to move, and
25 I appreciate how you look out for those who don't have a lot,

1 and that's very important. And I think that a lot of times,
2 that's what we miss, because it doesn't get to the people that
3 need it.

4 So I look at your work and I look at the racial equity
5 regulations we have to go by. I'm very confident that this
6 Commission can hold up that we are in compliance with the comp
7 plan, especially in this case when it comes to racial equity. So
8 I leave you with that, I'm glad, and I also appreciate y'all
9 submitting the piece about how you've been keeping in touch with
10 families.

11 So my thing is, and I think the Commission knows this,
12 whether your loss is where people take us to court, and that's
13 where people get lost. And I'm glad that we're putting that as
14 a tool in our racial equity too, because everybody doesn't always
15 have an underlying agenda. So I want to commend you, Mr. Duren.
16 I was very happy with this case. Let's just move further. Let's
17 get it done and continue the good work that you're doing out
18 there. Vice-Chair Miller, do you have any questions or comments?

19 VICE-CHAIR MILLER: No, just to thank the witness for
20 his testimony and his work on this project over many years and
21 associate myself with your remarks, Mr. Chairman. Thank you.

22 CHAIRMAN HOOD: Thank you. Commissioner Imamura.

23 COMMISSIONER IMAMURA: No comments. Thank you, Mr.
24 Chairman.

25 CHAIRMAN HOOD: And Commissioner May.

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1 COMMISSIONER MAY: Yeah. Mr. Duren, I know the
2 application was filed in 2013, approved in 2016. I remember all
3 we went through to get to that point. But, I mean, you worked
4 on this for years before that as well, right? I mean, at this
5 point, what is it? Are you 10 years in?

6 MR. DUREN: 16.

7 COMMISSIONER MAY: 16.

8 MR. DUREN: Yes, sir. That's a long time

9 COMMISSIONER MAY: Yeah. Well, it must feel good to
10 reach a point like this where, you know, buildings are being
11 finished, and the park is being finished, and the completion of
12 the whole project is in sight.

13 MR. DUREN: Yeah, but the main thing, my mom is gone,
14 but you can thank my mother because that's when I came and
15 intervened because they wasn't treating the families right. So
16 she's no longer here. She passed two years ago, but due to her
17 family, making sure we take care of people that can't take care
18 of themselves.

19 COMMISSIONER MAY: Right. It's very important work,
20 and I'm sure the community appreciates all that you've done to
21 lead the effort through this and to get it to this point. We
22 certainly do.

23 MR. DUREN: I want to tell you, in regards to L and M,
24 and Toll, most of this stuff I do, turkey, toys, and all the
25 stuff that due to their backing, that helps me do what I need to

1 do, because I can't afford it. So they're willing to pitch in.
2 That's the community outreach that we also service the
3 neighborhood, even through COVID, the things that we've done in
4 their neighborhood.

5 COMMISSIONER MAY: Right. That's good. Thank you.
6 And just to be clear, we never played basketball together, right?

7 MR. DUREN: Back in my day, you might have beat me if
8 I let you.

9 COMMISSIONER MAY: I don't think so. I don't think so.
10 And I never said for the record, Mr. Chairman. Maybe I need to
11 write a letter and then you'll want to put it in the record. But
12 for the record, I never said that I played basketball with him.
13 I just said we knew some of the same people. That's all.

14 CHAIRMAN HOOD: I'm going to have to go back and look
15 at the tape because I could have sworn -- and I know Mr. Turnbull
16 was here, so I don't know if anybody else was here. But I'd have
17 to go back and look at the tables. I heard it. My wife says I
18 can't hear that well, so maybe that might be the case in that
19 case, so I don't know.

20 COMMISSIONER MAY: Thank you very much.

21 CHAIRMAN HOOD: Okay. We don't have anybody from the
22 ANC. I believe -- the Applicant, do you have any questions of
23 Mr. Duren? I don't think -- is he part of the Applicants too?

24 MS. SCHELLIN: (Indiscernible) routine.

25 CHAIRMAN HOOD: Okay. So y'all don't have no questions.

1 Thank you again, Mr. Duren. We appreciate y'all, the work you're
2 doing and continue to do it. I know you will. Nobody has to
3 tell you that, and it's always good to see you, so thank you.

4 All right. Ms. Schellin, do we have anybody else who'd
5 like to testify? I think you said Mr. Duren was the only person.

6 But here's another thing I wanted to say earlier. The
7 testament of the work that's being done, for me, is shown by how
8 many people showed up to comment. Normally, we have
9 (indiscernible) to comment, so that shows that work that you've
10 done, Mr. Duren, so keep up the good work. We have actually
11 nobody here to testify, which means -- other than yourself. That
12 really means a lot and it shows that you've already done the
13 teamwork, you and the Applicant and his team. So hats off to
14 you and Ms. Batties and the whole team. So thank you.

15 Ms. Schellin, do we have anybody else?

16 MS. SCHELLIN: There is no one else.

17 CHAIRMAN HOOD: Okay. All right. Ms. Batties, do you
18 have any closing? I don't think there's any rebuttal needed.

19 MS. BATTIES: Nothing further, Mr. Chair. We
20 respectfully request the Zoning Commission's approval of the
21 application.

22 CHAIRMAN HOOD: Okay. Thank you. I'm going to close
23 the record in this case. Ms. Schellin, I think, unless I can
24 hear from others of the Zoning Legal Division, unless somebody
25 asks for something -- did anybody ask for anything?

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1 UNIDENTIFIED SPEAKER: No.

2 CHAIRMAN HOOD: Okay. So I would like to go ahead and
3 dispose of this. We have a lot on our schedule, a lot on our
4 plate. So let me hear from my colleagues what your pleasure is
5 on this.

6 MS. SCHELLIN: And I do believe -- I'm sorry. If I
7 may, I believe this is one vote, is that not correct, Ms. Lovick,
8 since there is no map amendment portion to this, this is second
9 stage and a modification is significance, so there's no mapping
10 to it. So I believe this is one vote.

11 MS. LOVICK: Yes, that's correct. The only thing I was
12 going to mention, Commissioner Miller did mention that he wanted
13 a breakdown --

14 MS. SCHELLIN: Oh.

15 MS. LOVICK: -- of the households.

16 MS. SCHELLIN: Oh, yeah.

17 MS. LOVICK: Did you say that, sir?

18 VICE-CHAIR MILLER: Yeah, I did say that. You have a
19 better memory than I do, but I don't want to hold up this case
20 for that. I -- if they can submit -- can get that information
21 through other means. That can be a part of my decision.

22 CHAIRMAN HOOD: Let's complete the record and we'll
23 just hold off. That's all. It's just real easy. It'll be a
24 five-minute.

25 MS. SCHELLIN: Mr. Duren -- I'm sorry, I just want to

1 make sure Mr. Duren wanted his letters in the record. If you
2 could keep the record open so he can submit his letters also.

3 CHAIRMAN HOOD: Let's set this for the earliest
4 possible, Ms. Schellin.

5 COMMISSIONER MAY: Chairman Hood.

6 MS. LOVICK: Well, sir, I just would interject. You
7 could in this situation, if you want to move forward, you can.
8 You've done that before just for a limited purpose, allowed things
9 to come into the record that were specific once you took final.
10 So you can do that in this situation. None of this is
11 (indiscernible).

12 VICE-CHAIR MILLER: I think that would be good. We
13 don't have any parties or even any persons in opposition, so.

14 MS. LOVICK: And it sounds like they could submit those
15 submit those this evening. They've got them right there.

16 CHAIRMAN HOOD: Let me go to Commissioner May first.
17 Commissioner May.

18 COMMISSIONER MAY: I was going to just suggest the same
19 thing. I recall that we have, you know, requested some additional
20 information be let into the record after even a final vote, but
21 it has no bearing on the decision making. It's just a matter of
22 completing the record. So I would be very much in support of
23 that because I don't want to have to put this off even for a
24 couple of weeks to make a decision about it.

25 CHAIRMAN HOOD: I would agree. I'm just going by what

1 I heard on the BZA the other day, so maybe I can't, again, tie
2 all that together, so let's do it our way. I'm sorry to bring
3 in the BZA's way into what we're doing. I'm ready to move
4 forward, so thank you.

5 I can move things we've asked for, which as
6 Commissioner May said, is not part of our decision making, I
7 would move that we approve Zoning Commission Case Number 15-20D,
8 first stage modification of significant second stage plan unit
9 development at Square 620, Lot 254, 50 M Street, N.W., on this
10 day of October 17th, 2022. I think I've captured everything and
11 ask for a second.

12 VICE-CHAIR MILLER: Second.

13 CHAIRMAN HOOD: Moved and properly second. Any further
14 discussion? Not hearing any, Ms. Schellin, would you do a roll
15 call vote, please?

16 MS. SCHELLIN: Yes, sir. Commissioner Hood.

17 CHAIRMAN HOOD: Yes.

18 MS. SCHELLIN: Commissioner Miller.

19 VICE-CHAIR MILLER: Yes.

20 MS. SCHELLIN: Commissioner May.

21 COMMISSIONER MAY: Yes.

22 MS. SCHELLIN: Commissioner Imamura.

23 COMMISSIONER IMAMURA: Yes.

24 MS. SCHELLIN: The vote is 4 to 0 to 1 to approve final
25 action in Zoning Commission Case Number 15-20D, and if I could

1 get a draft order by October 24th. That work, Ms. Batties? Okay.

2 MS. BATTIES: Okay.

3 MS. SCHELLIN: Make sure you submit it to the record,
4 the two letters. If you could do that by this evening since you
5 already have them, that would be great, and then the draft order,
6 make sure you submit it to the record and email me a Word version.
7 That would be great.

8 Nothing else, Chairman Hood.

9 CHAIRMAN HOOD: Okay. Thank you. The Zoning Commission
10 will meet again October the 20th. I think I got that right, in
11 MSF Heritage 1700, LLC, and will be at 4:00 p.m. on the same
12 platforms. I want to thank everyone for their participation
13 tonight, especially the Applicant, and all involved for all the
14 work you've been doing in the community, so we appreciate that.
15 Continue the great work. And with that, this hearing is
16 adjourned. Good night, everyone.

17 (Whereupon, the above-entitled matter went off the
18 record at 5:28 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 10-17-22

Place: Video conference via WebEx

was duly recorded and accurately transcribed under my
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