

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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VIRTUAL PUBLIC HEARING

+ + + + +

Thursday

October 20, 2022

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- PETER MAY, Commissioner
- JOSEPH IMAMURA, 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 Regular Public Hearing held on October 20, 2022.

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is October 20th, 2022. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood. I'm joined by Vice Chair Miller, Commissioner Imamura, and soon to be Commissioner May. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations, and Office of Zoning, Legal Division, we're joined by Mr. Jacob Ritting.

I will ask all others to introduce themselves at the appropriate time. The virtual public hearing notice is available on 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 signup, all participants will complete the oath or affirmation required by Subtitle Z 48.7. Accordingly, all those listening 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

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

8 This hearing will be conducted in accordance with  
9 provisions of 11Z DCMR Chapter 4, as follows: preliminary  
10 matters; Applicant's case, I believe the Applicant has requested  
11 up to 25 to 30 minutes, and Ms. Schellin, I'm going to ask that  
12 you keep time just in case we need to use it for anything going  
13 forward; then we have report of the Office of the Planning and  
14 District Department of Transportation; report of any government  
15 agencies, and let's make sure that I remember this time that we  
16 do now have another agency who will be giving us a report; report  
17 of the ANC; testimony of organizations and individuals,  
18 organizations, five minutes and individuals, three minutes. And  
19 we will hear in the following order from those who are in support,  
20 opposition, and undeclared. Then we'll have rebuttal and closing  
21 by the Applicant. The subject of this evening's case is Zoning  
22 Commission Case No. 22-09, it's the Mid-City Financial Heritage  
23 1700, LLC, Consolidated PUD, Planning Unit Development, and  
24 Zoning Map Amendment at Square 419 Lot 34, 1707 Eighth Street,  
25 N.W.

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1           Again, today is October 20th, 2022. Again, the OZ  
2 hotline number -- then we'll -- again, the OZ hotline number is  
3 202-727-0789 for any concerns during these proceedings.

4           All right. At this time, the Commission will consider  
5 any preliminary matters. Does the staff have any preliminary  
6 matters?

7           MS. SCHELLIN: Yes, sir. The first one, I think to  
8 -- for the Commission to consider is a request for party status  
9 from ONE DC, and that's at Exhibit 31, and there's some subparts  
10 to that.

11           CHAIRPERSON HOOD: Okay. Let me get that up in front  
12 of me.

13           MS. SCHELLIN: And it didn't come in until yesterday.  
14 So they have requested a waiver for the late filing. As you  
15 know, it's supposed to come in 14 days prior to the hearing. The  
16 Applicant has submitted a letter opposing the request.

17           CHAIRPERSON HOOD: So --

18           MS. SCHELLIN: That's Mr. Tummonds.

19           CHAIRPERSON HOOD: Do we know who the representative  
20 is or who's representing ONE DC? I saw a list, I tried to review  
21 that.

22           MS. SCHELLIN: I believe the person I see that is here  
23 is Haley Clasen.

24           CHAIRPERSON HOOD: Can we bring up Mr. Tummonds, the  
25 counsel, and Mr. Clasen -- or Ms. Clasen?

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1 MS. SCHELLIN: Ms. Clasen, uh-huh.

2 CHAIRPERSON HOOD: Ms. Clasen, thank you.

3 MS. SCHELLIN: And I believe her -- actually her group,  
4 they're all in one room. So you may get a whole group of people  
5 up, but I believe she is the representative.

6 MS. CLASEN: Hi. Yes. I'm here with Ms. Rosemary, and  
7 we'll just make our case really briefly for party status.

8 CHAIRPERSON HOOD: Ms. Clasen, hold tight. I just want  
9 you to come on, introduce yourself, and I would ask the counsel  
10 for the Applicant to introduce themselves first. So Ms. Clasen,  
11 could you introduce yourself please first?

12 MS. CLASEN: Yes. Yeah. So my name is Haley Clasen.  
13 I am a member of ONE DC. I'm a Ward 5 resident.

14 MS. NDUBUIZU: And my name is Rosemary.

15 CHAIRPERSON HOOD: I think Ms. Rosemary went on mute.

16 MS. CLASEN: We're not on mute right now.

17 CHAIRPERSON HOOD: I can hear you now. I couldn't hear  
18 you though.

19 MS. NDUBUIZU: My name is Rosemary Ndubuizu. I'm also  
20 a ONE DC member, and I serve as the co-chair of the shared  
21 leadership team, which is our governance structure for ONE DC.

22 CHAIRPERSON HOOD: Okay. So --

23 MS. CLASEN: We'll be joined in this room later today  
24 by resident -- former residents of the property in question, as  
25 well as residents who live at an adjacent property within 200

1 feet.

2 CHAIRPERSON HOOD: Okay.

3 Let me go to you, Mr. Tummonds.

4 MR. TUMMONDS: Good afternoon. My name is Paul Tummonds  
5 with Goulston and Storrs, legal counsel to the Applicant in this  
6 case.

7 CHAIRPERSON HOOD: Okay.

8 Commissioners, I've been reading through -- and I'm  
9 talking to my colleagues now. I've been reading through the --  
10 through the submissions. And one of them I just noticed today,  
11 and I looked through this record yesterday, I think, Ms. Clasen,  
12 and you all submitted something, I guess, yesterday. So, I guess  
13 it was uploaded today?

14 I'm asking Ms. Schellin, was it uploaded today 'cause  
15 I didn't see it --

16 MS. SCHELLIN: It was uploaded yesterday.

17 CHAIRPERSON HOOD: Yesterday. Okay. Well, I missed  
18 it. I must have watched -- looked at it earlier. But anyway,  
19 so today I tried to read through it, and let me talk to my  
20 colleagues first. What do you all think about this? Because  
21 this is -- this -- actually we would have to waive our rules as  
22 requested. I think it does warrant some merit to be able to give  
23 the party status, but also the Applicant has opposed their party  
24 status, especially Ms. Clasen was mentioning that she has  
25 residents, both former and current residents. I need to ask her

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1 a question about the current piece. But the thing is, I guess  
2 she had to try to find out where they were, which is good. Maybe  
3 she can pass that on to the housing authority as well. How they  
4 find people after such a long time when we go to court and stuff.  
5 But anyway, that's -- I'm digressing.

6 But let me talk to my colleagues first, and see how do  
7 you all feel with the two things that we have in question? And  
8 then I will go to Mr. Tummonds, because Mr. Tummonds actually  
9 opposes the party status, and I don't want to make sure that I'm  
10 not prejudicing anybody.

11 Mr. May, you can hear me?

12 COMMISSIONER MAY: I can hear you. I just didn't see  
13 the letter in the record for Mr. Tummonds. Can you tell me what  
14 exhibit number that is or can somebody tell me that?

15 CHAIRPERSON HOOD: Exhibit -- is that exhibit -- is  
16 that the last exhibit?

17 MS. SCHELLIN: 39.

18 CHAIRPERSON HOOD: 39.

19 COMMISSIONER MAY: Oh, right, right. Okay. I see it  
20 there now.

21 MS. SCHELLIN: It's a combo. He didn't put his  
22 reasoning, which is I think what he needs to put on the record.

23 CHAIRPERSON HOOD: Yeah, that's the problem. And --

24 COMMISSIONER MAY: Yeah, I did see that. That's why I  
25 was -- okay, now I'm caught up. Thank you.

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1 CHAIRPERSON HOOD: Okay.

2 COMMISSIONER MAY: I guess we need -- I would like to  
3 hear from Mr. Tummonds before I opine on this.

4 CHAIRPERSON HOOD: Okay. So let me ask this and that's  
5 where I was going, but I want to make sure that we -- do we have  
6 any questions of Ms. Clasen and her organization, ONE DC?

7 Okay. Not seeing any.

8 Ms. Tummonds -- I mean, Mr. Tummonds. Mr. Tummonds,  
9 what am I saying? Mr. Tummonds? I'm sorry. Got a lot of things  
10 -- moving parts, so many moving parts, I'm getting old, too many  
11 moving parts.

12 MR. TUMMONDS: Once again, thank you.

13 First, as you noted, this party status -- this request  
14 was filed 13 days late, on the evening -- on the eve, if you  
15 will, of this application. ONE DC's statement is incorrect when  
16 it says that this was filed "several days in advance of the  
17 hearing." There is a reason why these party status requests  
18 should be filed 14 days in advance. It allows the applicant to  
19 provide a clear and consistent response to issues that may be  
20 raised. We are ready to address issues, but we do think that  
21 there is -- our ability to address all of the concerns raised by  
22 the Applicant are impacted by the late filing, but we will do  
23 the best that we can today. Second, I think what is also to note  
24 here is that ONE DC's interests are not impacted by this  
25 application. If individual members of ONE DC have interests that

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1 are specifically impacted, then those people, those individuals,  
2 should be the ones requesting party status, those individuals who  
3 may have been a resident of the building prior to it becoming  
4 vacant.

5           And then finally, with regard to those people who could  
6 potentially seek party status that live in buildings, say, across  
7 the street, some of the concerns that they've raised in their  
8 party status request application is that something could happen  
9 to them in the future that they may not be able to live in the  
10 building in which they live now. Truly, I don't believe -- the  
11 Applicant does not believe that that is sufficient to meet the  
12 standards to show that their interests are somehow uniquely  
13 affected in character or kind than those in the general public.  
14 Thoughts of something may happen to us in the future even though  
15 we live across the street, those aren't really the levels of  
16 specific impacts that we believe the party status is granted to.  
17 With that being said, if the individual members, former  
18 residents, need additional time to present testimony, we're  
19 amenable to that. But again, we just do not believe that this  
20 request meets the standards of Section 401.4(H)(5) of Subtitle Z  
21 of the zoning regulations.

22           CHAIRPERSON HOOD: Okay. Let me -- any questions to  
23 my colleagues of either ONE DC or Applicant's counsel, Mr.  
24 Tummonds? Comments. All right. Let me hear what you guys are  
25 thinking before I put out what I think.

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1           And let me ask you this though, Mr. Tummonds. When you  
2 said if they need more time, what do you mean if they need more  
3 time? I'm trying to --

4           MR. TUMMONDS: Right. So one of the benefits of being  
5 a party is that they are allowed the same amount of time that  
6 the Applicant takes. So we have 30 minutes to present. We hope  
7 to be somewhere between 25 and 30 minutes. If ONE DC needs more  
8 than just five minutes to present their testimony, we would be  
9 amenable to allowing ONE DC to have more time to not be subject  
10 to the five minutes that an organization is allowed to present  
11 testimony.

12           CHAIRPERSON HOOD: So let me ask you this, because I've  
13 had to reconvene before because of that same issue, let me ask  
14 you this. If you all get 30 minutes, would you all be amenable  
15 -- I'm not sure of my colleagues, I'm just talking you and I now  
16 -- would you all be amenable to ONE DC having 30 minutes if we  
17 choose not to give them party status?

18           MR. TUMMONDS: Yes.

19           CHAIRPERSON HOOD: Okay. So they would still get the  
20 same amount of time, but they would not be a party. Okay. Let  
21 me think on that. Let me hear from others if we went that route.  
22 It's not -- I'm not advocating for that, at least not right now.  
23 Let me hear from others.

24           Vice Chair Miller, I see you have your hand up.

25           VICE CHAIR MILLER: Thank you, Mr. Chairman. I just

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1 -- can you hear me?

2 CHAIRPERSON HOOD: Uh-huh.

3 VICE CHAIR MILLER: Okay. I just had a question for  
4 Mr. Tummonds.

5 If we were going to be inclined to -- and I have no  
6 idea -- grant party status as a preliminary matter, do you want  
7 more time to -- are you ready to proceed this -- would you prefer  
8 to proceed this evening or do you want you want more time to  
9 prepare in response to the party?

10 MR. TUMMONDS: We're ready to go this evening. But,  
11 you know, based on, you know, the discussion that occurs today,  
12 if we would -- and if there's information that we're just not  
13 able to provide in this 24 hours, we'd just ask that the record  
14 be open that we could include the information in a post-hearing  
15 submission.

16 VICE CHAIR MILLER: Okay. Thank you.

17 CHAIRPERSON HOOD: Okay.

18 Commissioner May, any comments on that whole subject?

19 COMMISSIONER MAY: So I mean, this poses an interesting  
20 and an unusual case. This is not the sort of party status  
21 application that we normally get. And it's unfortunate that it  
22 was not submitted sufficiently far in advance. I mean, even a  
23 few days in advance would have been beneficial, but it just gets  
24 into the record the day before. I think that do -- that does  
25 prejudice the Applicant. And so I think technically it does not

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1 meet the standard for some sort of waiver. I certainly would be  
2 open to allowing ONE DC more time to make their case in this  
3 circumstance. I don't know how many other people might be here  
4 to testify on this case, but certainly, you know, providing 30  
5 minutes rather than 5 would not be objectionable from my  
6 perspective. So, you know, I don't -- I mean -- I would be --  
7 I'm not generally disposed to granting party status in this  
8 circumstance. Again, it's sort of unfortunate because I think  
9 when it comes to the actual impacts, there's probably enough of  
10 a case to merit party status, but it's -- I don't think it's  
11 right to simply drop it in at the very last minute and then  
12 request a waiver. I don't think that really is fair to all  
13 parties involved.

14 CHAIRPERSON HOOD: Thank you.

15 Commissioner Imamura?

16 JOE IMAMURA: Thank you, Mr. Chairman. I feel similarly  
17 to Commissioner May. I think it's important to hear from the  
18 community always. But we have rules set in place, and I'm  
19 reluctant to waive them. What -- you know, as Commissioner May  
20 had mentioned, it's unfortunate that it didn't get into the record  
21 sooner. But in this case, I mean, you know, I would certainly  
22 be interested in equal time to hear what they have to share. So  
23 that's where I stand.

24 CHAIRPERSON HOOD: Okay.

25 Vice Chair Miller, you want to go back around? And

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1 then I will come --

2           VICE CHAIR MILLER: Yeah, because I didn't express an  
3 opinion, although my two colleagues just did. I just asked a  
4 question of the Applicant, and based on what I asked him and how  
5 he answered, which was that he would prefer to proceed this  
6 evening if we were inclined to give party status, which I'm  
7 inclined to give, although I think the Applicant makes good points  
8 on all of his points, including that it's the individual members  
9 who are more distinctly uniquely affected as opposed to this  
10 organization, but -- that has these members in it, I guess.  
11 Anyway, the Applicant has said that they -- as long as they have  
12 the record -- as long as the record is open, they would prefer  
13 to proceed this evening even if we granted party status. And I  
14 think certainly former tenants of this property are distinctly  
15 and uniquely affected, and -- whether they're part of this  
16 organization or part -- are testifying or came together as a  
17 group separately. So I would be inclined to grant party status,  
18 proceed with the hearing tonight, have the added -- leave the  
19 record open for whatever additional comments any party needs to  
20 make in response to what happens if we were to proceed this  
21 evening.

22           CHAIRPERSON HOOD: So, Vice Chair, I think you were  
23 agreeing with moving forward, but I think the difference -- at  
24 least the way I understood it and the audio sometimes doesn't  
25 work properly -- you agree to giving party status where the

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1 Applicant believes that they are as -- well, I think Commissioner  
2 May mentioned the word prejudiced -- which yes, I believe they  
3 are prejudiced. So for me, I believe in giving them party status.  
4 This submission was -- we got it one day before the hearing and  
5 it's typically, I think, 14 days. And sometimes that can be --  
6 you know, people prepare whether you oppose or support. The  
7 problem, the fundamental problem, I'm having here is I think the  
8 ONE DC makes a good argument to me, a lot of residents don't do  
9 zoning all the time. A lot of residents don't know the process.  
10 And what the kicker for me was, Mr. Tummonds, and I know you're  
11 being prejudiced, so if I admit that and we've already said that,  
12 then I have to find another way to make it work, but I do know  
13 that the folks who live there or those who don't live there, that  
14 has been an issue not just here, but in other cases of making  
15 sure we connect with them, keep in touch with them. So I think  
16 that's with the late filing, I don't -- that's what's represented  
17 in the file and I'll take their word for it. I don't believe  
18 people -- I think they -- they are under oath, so I don't believe  
19 people just come down and make those things up. I applaud them  
20 for trying to find people all these months to get people to be  
21 here to participate.

22           So I -- well, I think that with good cause the way the  
23 rules are -- I think that's the good cause, and I see your arm,  
24 Mr. Ritting, but I just want to finish, but I do think they're  
25 being prejudiced. But Mr. -- and so that's a problem. So either

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1 -- what I think I need to do from a legal standpoint, and Mr.  
2 Ritting, I'm glad you showed up, do I continue this hearing and  
3 make sure that we meet it from a legal standpoint or do we do  
4 -- and the reason -- here's the reason that I don't want to go  
5 forward and not give them party status is because there's some  
6 affordabilities that comes with party status that don't come with  
7 just testifying. Now I can give them as much time because Mr.  
8 Tummonds is not going to take me to court, like take us to court  
9 I don't think. He's said that. Others will. But we can give  
10 them the time, but will they be served, they won't get served  
11 notice. Sometimes, if they're not up to speed, up the snuff,  
12 they got to be able to get responses. And if they're a party,  
13 those responses will automatically happen. There's some  
14 automatics that happen versus not happening.

15 So let me go to Mr. Ritting.

16 MR. RITTING: I popped up for a slightly different  
17 reason.

18 CHAIRPERSON HOOD: Okay.

19 MR. RITTING: And I'm sorry this is going to complicate  
20 things, but so the thing that's in front of you is whether to  
21 grant a waiver, right? And you need a vote of the Commission,  
22 and you need more than two votes for the waiver motion to pass.  
23 So right now you have two to two. So I'd encourage you, before  
24 you vote on it, to take that into consideration and maybe have a  
25 further discussion before there's a motion that fails, and then

1 we're scrambling to figure out what to do about it. That's what  
2 I wanted to say now.

3 I could continue to try to answer your other question,  
4 but I think maybe we should deal with the first thing first.

5 CHAIRPERSON HOOD: Consider the motion first, because  
6 if we do it the way that I'm starting to think about doing it  
7 after making things complicated, we'll come back in two weeks and  
8 deal with it then and move forward. Then that takes all that  
9 other stuff out of the equation.

10 So anyway, let me hear from our other colleagues.

11 COMMISSIONER MAY: Yeah, Mr. Chairman, I mean, you said  
12 it yourself, you think that the Applicant is prejudiced. And I  
13 -- you know, if you agree with that, I think it would be really  
14 problematic for us to grant the waiver. I mean, that's the reason  
15 why I'm troubled by it. Troubled is the wrong word. This is  
16 why I think I cannot support granting the waiver, because I do  
17 believe that the Applicant is prejudiced. And I mean, even if  
18 it had been a matter of a few days' notice, you know, I could  
19 have, you know, the Applicant is capable enough to respond within  
20 a few days. But I don't think anybody can turn things around  
21 within a day. And that's the notice that they had. So I just  
22 don't see it. Now, if we were to postpone the hearing, so that  
23 in effect there would be sufficient notice, we might still need  
24 to grant a waiver if we do the hearing in two weeks, I don't know  
25 -- that's a legal question, but at least at that point, we could

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1 say with a straight face that they're not prejudiced, and there's  
2 good reason for the party status, so.

3 CHAIRPERSON HOOD: So Commissioner May, you're right.  
4 I did say I think the Applicant is prejudiced, but I also said  
5 that I think that -- I want to make sure this is all on the record  
6 also. And I hate to repeat all that. I think the submission  
7 from ONE DC is sufficient for me personally to do the two-week  
8 piece, let's find out how to make this work, and take some of  
9 that off the table, because the affordabilities, as I mentioned  
10 --

11 COMMISSIONER MAY: Right.

12 CHAIRPERSON HOOD: -- that they will get, also we don't  
13 have to go through this. And I think that they make a case --  
14 they had to find people from what they represented, they had to  
15 find residents, and that's not easy in this city.

16 COMMISSIONER MAY: And I don't disagree with that, Mr.  
17 Chairman. That's not what I'm saying at all. I mean, I was, in  
18 fact, if you read between the lines, supporting your notion of  
19 delaying it, and then that takes the prejudice issue off the  
20 table. I'm not even sure we need to go two weeks, except  
21 practically speaking we probably need to go two weeks. So I  
22 mean, but you know, I don't know what our schedule is like. I  
23 don't think it's very good unless you wanted to do it on Halloween  
24 or something.

25 CHAIRPERSON HOOD: Well, we can do it on volleyball

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1 night, but I really think that --

2 COMMISSIONER MAY: Yeah, we don't have to worry about  
3 volleyball night anymore.

4 CHAIRPERSON HOOD: Oh, okay. Okay. So we don't have  
5 to worry about that. But anyway, on a serious note, yeah, I  
6 would -- I appreciate that. Maybe I misread -- I just don't want  
7 a misrepresentation that I was just saying they're prejudiced and  
8 that was it. I think there's a balance here. So that's -- so I  
9 mean, actually, Mr. Tummonds and Ms. Clasen, if we pushed this  
10 to two weeks, would anybody have a problem of we making a decision  
11 then? I'm not saying what the outcomes going to be, there's no  
12 guarantee, but I just think we close the book on this issue,  
13 unfortunately, that we all faced within the last day or so. And  
14 I didn't see this until today, actually, 'cause I looked at it  
15 obviously before it was uploaded.

16 MR. TUMMONDS: I mean, I might just add, so in response  
17 to the previous question that Vice Chair Miller raised with are  
18 we ready to go forward tonight, we're ready to go forward tonight.  
19 We have our team here. There is time and cost to bringing our  
20 team together. There is time and cost to waiting two weeks. I  
21 think if we are allowed to and maybe given some recognition in  
22 questions that are asked this evening that we would not be able  
23 to provide an answer to in 24 hours, recognize that and then  
24 allow us to submit this information in a post-hearing submission,  
25 we'd be okay with doing that moving forward this evening.

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1 CHAIRPERSON HOOD: So you would be okay if we were to  
2 grant them party status, you would take the opposition off the  
3 table?

4 MR. TUMMONDS: Yes.

5 CHAIRPERSON HOOD: Okay. So you would not be opposed  
6 to them having party status?

7 MR. TUMMONDS: I think it's -- based on what we've  
8 heard tonight that it is -- the concerns right now are not with  
9 the merits, if you will, of the party status request, which we  
10 have some concerns with those, but about the prejudicial nature  
11 of moving forward tonight with only the one-day advance, we will  
12 go ahead tonight, remove our objection.

13 COMMISSIONER MAY: So if I could follow that? Mr.  
14 Tummonds, effectively you are saying that you are not prejudiced  
15 by this late filing, provided -- maybe it's a provided you could  
16 have some additional time to respond to questions that may come  
17 up?

18 MR. TUMMONDS: Yes, I think that is an accurate way to  
19 say it. So it's -- and, you know, sometimes there is -- we've  
20 been in cases where like I would imagine the Zoning Commission  
21 expects the applicant to be ready to address all issues that may  
22 come before it, and there are certainly issues that are just  
23 coming up, with, you know, asking the Zoning Commission to be  
24 cognizant that some of these things are just new to us, we'll  
25 give our best answers that we can, but we will be able to give

1 more fulsome answers in more time.

2 COMMISSIONER MAY: Okay. So I think we need a pretty  
3 definitive statement on your part that you do not, you know --  
4 that provided that you could have extra time to answer questions,  
5 you do not consider yourself to be prejudiced. And this is not  
6 important so much in this case as it is for future consideration,  
7 right? If we are faced with that situation again, I don't want  
8 somebody saying oh, you gave party status one day in advance. We  
9 would only give it if you felt that you would not be prejudiced  
10 by proceeding in the manner you've described.

11 MR. TUMMONDS: Agreed. We do not believe that we will  
12 be prejudiced by proceeding with the hearing this evening with  
13 the caveats that we discussed.

14 COMMISSIONER MAY: Okay.

15 Mr. Ritting, do you have any thoughts on whether that's  
16 sufficient grounds for granting a waiver, having heard this now  
17 from the Applicant?

18 MR. RITTING: Well, I mean, if the reason for the rule  
19 is to prevent unfair surprise to the Applicant, and they're  
20 willing to waive it, that seems fair. And I think that the other  
21 consideration is the prejudice that would occur if there was a  
22 delay. And so the Applicant has stated that that they'd --  
23 they're picking their poison here and they'd prefer to go ahead  
24 tonight. I think it's okay.

25 COMMISSIONER MAY: All right. Well, I would only add

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1 that making decisions like this in zoning cases should never be  
2 referred to as poison. But okay, so given that statement then,  
3 Mr. Chairman, I do not believe that the Applicant is unfairly  
4 prejudiced by granting the waiver in this circumstance, given  
5 that we could allow them some additional time. I would also note  
6 that if we do not feel that simply allowing additional time to  
7 respond is sufficient to address the concerns of the party, the  
8 opposition party, or the applicant that we could go ahead and  
9 continue the hearing to another night, and continue to address  
10 the issues that come up.

11 CHAIRPERSON HOOD: Okay. All right. I think we got  
12 where we need to be. And Mr. Tummonds and others, you all know  
13 how I operate, I will make sure that this is fair across the  
14 line. And I'll let ONE DC know, if you don't know, I will make  
15 sure that the way we're moving forward is fair to everybody,  
16 okay, because this is -- actually, I was prepared to move it to  
17 two weeks, but since we worked through that -- and I want to  
18 thank the Applicant for understanding and I also thank ONE DC,  
19 but I would ask that we keep everything germane to the case and  
20 to the regulations we have to look forward to. If things that  
21 are not germane, they may be done in another forum.

22 All right. Let me hear from others because  
23 Commissioner May and I are just two votes. Let me hear from Vice  
24 Chair Miller and Commissioner Imamura.

25 VICE CHAIR MILLER: I'm ready to go forward based on

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1 everything that has been said, as I said earlier.

2 CHAIRPERSON HOOD: Okay.

3 And Commissioner Imamura?

4 COMMISSIONER IMAMURA: Given the extenuating  
5 circumstances here, I'm prepared to move forward tonight.

6 CHAIRPERSON HOOD: Okay. So with that and with the  
7 discussion that we had, for the record, I'm just going to say  
8 that this is not precedent setting, we've had a deep discussion  
9 moving forward, so I would move that we approve ONE DC party  
10 status -- and I think this will cover everything, Mr. Ritting,  
11 and if not, let me know -- I move that we would give ONE DC party  
12 status with discussion ensued upon also to be added into the  
13 motion for the record and vote, and ask for second.

14 VICE CHAIR MILLER: Second.

15 CHAIRPERSON HOOD: Yeah. Well, I need to make sure the  
16 discussion is included. So when you look at the legislative of  
17 how we got here, they will use that discussion. That's what I'm  
18 trying to do.

19 COMMISSIONER MAY: Right. Just to be clear, your motion  
20 is inclusive of waiving the rules to grant party status late --

21 CHAIRPERSON HOOD: And to grant --

22 COMMISSIONER MAY: -- and to grant them party status.

23 CHAIRPERSON HOOD: -- and how we got there. It's all  
24 in that discussion is what I'm --- encompass all the way around.

25 COMMISSIONER MAY: Right.

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1 CHAIRPERSON HOOD: Okay. So it's moved in properly.  
2 Was it second?

3 VICE CHAIR MILLER: Yes, I seconded.

4 CHAIRPERSON HOOD: Okay. Moved and properly second.  
5 Any further discussion?

6 Not hearing any, Ms. Schellin, would you do a roll call  
7 vote, please?

8 MS. SCHELLIN: Mr. Hood?

9 CHAIRPERSON HOOD: Yes.

10 MS. SCHELLIN: Mr. Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Mr. May?

13 COMMISSIONER MAY: Yes.

14 MS. SCHELLIN: Commissioner Imamura?

15 COMMISSIONER IMAMURA: Yes.

16 MS. SCHELLIN: The vote is 4 to 0 to 1 to grant the  
17 waiver request and party status in opposition to ONE DC. The  
18 minus one being the third mayoral appointee position which is  
19 vacant. And I've also asked that the ONE DC send me via email a  
20 list of the individuals who need the translator for testifying.  
21 I've asked for that, and they, as of right now, still have not  
22 provided that, because it will be important to be able to pull  
23 up the translator for those people who need that service.

24 CHAIRPERSON HOOD: So let me ask is somebody that needs  
25 a translator now? Are they --

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1 MS. SCHELLIN: Well, they've requested one, and, you  
2 know, we had to -- they requested one with just two days' notice,  
3 we usually require five days' notice, so we have jumped through  
4 hoops to get one here, and we have not received the list of the  
5 people who need it so that at the time I can make sure the  
6 translator's pulled up at the appropriate time.

7 CHAIRPERSON HOOD: Okay. Ms. Clasen, if any- -- if  
8 somebody needs a translator, they probably need it for the whole  
9 hearing so they can hear everything unless we're the ones that  
10 need to be translated to.

11 MS. SCHELLIN: Well, I don't know that. That's what I  
12 don't know.

13 CHAIRPERSON HOOD: Ms. Clasen, could you all explain?  
14 What's -- I'm sorry, what the other young lady's name? Ms. Clasen  
15 and the other young lady who's sitting there?

16 MS. CLASEN: Rosemary. Rosemary.

17 CHAIRPERSON HOOD: Is that your last name, Ms.  
18 Rosemary?

19 MS. NDUBUIZU: Oh, no, my last name is Ndubizu. I can  
20 -- I don't know if you guys have --

21 CHAIRPERSON HOOD: I like Rosemary because I'm going  
22 to mess that last part up. So I apologize. Can I call you  
23 Rosemary, you don't mind? You can call me Anthony. Can I call  
24 you Rosemary?

25 MS. NDUBUIZU: Rosemary.

1 CHAIRPERSON HOOD: That's easier on me. Okay. So Ms.  
2 Rosemary and Ms. Clasen, can you all explain to me how that  
3 translate -- how are we going to work the translator?

4 MS. SCHELLIN: We can't hear.

5 CHAIRPERSON HOOD: For some reason, we can't hear you,  
6 yeah.

7 MS. CLASEN: My microphone is not so good.

8 MS. NDUBUIZU: I'm going to change computers.

9 HALEY CLASE: We're working to join from another device  
10 with a better audio chat app.

11 CHAIRPERSON HOOD: Hold on. Don't put on two computers  
12 because then we 're going to have another problem. So just try  
13 -- let's try to use that one computer, okay?

14 MS. CLASEN: Yeah. So first, I just want to thank Ms.  
15 Sharon for all of the support over the last several days. It  
16 kind of gets back to the issue where we've been trying to contact  
17 many different residents. And as such, we've been asking people  
18 to share information with their friends and neighbors. We know  
19 that a lot of the tenants in the property that live across the  
20 way that was within 200 feet --

21 ANTHONY: Ms. Clasen, Ms. Clasen, Ms. Clasen, Ms.  
22 Clasen, Ms. Clasen?

23 MS. CLASEN: Yeah.

24 CHAIRPERSON HOOD: Help me to get started with the  
25 hearing. What I'm trying to do now is ascertain how is the

1 translator going to work.

2 MS. CLASEN: Yeah. So if they could translate the  
3 entire hearing for our tenants who may have phoned in, that would  
4 be much appreciated.

5 CHAIRPERSON HOOD: Okay. So are they -- where's the  
6 -- Ms. Schellin, how's that going -- because here's the thing,  
7 they should be translating what I'm saying now, so, even though  
8 they may not want to, but that way they will be able to -- they  
9 can understand the whole hearing.

10 So what do we have to do, Ms. Schellin?

11 MS. SCHELLIN: Mr. Young needs to bring up the  
12 translator and keep her up at all times.

13 CHAIRPERSON HOOD: Okay. Let's bring up the  
14 translator, and if the translator -- if they can't hear us or  
15 I'm talking too fast or Commissioner May's not talking loud enough  
16 or Commissioner Miller's not doing something, could you all let  
17 us know because we're not, you know, we don't do this often? All  
18 right.

19 So Ms. Schellin --

20 COMMISSIONER IMAMURA: I noticed you left me out of  
21 that list --

22 MS. SCHELLIN: I believe that's Adriana Torossian, I  
23 believe. I think she's the translator, I believe.

24 CHAIRPERSON HOOD: Commissioner Imamura, you don't want  
25 to be included in that list.

1 MS. SCHELLIN: I'll just confirm that when she comes  
2 up.

3 CHAIRPERSON HOOD: You did not want to be included in  
4 that one.

5 MS. SCHELLIN: Let's just confirm she's the translator.  
6 Is that correct?

7 MS. TOROSSIAN: I'm the Spanish interpreter or  
8 translator.

9 MS. SCHELLIN: Yes, interpreter, I'm sorry.

10 MS. TOROSSIAN: It's fine. I heard everything. I've  
11 been taking notes, but I don't want -- I don't know when you want  
12 me to start.

13 CHAIRPERSON HOOD: I think we need you to start right  
14 now. I'm not sure how that's going to be done. Are you in the  
15 same room with everyone else?

16 MS. TOROSSIAN: No, no, I'm remote.

17 CHAIRPERSON HOOD: So how is that going to work? So  
18 we say something, then you have to repeat it back?

19 MS. TOROSSIAN: Unfortunately if you don't have the  
20 simultaneous interpreting tool, the only thing that we could do  
21 to do simultaneous is if I get a phone number, and I can call  
22 the person that needs interpreting because otherwise you will  
23 have to pause everything.

24 CHAIRPERSON HOOD: Okay. Yeah, we'll be all -- Ms.  
25 Clasen, can you give them -- her, Ms. Torossian, a phone number

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1 she can call, so she can -- so they'll see us, but they will --  
2 she will interpret for them.

3 MS. CLASEN: Would it be possible --

4 MS. TOROSSIAN: I can stay on camera. I can stay on  
5 camera, I just will mute my microphone.

6 CHAIRPERSON HOOD: That's fine. That's fine.

7 Can we do that, Ms. Clasen?

8 MS. CLASEN: Would it be possible for anyone on this  
9 call to unmute themselves and opt-in if they would like to hear  
10 the translation?

11 CHAIRPERSON HOOD: I'm not following you.

12 MS. SCHELLIN: I mean, gosh, we'll be here 'til tomorrow  
13 if we do that. I think when she calls the people who need to  
14 can call and add -- you know, she can call and you can put it on  
15 speakerphone or something. And if they need to be added to the  
16 call, you could do that.

17 MS. CLASEN: Yeah. So I just don't have the phone  
18 numbers of who exactly might need it. But if they do, they would  
19 be on the call right now. So if we could ask those who have  
20 phoned in to unmute themselves and identify if they would like  
21 Spanish interpretation.

22 MS. SCHELLIN: Yeah. I don't see anybody on here.  
23 There are no callers other than Mr. Thorpe. And I know he doesn't  
24 need Spanish translation or interpretation.

25 CHAIRPERSON HOOD: So Ms. Clasen, let's find out, do

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1 we have anybody that needs it right now? Do we? We do? Can we  
2 identify who they are?

3 MS. SCHELLIN: Alex Lopez. Alexandra -- Alexander  
4 Padro. Andre Smokey -- I can't see the last name -- Lee. Bob  
5 Eisenberg.

6 MS. TOROSSIAN: Again, if you'll allow me, I don't have  
7 any problem if you want me to give out my phone number, and they  
8 can contact me.

9 CHAIRPERSON HOOD: I don't think we need to do that.  
10 Ms. Clasen, y'all are going to have to help us some kind of way.  
11 We've got to come up with something.

12 MS. SCHELLIN: Those are the only people on there other  
13 than Theodosia Robinson.

14 CHAIRPERSON HOOD: If somebody needs -- well, they  
15 probably won't understand me. Ms. Torossian, could you say if  
16 somebody needs help, could they call the -- give them the 727-  
17 0789 number? If you could translate that over the air right now,  
18 if you don't mind.

19 MS. TOROSSIAN: Okay. Can you repeat the phone number?

20 CHAIRPERSON HOOD: 202-727-0789.

21 MS. TOROSSIAN: Okay.

22 (Interpreter announces information as requested.)

23 CHAIRPERSON HOOD: And, Ms. Torossian, can you do that  
24 one more time, please? Thank you. Could you do that just one  
25 more time? And I may ask you to do that as we go through the

1 hearing as well.

2 (Interpreter announces information as requested.)

3 CHAIRPERSON HOOD: Gracias. So Ms. Schellin, if you  
4 all could let us know if Mr. Young gets a call. So we're going  
5 to proceed. I think all parties and my colleagues and all of us  
6 are fine with proceeding in that fashion. As we go through a  
7 certain way, we will have Mr. Torossian make that announcement  
8 again just in case somebody has joined us late.

9 So Ms. Schellin, do we have any more preliminary  
10 matters?

11 MS. SCHELLIN: Yes. So we have -- so we can take down  
12 ONE DC, and maybe they can go in another room to set up the other  
13 computer during this time, but. So we have some proffered  
14 experts. We have J.B Lallement from Eric Colbert and Associates.  
15 He's previously been approved, and senior does -- is a senior in  
16 architecture. We have Daniel Solomon in transportation. He's  
17 previously been accepted. And I think Jamie Weinbaum is not  
18 being proffered as an expert. I think he's just being -- he's  
19 just the witness for the Applicant.

20 So is that correct, Mr. Tummonds?

21 MR. TUMMONDS: Yes. And then today we also asked that  
22 Mr. Dettman --

23 MS. SCHELLIN: Oh, and Shane Dettman. I'm sorry, and  
24 he's previously been accepted in planning.

25 CHAIRPERSON HOOD: So that'll probably be easier. I

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1 think all three have been accepted previously.

2 MS. SCHELLIN: All three.

3 CHAIRPERSON HOOD: Any objections to our current  
4 status? Not hearing any, we will continue that status.

5 Anything else, Ms. Schellin?

6 MS. SCHELLIN: And I believe that is it, unless Mr.  
7 Tummonds, do you have any other preliminary matters? Okay. So  
8 that's it.

9 CHAIRPERSON HOOD: Okay. So we need to wait for ONE  
10 DC to come back on, and then we will begin.

11 MS. SCHELLIN: They need to come back for?

12 CHAIRPERSON HOOD: Oh, oh.

13 MS. SCHELLIN: No, they don't need to come back.

14 CHAIRPERSON HOOD: Okay. That's right. That's right.

15 MS. SCHELLIN: We're not there yet.

16 CHAIRPERSON HOOD: That's what happens when you have  
17 45 minutes of preliminary matters.

18 Okay. Mr. Tummonds, you may begin.

19 MR. TUMMONDS: Great, thank you very much. As I noted  
20 before, I'm Paul Tummonds of Goulston and Storrs, land use counsel  
21 on behalf of the Applicant. As we also discussed, Shane Dettman  
22 of Goulston and Storrs is also here with us this afternoon. We're  
23 excited to be here to discuss a new PUD that makes a meaningful  
24 contribution to the District's housing and affordable housing  
25 goals and transforms an underutilized site adjacent to a metro

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1 station into a thoughtfully designed and highly articulated  
2 gateway building to the Shaw neighborhood. This project and  
3 application enjoys the support of ANC 6E, Ward 2 Council Member  
4 Pinto, and numerous community stakeholders. In addition, the  
5 Office of Planning and the Department of Transportation both  
6 recommend approval of this application. In response to the DDOT  
7 report, the plans and materials that we are presenting this  
8 evening depict a project with 106 long-term bicycle parking  
9 spaces, which is consistent with 18 DCMR 1214 and in excess of  
10 the zoning regulations requirements for bike parking. In  
11 addition, the Applicant has agreed that it will include in its  
12 community benefits and amenities package the cost of installation  
13 of three bike expansion plates for the capital bike share and a  
14 bicycle maintenance station adjacent to the short-term bike  
15 parking spaces located on Eighth Street N.W. With that, I will  
16 have our first witness, Jamie Weinbaum, present his testimony.

17 MR. WEINBAUM: Good afternoon, Commissioners. I'm Jamie  
18 Weinbaum, executive vice president at Mid-City Financial  
19 Corporation. We're very excited about the application we're  
20 presenting to you this afternoon. We believe that this PUD and  
21 zoning map amendment application is exactly the type of project  
22 that was envisioned for this site when the comprehensive plan  
23 amendments were approved in 2021. The Applicant is an affiliate  
24 of Mid-City Financial Corporation. Mid-City was founded in 1965  
25 by the late Eugene Ford, Sr., a native Washingtonian who spent

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1 more than 50 years building, owning, and managing multifamily  
2 housing, the vast majority of it being affordable to households  
3 of low and moderate incomes.

4 As a development company, Mid-City has constructed and  
5 rehabilitated more than 15,000 units of market rate and  
6 affordable housing and is proud to be a long-term holder of  
7 quality housing in the region. Mid-City remains committed to its  
8 legacy of high caliber housing, community development, and  
9 corporate social responsibility. This PUD project transforms an  
10 existing vacant property into a thriving and exciting new  
11 residential community adjacent to the southern entrance to the  
12 Shaw-Howard University Metro Station and a half block away from  
13 the Seventh Street commercial corridor.

14 Previously, the site accommodated four older garden-  
15 style buildings, with a total of 50 units of market rate housing  
16 and some surface parking. We stopped leasing at the site years  
17 ago, and over time, through natural attrition and the impacts of  
18 COVID, the property became vacant. I want to be clear that this  
19 site is separate and distinct from The Heritage at Shaw Station  
20 property across the street on the west side of Eighth Street.  
21 That parcel is under separate ownership and contains 72 units of  
22 market rate housing in garden-style buildings. That site is  
23 fully occupied, and there are absolutely no plans for any  
24 redevelopment of that site.

25 Regarding the project before you today, Commissioners,

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1 the highlights include 317 new residential units, with 48 percent  
2 of those units having access to a balcony, terrace, or area way.  
3 Fifteen percent of the residential floor area will be reserved  
4 as IZ units, which is in excess of the 12 percent that would be  
5 required if the IZ Plus requirements were to apply in this case.  
6 And we're delivering 16 new three-bedroom units and 47 new two-  
7 bedroom units. Since the beginning of our design process, we've  
8 strived to create a building of appropriate height and mass with  
9 high quality architecture and design on all four sides of the  
10 building, with an active ground floor presence adjacent to the  
11 Metro Plaza that will serve as a gateway to the Shaw neighborhood.

12           The net increase in the overall number of residential  
13 units on the property and the creation of permanently affordable  
14 units where none exists today are significant improvements over  
15 the existing conditions. We're also proposing LEED Gold, rooftop  
16 solar panels, three Capital Bikeshare expansion plates for the  
17 existing station located adjacent to the property, the  
18 installation of a public bicycle maintenance station adjacent to  
19 the short-term bike parking provided along Eighth Street, and a  
20 robust package of public benefits that address important needs  
21 of the surrounding community.

22           As Mr. Tummonds said, OP and DDOT have both submitted  
23 reports in support of our application. We're also proud to come  
24 here today with the support of Ward 2 Council Member Pinto, ANC  
25 6E, and the Westminster Neighborhood Association. We've spent

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1 months meeting with and listening to our neighbors and others in  
2 the community. The public benefits, including the projects of  
3 affordable housing, represent the culmination of that outreach,  
4 and the project has evolved in response to the comments and  
5 concerns we've heard. The organizations that we're contributing  
6 to and the specific in-kind contributions that we're committed  
7 to -- committing to provide, were worked out in detail with the  
8 ANC and other interested community members. I'm happy to answer  
9 any questions now or at the end of the presentation, but with  
10 those comments, I'll turn the presentation over to J.B. Lallement  
11 with Eric Colbert to discuss the project's design strategy. Thank  
12 you.

13 MR. LALLEMENT: And Mr. Young, can you pull up our  
14 PowerPoint presentation? Thank you.

15 Good afternoon, Commissioners, my name is J.B.  
16 Lallement. I'm with Eric Colbert and Associates, and I'm the  
17 design architect on this project. Next slide please?

18 So as you are all familiar, the site stretch along  
19 Eighth Street on the east side of Eighth Street between the R  
20 and S, north of the metro station and the Shaw Library. Next  
21 slide please?

22 So what I wanted to talk about first is about the  
23 massing where we tried to respond to two main conditions: the  
24 geography of the -- the geometry of the site and the surrounding  
25 building adjacent to the sites. On the north of our site, we

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1 have smaller building structures. So we responded by providing  
2 a major setback above the sixth floor, a 30 foot setback on the  
3 north side and a 10 foot setback on the west side. Additionally,  
4 we provided these recessed balconies mostly on the northwest  
5 portion of the building that pretty much cut the facade into  
6 smaller elements that respond better to the adjacent buildings.  
7 Next slide please?

8 As you can see, our balconies here has a major setback,  
9 the 30 foot setbacks, on the north side. You can also see in  
10 the middle of the pictures, access to the alley. So next slide  
11 please?

12 It is a major articulation. We tried to do massing  
13 articulation at the southwest end of the building. Where  
14 responding to Office of Planning comments early in the process,  
15 we tried to break down the length of the building along Eighth  
16 Street. As you can see, we are articulating and we bring back  
17 the building along the south property line and the west property  
18 line in the south. Next slide please?

19 Once again, you can see how the massing shift to the  
20 west into south portion facing the Metro plaza. From our last  
21 hearing, we want to respond to two major comments. One of the  
22 comments was mostly the location and the amount of balconies  
23 throughout and the consistency of the balconies throughout the  
24 project. But also we wanted to respond to the craziness  
25 (phonetic) of the facade design and the most (indiscernible)

1 portion of the south portion of the building, which is north  
2 portion of the building. Regarding the balconies, as you can  
3 see, we are clearly modified the balcony configuration along the  
4 alley. We were able to add more balcony as a transition between  
5 the two massive shifts and now balconies are consistent and  
6 similar on each side, the alley side and the Eighth Street. Next  
7 slide please?

8           So here once again, you can see above the entry where  
9 the massing shift, we have this stack of balconies and here are  
10 the similar balconies actually in the alley on Eighth Street  
11 above the seventh floor on the north side. So what we've also  
12 been working on is trying to withstand the craziness (phonetic)  
13 of the material and mostly try to connect the south portion of  
14 the building with the north portion. So we've been refining  
15 mostly the materials, tried to use similar (indiscernible( to  
16 other buildings. As you can see now, the south portion of the  
17 building we did match the north portion to pop up on the northwest  
18 corner of the site. Next slide please?

19           So we also had some question about the (indiscernible(  
20 balconies. So in addition of breaking down the facade in smaller  
21 elements, these recessed (indiscernible) recess (indiscernible)  
22 in our balconies. We think they're going to be great feature  
23 for the residents. This balcony would be over 90 square feet  
24 and we'd get a true extension of the living room inside the units,  
25 as you can see a suggested floor plan. So we believe these will

1 be part of the living experience inside the residential units.

2 Next slide please?

3           So this is kind of pretty straight the current mass and  
4 craziness (phonetic) of all this facade element throughout the  
5 building, and as Jimmy mentioned earlier, on the far side of the  
6 building.     So you find the same architectural elements  
7 (indiscernible) to be very similar. You find in the south portion  
8 even so we have these tilted windows and detailing is very similar  
9 to the portion of the northwest building and the (indiscernible).

10 Next slide please?

11           And once again, we've been refining our material  
12 palettes to be really current (phonetic) throughout the building  
13 and on each side, on each façade, of the property design. Next  
14 slide?

15           So for OP's request we've been working try to add as  
16 many balconies, and we've been able to reach near 50 percent of  
17 the residential units will have some type of outdoor spaces either  
18 a balcony (indiscernible) or hallways, which is a big increase  
19 on the 40 percent from the previous scheme. Next slide please?

20           So taking you through the floor plans to the left, you  
21 can see the ground level. Entry to the building is mostly  
22 locating around Eighth Street. Along the alley, you will have  
23 access to a parking garage, loading, and trash management. I  
24 want to highlight that most of our interior amenity spaces for  
25 the residents of this building will be located south of the entry

1 all the way to the Metro Plaza façade to southwest side of our  
2 building. You can see on your middle floor plan our typical  
3 floor plan to the second floor through the sixth floor, you can  
4 see the extent of our recessed balcony for the northwest corner.  
5 And on the seventh floor and above, two plans to the right, you  
6 can see all the massing shift we are doing, the 30 foot setback  
7 to the north, the 10 foot setback in the northwest portion of  
8 the building, and how the massing of the building go back to the  
9 south all the way to the property line. Next slide please?

10 So this picture is pretty straight and to describe the  
11 (indiscernible) that happen in the southern portion of the  
12 façade. Onto the left, you see the existing condition. And what  
13 we think was really unsuccessful with existing condition it's you  
14 can see how the existing building is set back far away from the  
15 south property line of the site. And you also -- we have some  
16 surface parking spaces there, which really though don't define  
17 the Metro Plaza very well and make it pretty much uninviting.  
18 What we are proposing now by (indiscernible) building wall all  
19 the way to the property line. Next slide please?

20 You can see how we start pretty well defining and  
21 setting up the boundary of the Metro Plaza, and you can also see  
22 the proximity of the property line to the Metro connect. And  
23 you can see also we start activating full (indiscernible) design,  
24 but also (indiscernible) having to provide as ground level facing  
25 the Metro Plaza. So (indiscernible). Next slide please?

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1           So here we can see the (indiscernible) connection to  
2 the Metro Plaza in the left here. So we are providing a transit  
3 lounge which will be a combination of lounge space and bike room  
4 that will have a direct access to this plaza. We're also  
5 providing some type of graphics in the facade that that will  
6 celebrate the Shaw neighborhood and kind of a gateway to when you  
7 get out of the Metro. Next slide please?

8           So we also mean to provide some type of graphics in the  
9 facade that be fully integrated in the form of perforated metal  
10 panel that is going to be back -- with backlighting and  
11 (indiscernible) through the design process with an artist to  
12 develop this panel, which we think will really activate this  
13 facade and interact with the Metro Plaza. Next slide?

14           So a floor plan, so just to show you how we plan to  
15 activate the south portion of the building. Most of our amenities  
16 for the residents would be locating in the south portion of this  
17 building facing the plaza. You can see the location of the entry  
18 is a transit lounge. You can see as well our extensive back room  
19 that directly adjacent, we thought was the best location to be  
20 directly adjacent to the Metro Plaza and give some interaction  
21 with it. Next slide please?

22           So once again, we are proposing the building to be a  
23 LEED Gold design. So next?

24           So I think I can turn Daniel, traffic engineer.

25           MR. SOLOMON: Good afternoon, Commissioners, for the

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1 record, I'm Daniel Solomon, transportation planner and project  
2 manager with Gorove Slade, who have been working with Mid-City,  
3 the project team, and DDOT related to the transportation aspects  
4 of the 1707 Eighth Street N.W. project. I'm going to touch on  
5 the highlights of our review in coordination with DDOT. For this  
6 project we've performed a comprehensive transportation review,  
7 which was scoped with DDOT. The development meets the criteria  
8 for DDOT's low development exemption from a CTR and a TIA, so a  
9 capacity analysis was not required. Our multimodal assessment  
10 concluded that the site will not have a detrimental impact on the  
11 surrounding transportation network. The project minimizes  
12 impacts by providing short- and long-term bicycle parking,  
13 implementing a robust TDM plan, and improving pedestrian  
14 conditions through the installation of new floating curb  
15 extensions. The project meets zoning requirements and DDOT  
16 standards for parking, loading, and bicycle parking, including  
17 providing space for longer cargo tandem bikes and the provision  
18 of electric outlets for the charging of electric bikes and  
19 scooters. We have coordinated extensively with DDOT during the  
20 review. We are pleased to have their support in the form of a  
21 no objection staff report. DDOT's report did include a condition  
22 that the Applicant increase the long-term bicycle parking total  
23 to 106 spaces and that the Applicant implemented the TDM plan as  
24 proposed for the life of the project, unless otherwise noted with  
25 the Applicant has agreed to.

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1           The applicant would also make sure to include  
2 additional transportation commitments in the community benefits  
3 and amenities package, specifically three BikeShare expansion  
4 plates and a bicycle maintenance station, which DDOT strongly  
5 supports. At this time we believe we have addressed all of DDOT's  
6 concerns. That concludes my testimony and I'll be available for  
7 any questions. Thank you. And I'll pass it back to Mr. Tummonds.

8           MR. TUMMONDS: Next slide please? So we were able to  
9 get through our presentation quickly. We believe that we have  
10 addressed all of the relevant issues that were raised in the  
11 Office of Planning's set down report and the comments that were  
12 raised at the set down meeting with the Zoning Commission. And  
13 we are now able to answer any questions that you may have.

14           CHAIRPERSON HOOD: Mr. Tummonds, I did not hear  
15 anything about racial equity.

16           MR. TUMMONDS: I'm sorry. So our addressing the racial  
17 -- the Zoning Commission reviewing this case through the lens of  
18 racial equity, we believe that we addressed that in our initial  
19 statement, also the Office of Planning statement is, I think,  
20 addresses all of those in detail. We do not believe that there  
21 are any negative impacts through viewing this project through a  
22 lens of racial equity. We also note that, as Mr. Weinbaum said,  
23 that the production of housing and affordable housing,  
24 permanently affordable housing on this site from the 50 units  
25 that were previously there to the 317 units, the 15 percent IZ

1 -- 15 percent of the residential gross flare of this building  
2 being reserved for IZ units are entirely consistent with the  
3 goals of making sure that the Zoning Commission's approval review  
4 of cases are adequately addressed through the lens of racial  
5 equity.

6 CHAIRPERSON HOOD: So as I've said in other  
7 applications, because that is the ticket item that we want to  
8 make sure that we grapple and get our arms around, we want to  
9 make sure from going forward that it's always included, even  
10 though it's written, the public needs to hear it as we have a  
11 lot of folks who don't read all the record like we do. I know  
12 you all spoke about it, but I think it's important to include  
13 that in your comments. So just for the note.

14 Let me open it up, and I appreciate it. Let me open  
15 it up and see if we have any questions or comments. Before I do  
16 that, I'm going to ask, Ms. Torossion, if you could make that  
17 announcement again please? Ms. -- yes, if you could make that  
18 announcement again?

19 (Interpreter announces information as requested.)

20 CHAIRPERSON HOOD: Gracias, thank you very much. Mi  
21 amo Senior Hood. So thank you. Thank you very much.

22 All right. Don't tell them, Ms. Torossian, don't tell  
23 them what I said because they won't know because I don't think I  
24 remember.

25 Ms. Schellin, has anybody called yet that needed a

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1 translator? Okay. We'll do it again, Ms. Torossian, at a later  
2 time. So thank you.

3 All right. Commissioners, any questions and comments?  
4 Commissioner May?

5 COMMISSIONER MAY: Yes, please, thank you. I'll try  
6 to be quick.

7 So Mr. Weinbaum, if we could bring him up.

8 So you --

9 MR. WEINBAUM: Hello, Commissioner May.

10 COMMISSIONER MAY: Hello. You described the process  
11 -- or you mentioned the process by which the buildings on the  
12 site became vacant through natural attrition. Can you tell me  
13 what you meant by that?

14 MR. WEINBAUM: Sure. We had a Section 8 contract on  
15 the property, which expired in 2013, and like many landowners,  
16 we elected not to continue with the Section 8 contract. We worked  
17 with HUD. And what happens is when a Section 8 contract is not  
18 renewed, all the residents at the property are given what's called  
19 enhanced vouchers, which essentially allow them to elect to move  
20 anywhere that they choose to, or in this instance, they could  
21 remain at the property. And the voucher, my understanding is  
22 that the voucher is sufficient to ensure that they don't pay any  
23 additional out-of-pocket dollars to live anywhere basically. So  
24 it's -- allows for a move if they were to choose to move anywhere  
25 or stay. Essentially the property converted to a market rate

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1 property. And we ended up doing leasing for several years and  
2 had all market rate residents living in there, some were folks  
3 with vouchers, some were folks without. And then over time, when  
4 we stopped having new leasing through natural attrition,  
5 basically you have people who just their lease comes up for  
6 renewal, they choose not to renew and they move. That was  
7 exacerbated by COVID, where, as I'm sure you're all aware, many  
8 people left downtown urban areas, and so a lot of people moved  
9 as a result of that. We did renovate some units in the property  
10 across the street, Heritage at Shaw Station, that we own and  
11 offered some folks who wanted renovated units the opportunity to  
12 move across the street. And I think about 26 of the units that  
13 were part of this site at 1707 Eighth Street, those -- some 26  
14 units of residents moved across the street. We also have some  
15 who moved to some other locations in the District. And again, I  
16 think the property became completely vacant -- largely vacant by  
17 the start of COVID, and then I think the last resident moved out  
18 of more than a year ago.

19 COMMISSIONER MAY: Okay. So how long ago did you stop  
20 renewing leases or re-renting, I guess, re-renting is what it  
21 was?

22 MR. SOLOMON: Re-renting vacant units, I believe it was  
23 around 2017, but we can get back to you with that date  
24 specifically.

25 COMMISSIONER MAY: Okay. And once you -- what was the

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1 state of the maintenance of the property or the conditions in the  
2 property? I mean, was it -- I want to make sure that the building  
3 -- you were not inadvertently encouraging people to leave the  
4 building because you were not maintaining it?

5 MR. WEINBAUM: Not at all. And you can see the  
6 buildings that are there today, we continue to meet our  
7 obligations and make renovations on the buildings. Again, it was  
8 50 units. So frankly, it, you know, when you have the impacts  
9 of a pandemic, it starts to empty, but it wasn't due to any  
10 maintenance issues or concerns or lack of upkeep in any way.

11 COMMISSIONER MAY: Okay. And then the building across  
12 the street where some people moved into renovated units.

13 MR. WEINBAUM: Yeah.

14 COMMISSIONER MAY: Is that a market rate building or  
15 is that a Section 8 building?

16 MR. WEINBAUM: Yes. That's market rate. There are six  
17 garden style buildings with a total of 72 units. Believe it's  
18 fully or virtually fully occupied. No plans for any redevelopment  
19 of that site whatsoever. There's debt on that property. We're  
20 not making any kind of adjustments to that property. And it  
21 continues as a market rate property. There are some voucher  
22 holders, there are some non-voucher holders paying market rents.  
23 It's like any other building in the city.

24 COMMISSIONER MAY: Right. So some of that -- you said  
25 26 tenants moved basically across the street, right?

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1 MR. WEINBAUM: Yeah.

2 COMMISSIONER MAY: 26 out of the 50, which is pretty  
3 substantial.

4 MR. WEINBAUM: Uh-huh.

5 COMMISSIONER MAY: Right. And were some of those  
6 Section 8 enhanced voucher holders or whatever they were?

7 MR. WEINBAUM: Yes.

8 COMMISSIONER MAY: Some or all?

9 MR. WEINBAUM: Well, everyone when you end -- my  
10 understanding is when you end a Section 8 contract, everyone is  
11 provided an enhanced voucher. So if they moved across the street  
12 -- I don't have this data in front of me -- I would assume  
13 everyone had an enhanced voucher, so whether they choose to move  
14 across the street or anywhere else, that's an opportunity they're  
15 provided.

16 COMMISSIONER MAY: Right. Okay. And then you made one  
17 other statement about IZ Plus would have yielded 12 percent IZ,  
18 and this project is 15 percent. Have you seen the submission in  
19 the record from the office of the Attorney General, which claims  
20 that IZ Plus would have yielded 20 percent?

21 MR. WEINBAUM: Yes, I have.

22 COMMISSIONER MAY: And so can you explain the  
23 difference there, they do something wrong or different or what?

24 MR. WEINBAUM: Yeah, I am -- will probably bludgeon it.  
25 So I would defer to Mr. Dettman on our team, who can probably

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1 give you a more succinct answer, if that's okay.

2 COMMISSIONER MAY: Perfectly fine.

3 MR. WEINBAUM: He's good at that. Thank you.

4 COMMISSIONER MAY: Yes.

5 MR. DETTMAN: Thank you, Commissioner May.

6 COMMISSIONER MAY: Hello.

7 MR. DETTMAN: I think the simple response is is that  
8 when the Office of Attorney General, and I believe there was one  
9 other set of comments in the record that included an IZ Plus  
10 calculation, in doing the calculation, they included the PUD  
11 density, the proposed PUD density of 7.2. I think if you're  
12 going to use IZ Plus as kind of a baseline, you know, the standard  
13 of review is for a PUD is where you're comparing the IZ that  
14 would be required under existing zoning, which is RA-4, and the  
15 proposed MU-8 zoning. That's the standard of review. But if  
16 you were going to decide to use IZ Plus as a baseline, you can't  
17 really look at 7.2 FAR. That would assume -- you can't even get  
18 7.2 under an IZ Plus map amendment on this site. An IZ Plus map  
19 amendment on this site to MU-8 would be a 6 FAR. And so that's  
20 really the difference. They're including the PUD-related density  
21 in an IZ Plus calculation. That's where they're getting that 20  
22 percent.

23 COMMISSIONER MAY: So --

24 MR. DETTMAN: Yeah.

25 COMMISSIONER MAY: But your calculation of 12 percent

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1 is baased on the existing zone, not even the up zone?

2 MR. DETTMAN: That's correct. That calculation is the  
3 difference between the 3.5 FAR that's permitted under the  
4 existing RA-4 and the 6 FAR that would be permitted under a matter  
5 of right development under MU-8 zoning.

6 COMMISSIONER MAY: Right, right, right. Okay. So that  
7 threw me off because I thought you were saying that there would  
8 be an IZ Plus calculated based on the existing zoning. Now giving  
9 existing zoning to the 6.0 that you can get under MU-8.

10 MR. DETTMAN: MU-8.

11 COMMISSIONER MAY: And that's where it comes out at 12  
12 percent.

13 MR. DETTMAN: Twelve percent, right.

14 COMMISSIONER MAY: Yeah. Okay. All right. Well, so  
15 we'll listen -- we'll hear what they have to say about that one.  
16 Okay. So now I need the architect please.

17 Yes. So the southern portion of the building, there's  
18 something weird going on with the windows, right? The windows  
19 are bending in and out. You want to explain the logic of that?  
20 Because it looks weird, it just looks weird.

21 MR. LALLAMENT: Weird, okay. So if you don't mind  
22 putting up the slide for it would be good to have some graphics  
23 looking at it. And I would suggest -- of, it's the last slide  
24 actually, we see. So yeah, we have what we call tilted windows  
25 kind of sawtooth (indiscernible) on every two floors. We think

1 we really want to celebrate this portion of the building. And  
2 at the same time --

3 MR. TUMMONDS: Perhaps we should go to the slide that  
4 shows the detail on each floor.

5 COMMISSIONER MAY: Yeah, the detail view would be  
6 better.

7 MR. LALLAMENT: So if you may go to slide nine -- oh,  
8 this one, perfect. So you can see the walking pair, the  
9 (indiscernible) different direction if we give a slight angle to  
10 the windows. What we like about this, is we think it's really  
11 great to bring this kind of (indiscernible) feature of this  
12 portion of the building into southwest corner. It's a little  
13 deviation from the rest of the design in the north side, but we  
14 think it's a nice feature. So I would suggest to go to previous,  
15 to number 8, to page fourteen so you can see what it start doing.  
16 You start getting some undulation into (indiscernible) into the  
17 façade as the windows are oriented at different angle on every  
18 two floors you start having different type of reflection. So we  
19 think it's a nice design feature that is pretty complex to detail  
20 as you might know, we, you know, to be able to do (indiscernible)  
21 we need to increase the depth of the wall. But we think it's a  
22 subtle moving the façade that we really take it -- we think would  
23 be a very (indiscernible).

24 COMMISSIONER MAY: Okay. How deep does it go?

25 MR. LALLAMENT: So we've done some studies. We think

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1 it can go up to 14, 15 inches in the deeper side where traditional  
2 windows on -- there was a study -- would be more like four inches.  
3 So it's really a slight angle.

4 COMMISSIONER MAY: What is you said, 4 to 14 inches?

5 MR. LALLAMENT: Yes.

6 COMMISSIONER MAY: Okay. So there'd be like a 14-inch  
7 sill outside those --

8 MR. LALLAMENT: Right.

9 COMMISSIONER MAY: -- windows?

10 MR. LALLAMENT: So it's a complex detail, as you might  
11 understand. The sill will have to be -- it's going to be like a  
12 triangular shape to be able to accommodate.

13 COMMISSIONER MAY: Right, right, yeah. I mean, have  
14 fun detailing that properly.

15 MR. LALLAMENT: We start putting some thought into it.  
16 We also believe it's going to be a nice opportunity to conceal  
17 some of the vents through the facade where we put up the vents  
18 going through on the deeper side. So we think the result was a  
19 façade issues that we typically have with natural building.

20 COMMISSIONER MAY: Okay. All right. Well, that's  
21 really great. I mean, the idea of using that trick, if you will,  
22 to incorporate the vents in a way that are not visible to the  
23 public. So that's really good. The thing that I also find a  
24 little puzzling about it is that there's a directionality of the  
25 windows, right? You've got to, you know, the sort of the

1 horizontal sections of windows and then you have the more square  
2 sections of windows next to them, and they're flipping back and  
3 forth with the, you know, the undulation of the windows. And  
4 I'm not sure that that really makes a lot of sense. But that's  
5 a subtle point. I almost feel like it should just be a full grid  
6 window so that the windows essentially look like the same window,  
7 but they're doing this, right, one is in, one is out. But that's  
8 a subtlety. The -- so on the south side here, this looks like a  
9 white brick. But as I recall, the actual sample that you had a  
10 photograph of and maybe, Paul, you could bring that up where we  
11 have the material samples, it's more of a beige.

12 MR. LALLAMENT: Correct, it's more beige. So go to  
13 page A10. We see a beige/tan brick. So our goal of consolidating  
14 the overall design and connecting the south portion of the  
15 building with the north portion is try to get the brick -- try  
16 to match as close as possible so the masonry, (indiscernible)  
17 masonry you see, which is on the south -- on the northwest portion  
18 of the building. We really want to tie the building altogether,  
19 and by adding the same (indiscernible) towards the building in  
20 order to be consistent.

21 COMMISSIONER MAY: Yeah. Okay. Well, it's a nice  
22 thought, but, you know, the north and the south are so far away,  
23 I don't think that really works. But my bigger concern is simply  
24 the light colored brick. And I guess at a beige, it's probably  
25 okay, but, you know, very light colored brick tends to get

1 discolored. And when rainwater washes down the, you know, the  
2 soot that's in the air and then it can streak and unless you  
3 detail it properly to take advantage of that or at least not let  
4 it get dirty, it could wind up looking very dirty, but --

5 MR. LALLAMENT: Agreed. (Indiscernible) light brick.  
6 If I may also, the shadows that you (indiscernible) the windows,  
7 on the lighter tone brick, will be even more present. So as we  
8 are facing south we think it's going to be a nice feature.

9 COMMISSIONER MAY: Okay. Yeah, it's off-putting when  
10 you see the renderings where the brick looks so white. So maybe  
11 that's just a rendering issue. I do like the deep balconies. I  
12 mean, it really sort of creates a room there. It's actually a  
13 balcony that if I was on the eighth floor, I wouldn't mind sitting  
14 in, whereas, you know, any other balcony where you're just like  
15 sticking out and you've got a four foot balcony and you're eight  
16 stories up, it's like I wouldn't even go out there because I'm  
17 just not good with heights anymore. But I like the deep ones.  
18 It could, you know, make a nice little sitting area, even for  
19 somebody like me who's lost his taste for heights.

20 Last question is where is the bike repair station  
21 actually located? Show me the plans for it.

22 COMMISSIONER MAY: I can show you the floor plans. So  
23 page -- should go back (indiscernible). So it's beginning along  
24 Eighth Street between the Metro Plaza and the entry of the  
25 building. So page A12.

1 COMMISSIONER MAY: A12, so where we see those  
2 horizontal -- short horizontal lines between the --

3 MR. LALLAMENT: Correct, between the (indiscernible)  
4 of the building and the Plaza. So it's where we have the short-  
5 term bike spaces and --

6 COMMISSIONER MAY: Yeah.

7 MR. LALLAMENT: -- we have the repair station as well  
8 located there.

9 COMMISSIONER MAY: Right. So and when you say a bike  
10 -- a repair station, basically it's something that you can put  
11 your bike up on, clamp it in and then be able to work on it,  
12 right?

13 MR. LALLAMENT: There'll be some tools attached to the  
14 support, yes.

15 COMMISSIONER MAY: Oh, and tools attached, okay.

16 MR. LALLAMENT: Yeah, we (indiscernible) tools.

17 COMMISSIONER MAY: Will there be something similar  
18 inside at the indoor --

19 MR. LALLAMENT: Yes.

20 COMMISSIONER MAY: Okay.

21 MR. LALLAMENT: Yeah, if you can look at the exhibit  
22 we have a series of repair station inside as well.

23 COMMISSIONER MAY: Okay. And then the last question  
24 is on the indoor bike storage. I assume that you're including  
25 some electrical power for e-bikes?

1 MR. LALLAMENT: Correct. I forgot the percentage, but  
2 we have the -- ten percent would be for e-bike. We also have  
3 the tandem spaces as well. And, yes.

4 COMMISSIONER MAY: Yeah, well, and like some of the  
5 bikes today, I mean, they're like tanks, they're like 12 feet  
6 long and they can handle a family of six or something like that.  
7 I'm exaggerating, but only slightly. But I see a parade of them  
8 go past me all the time outside my window.

9 All right. That's it for me. Thank you very much.  
10 Sorry it took so long.

11 MR. LALLAMENT: Thank you.

12 CHAIRPERSON HOOD: All right. No problem.

13 Let's go to Commissioner Imamura.

14 COMMISSIONER IMAMURA: Sure. Thank you, Mr. Chairman.  
15 Mr. Young, if we could pull the slide deck back u, and Mr.  
16 Lallament, if you don't mind taking your seat back.

17 So while Mr. Lallament comes back, I would say I think  
18 the semi-recessed balconies, I think what's they called them, I  
19 do -- I think those are terrific, great example there, just, you  
20 know, good use of space for others to kind of take a look at as  
21 a model, I think. I also want to -- LEED Gold is certainly a  
22 laudable goal for this project. A couple questions that I do  
23 have, and I'm just thinking through on where I want to start. I  
24 guess we'll pick up where Commissioner May left off.

25 Mr. Young, if we could go to A17 please, talking a

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1 little bit about the bicycle room and the layout. Thank you,  
2 sir.

3 Mr. Lallament, can you describe the "co-work" and what  
4 that space is?

5 MR. LALLAMENT: So not really at this point. It's  
6 really conceptual. We know it's going to be all amenity spaces  
7 for the residents. We haven't really laid out -- we -- as we  
8 proceed with the project, the (indiscernible) detail designer,  
9 but so the idea is really typically in this apartment building  
10 we provide a space for the residents to walk. It's kind of a  
11 mixed lounge co-work for the residents of the building.

12 COMMISSIONER IMAMURA: Okay. Almost like a business  
13 center, if you will.

14 MR. LALLAMENT: It's also called business center  
15 (indiscernible).

16 COMMISSIONER IMAMURA: Sure. And programmatically, I  
17 think that makes sense where it's near the lounge. What I'm  
18 getting at too -- and I guess with the bike storage, I'm assuming  
19 they exit on the Seventh Street side, is that right?

20 MR. LALLAMENT: They exit on the alley side, yes.

21 COMMISSIONER IMAMURA: Yeah, the alley side, right.  
22 Okay, yeah. All right. Sorry, the alley side, rather. Okay.  
23 So what I'm getting at here is that in terms of just the program  
24 and arrangement of spaces, can you describe a little bit about  
25 -- it looks to me like we prioritize the bike storage with

1 daylighting over the fitness center that might benefit from  
2 daylighting. And I guess what I'm wondering is was there any  
3 thought -- surely by now we've kind of looked through it, all  
4 the different sorts of arrangements, so I'm wondering perhaps if  
5 you consider giving daylight to the fitness center?

6 MR. WEINBAUM: I'll just jump in if I can, Commissioner.  
7 I'm sitting here with J.B.

8 COMMISSIONER IMAMURA: That's fine.

9 MR. WEINBAUM: Yeah, we've looked at different  
10 configurations and in working with the Office of Planning we knew  
11 it was activation of that Plaza side was really important. So  
12 we loved the idea with the transit lounge of really encouraging  
13 bicycle use by making it as prominent as it is. You only have  
14 so much real estate, so to speak, to work with along that Plaza  
15 side, and so we loved the idea of people being encouraged to come  
16 in, you know, have coffee, meet with folks, enjoy the seating  
17 area and use their bikes in that space.

18 You know, for the fitness center side, you can still  
19 get a lot of natural light coming in from high windows because  
20 of the alley side and the way the building is actually pulled  
21 back over there a bit allows an opportunity, I think, still to  
22 get plenty of light into the fitness center. So we aren't  
23 concerned about that. That said, we're still looking at the  
24 bubbles around fitness leasing, coworking to figure out the right  
25 configuration for those spaces, we really wanted to prioritize

1 the transit lounge on the corner, leaving ourselves the  
2 opportunity in conjunction with an interior designer to get more  
3 into the weeds as we go down the road with those other spaces.

4 COMMISSIONER IMAMURA: Appreciate that answer. I'm not  
5 sure the high windows, at least that I saw on one of the  
6 perspectives, would contribute the daylight that I think people  
7 would probably enjoy. So I'm not certain that this is -- I'm  
8 not convinced this is the right configuration. I think there's  
9 probably another solution in there, and would encourage you to  
10 take a look at that. I certainly understand -- I think the  
11 rendering on A15, yes, if we could go up, Mr. Young, to A15.  
12 Yeah. So I think your description of activating the public space  
13 with some of those like a scrim there, metal scrims or I guess  
14 it's probably on the following slide, certainly activates I think  
15 the facade a little bit at the pedestrian level. But I'm not  
16 convinced that there will be this many bikes out there activating  
17 this public space. In fact, I think because it is on the south  
18 side, there's going to be tremendous heat, I think, sort of this  
19 heat island effect, certainly in the summertime. So I was kind  
20 of -- I'm curious what other solutions did you all think about  
21 to sort of soften this the side of the building? And it just  
22 seems really sort of to me almost brutalist as you come out of  
23 the Metro there. I think it would have probably benefited from  
24 at least some softscape, some landscape.

25 MR. WEINBAUM: Yes, and a couple things. You know,

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1 because we're building to the property line, we don't control,  
2 you know, what the condition of the plaza, the Metro Plaza. So  
3 that is a limiting factor, which is why we wanted to look at the  
4 things we could do, of course, in and on the building, which is  
5 why, as J.B. mentioned, we have the back lit, you know, panels,  
6 we have the activation, we have the Shaw statement, and transit  
7 lounge. So we're looking at the uses we can do. And then, of  
8 course, there'll be, you know, landscaping in the areas that that  
9 are outside the Metro Plaza right along Eighth Street. So those  
10 are kind of the ways we've been looking at it. The other thing  
11 I wanted to mention just along the lines of what you were saying  
12 with the fitness center, is that while we do, I do hear your  
13 point about people enjoying windows, I also know, having spoken  
14 and we've kind of informally tested this out with a lot of  
15 different people in our office, that a lot of times some people,  
16 women in particular, don't actually like a lot of windows directly  
17 in fitness areas. And so we want to be sensitive to bringing in  
18 light, but not necessarily having it be like, you know, spotlight  
19 on fitness center when you come out of the Metro. I think that  
20 might --

21 COMMISSIONER IMAMURA: Well, let me be clear. I didn't  
22 mention windows, I mentioned daylight. So I think there's a way  
23 to do that and achieve that. So I certainly appreciate and take  
24 your point, but that's not what I was discussing or mentioning  
25 here. So my point here is that, again, I think there's an

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1 opportunity to maybe look at the configuration of this space.  
2 It's certainly not inviting as a public space. So I think --  
3 and I understand you're building to the property line. That's  
4 why I was asking what other solutions did you look at, right,  
5 because this is a building that's part of the community. Right?  
6 And so you're right up against that that Metro entrance and I  
7 think it would have benefited and can still benefit from some  
8 ideas. I understand you're in the public realm, you don't have  
9 control of that. But early in concept I'm wondering if that was  
10 ever studied where you pulled it back from the property line at  
11 least maybe create a soft story, right, where you would have that  
12 opportunity to make it a little bit more inviting in terms of a  
13 public space. You do have the library right across the street  
14 there, right? So when you look at this connection of all these  
15 sort of public access points, these nodes, right, that's really  
16 important.

17 MR. WEINBAUM: Sure. We can take a look at that.

18 COMMISSIONER IMAMURA: So and I would hope that you  
19 would. I'm underwhelmed by the landscape design. I understand  
20 -- it looks like to me somebody just had a lot of fun with the  
21 watercolor tool in Photoshop. It's really difficult. There  
22 isn't much detail in your landscape design. It doesn't show, at  
23 least at the entrance, which should be celebrated at least along  
24 Eighth Street, I think could probably use a little more attention.  
25 So I would encourage you to take a look at that because I think

1 that in terms of the massing and architectural vocabulary I think  
2 you guys generally have it. I'm not convinced about the tilted  
3 windows. I understand that the idea of perhaps using the deeper  
4 part of those sills would be for venting, but I'm convinced that  
5 there's probably -- there was probably another solution. So I  
6 don't know whether -- where the idea of the tilted windows came  
7 from. If you were to tell me there's some sort of energy  
8 efficiency gained out of that, it would be (audio interference)  
9 interesting or compelling other than, yeah, we just thought maybe  
10 the reflections of the windows would provide, you know, some  
11 interesting undulation in the façade. So you're using the windows  
12 rather than the architecture to create that. So I understand  
13 that Mr. Lallament mentioned the subtle gesture. It is subtle,  
14 but I think there's probably a better design solution (audio  
15 interference). So I think somebody got stuck on tilted windows  
16 and that's what you guys (audio interference).

17 Overall I think in general, in terms of the  
18 architecture, I'm okay with, although this is a good image here,  
19 but essentially it looks like it's set on a plinth. So with not  
20 a lot of interest, it's just this sort of repetition, right,  
21 across the, really, all four sides. So what other ideas, Mr.  
22 Lallament, were considered to break up that repetition and sort  
23 of this plinth for the entire block?

24 MR. LALLAMENT: Well, the plinth was really mostly the  
25 base of the building to unify all the different architecture for

1 the building. So (indiscernible) some elegance and  
2 (indiscernible) repetitions, there definitely is repetition, but  
3 if you go to page -- go back to detail, page A9, you can see some  
4 -- the plinth, we can see the different language between the  
5 residential portion to the left at the base of the building and  
6 to the right at where we on empty spaces. And also you can see  
7 how that's related differently at the main entry to the lobby  
8 with a bit more glass and a nice canopy will cover it. We think  
9 it really unifies the ins and out of the building. Overall, you  
10 know, we understand the length of the site was an issue. We  
11 worked with Office of Planning to address that and we really  
12 think like unified all this articulation at the base would be a  
13 great feature. And we put everything together. We think we have  
14 a lot of things going on above the first floor. We talked about  
15 the tilted windows, that all the balcony, recessed balconies, and  
16 all the setbacks.

17 COMMISSIONER IMAMURA: I think what I understand that  
18 you're saying, Mr. Lallament, it's just you're looking for some  
19 simplicity in the point there in the base.

20 MR. LALLAMENT: Simplicity, correct, but also the  
21 detail of it, as we can see, we are playing with the masonry  
22 pattern, there's some richness to it. There's beauty in  
23 simplicity sometimes as well. And we really plan to see the  
24 detailing of all these elements with the steel channel, the  
25 recessed metal panel, and as you can see, the brick pattern as

1 well.

2 COMMISSIONER IMAMURA: So I think there is some beauty  
3 in simplicity too. I just think that there's -- it's almost  
4 monolithic in its execution. In the end -- and this is a great  
5 slide here that just illustrate my point about the landscape  
6 design and that it's very difficult to tell what that is. So  
7 somebody, again, in my opinion, probably just got carried away  
8 with the watercolor tool. So it probably should be specified and  
9 detailed a bit better.

10 In the right image here, I just wanted to ask, are we  
11 -- to me, the way it was rendered, it looks almost like mirrored  
12 glass. That's not what we're proposing, is it?

13 MR. LALLAMENT: No, it's not. No, no.

14 COMMISSIONER IMAMURA: Okay. All right. Very good.  
15 All right. I would -- I think that essentially wraps up my  
16 questions. I think -- oh, actually, no, I do have a couple more.  
17 If we could go to one of the floor plans, just if you could tell  
18 me, Mr. Lallament, about the storage. We have almost 500  
19 residents here. And what I'm looking at is both trash and  
20 recycling and storage, and I'm wondering if there's a particular  
21 slide maybe that might give us a floor plan image of that, at  
22 least, and the trash chutes there.

23 MR. LALLAMENT: So A12.

24 COMMISSIONER IMAMURA: Okay.

25 MR. LALLAMENT: So we are not showing -- we have a

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1 partial (indiscernible) north side, so if you see adjacent to the  
2 parking ramp along the alley, the orange arrows, you can see  
3 these (indiscernible) red -- pink space.

4 COMMISSIONER IMAMURA: Yes.

5 MR. LALLAMENT: So at the (indiscernible) wall at the  
6 same locations there's a huge opportunity to be storage for the  
7 residents. We also have opportunity at the parking garage once  
8 we've figure out all the requirement for the utility connections.  
9 We believe -- every project we suspect we'll have some additional  
10 space for building storage as well.

11 COMMISSIONER IMAMURA: All right. I would imagine  
12 there'd be some significant attic stock for materials and such  
13 for a building of this size. And then is that -- are those trash  
14 chutes in the middle of each floor, is that what those are?

15 MR. LALLAMENT: Correct.

16 COMMISSIONER IMAMURA: Okay. And I saw -- I guess  
17 that's the storage or the trash and recycling there on the lobby  
18 -- on the ground floor that you show. And you think that's going  
19 to be sufficient for 500 residents or more?

20 MR. LALLAMENT: Okay. (Indiscernible), but you're  
21 right, we usually as we proceed with the design, we are engaged  
22 with trash consultants who just advise us on how many trash  
23 chutes. We tend to -- as you can see the only two chutes is  
24 right, but we can accommodate even more, up to four in this  
25 (indiscernible) plan.

1           COMMISSIONER IMAMURA:     Sure.     But I think that  
2 centralizing it -- I understand there, but and it's probably  
3 going to be difficult now that the cake is already baked, but  
4 there probably ought to be two on the north and south side located  
5 instead centralized there. I mean, you know, I think that's  
6 probably, you'll find occasionally some trash chutes get clogged,  
7 right, so that happens frequently, especially for a building of  
8 this size. Again, given that the program's already laid out, it  
9 would be difficult to do that, but it always seems to me, Mr.  
10 Lallament, in your experience, I'm sure you know this, that each  
11 person generates about four and a half pounds of trash per day.  
12 So you have almost 500 people in this building. That's a lot of  
13 trash and a lot of recycling. So I would encourage you to take  
14 a look at that.

15           Also in terms of access to the green route, it looked  
16 and it appeared as if there is access to the green route for  
17 maintenance. Just wanted to confirm.

18           MR. LALLAMAENT:     Yes.

19           COMMISSIONER IMAMURA:     Okay. As I've said and I'm sure  
20 in other cases, that's not always the case. And somehow people  
21 seem to forget access to green routes for maintenance, which is  
22 important.

23           All right. I've gone on long enough, Mr. Chairman.  
24 Mr. Lallament, thank you for responding to my questions. Please  
25 take another look at just what you can do in terms of

1 configuration to make the south side maybe a little more appealing  
2 and activating public safe space, a little more inviting. I  
3 don't think signage is enough to really do that, that doesn't  
4 really activate public space? So I do like the lounge. I think  
5 that makes sense. I do understand sort of that connectivity to  
6 the co-work space, that makes a lot of sense. I just regret that  
7 we're giving daylight to the storage of bikes that are dumped out  
8 on the alley side anyway. So I think there's probably a way to  
9 reconfigure all -- that program in that area and a better -- with  
10 a better solution. I think you probably believe that too. And  
11 I'm not suggesting that there needs to be windows and onlookers  
12 into the fitness Center, but I think people do appreciate and  
13 there is value in bringing more daylight into that. And high  
14 windows just aren't going to be enough to do that on the east  
15 side, on the alley side. I think there were -- I saw there were  
16 three or four, maybe, at most, very small windows from one of  
17 the perspectives that you all provided. So I think the residents  
18 would probably appreciate a little bit more light, rather than  
19 (indiscernible).

20 MR. LALLAMENT: We'll take a look.

21 COMMISSIONER IMAMURA: Okay.

22 All right. Thank you, Mr. Chairman.

23 CHAIRPERSON HOOD: All right. Thank you.

24 Vice Chair Miller?

25 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank

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1 you to the Applicant, Mr. Tummonds, and your team for the  
2 presentation and work this evening on this and over the years on  
3 this project, including the community engagement, particularly  
4 with the ANC 6D, which has been supportive of this project. We  
5 have their submission in the record, I don't know if they're here  
6 tonight, but. And I concur with and I appreciate the modest, I  
7 think it was just modest, changes that have been made in response  
8 to Office of Planning and Zoning Commission comments at set down.  
9 I think some additional balconies were added, maybe seven I guess,  
10 to that northern -- to the northern portion, but none to the  
11 southern portion. As the Applicant has stated in their response,  
12 48 percent of the units, and I guess that's mostly the northern  
13 portion, have access to either balconies or terraces or below  
14 grade areaways, which is good.

15           And there was some activation of that southern portion  
16 with the space. But I concur with Commissioner Imamura's comments  
17 about further activation needed and my architectural colleague's  
18 comments generally about the design. I concur with their  
19 comments.

20           I mean, I think I think the way you have broken up the  
21 massing with that, what you call a, distinctive and unique design  
22 on that southern portion contrasted with the balconies and  
23 residential-looking northern portion does break up the massing  
24 and does create an interesting effect, but to me it still looks  
25 like an office building. And it's not an office building. It's

1 a residential building. And I would want to see balconies there.  
2 I always want to see balconies there. I don't think it's so  
3 distinctive and unique for a residential property that you can't  
4 find a way to do balconies there. I saw your comment in your  
5 supplemental statement that you're built to the southern property  
6 line so you couldn't even do balconies if you wanted to, if you  
7 continue to be built to the southern property line. I don't know  
8 if that's a construction codes issue or a zoning issue. If it  
9 it's a zoning issue, I'm willing to waive that always, or not  
10 -- or change our regulations so that that isn't a barrier. But  
11 I think it might be a construction codes issue. But think there  
12 are waivers that are permitted under the construction codes for  
13 that as well.

14 MR. LALLAMENT: Yes, I mean, I can answer this question.  
15 It's a WMATA site, so it's not a public site, so we can't project.

16 VICE CHAIR MILLER: I'm sorry, say -- I'm sorry, repeat  
17 that again?

18 MR. LALLAMENT: So in the south facing facade, we cannot  
19 project, it's not public space. It's a WMATA, it's a Metro  
20 station site, so we cannot project over that.

21 VICE CHAIR MILLER: And what is the constraint there?  
22 Is it construction codes, it's Metro, it's zoning, what are the  
23 constraints that are preventing you from redesigning the  
24 building, pushing it back as Commissioner Imamura suggested even,  
25 I think, or considering that, what are the constraints?

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1 MR. WEINBAUM: So it's a -- with the extension of  
2 balconies, it's someone else's property. Right? We are allowed  
3 -- the building code allows projections into public space, you  
4 know, onto a public right of way, but that southern edge, while  
5 it's a -- the entity is WMATA, not your typical -- if this was  
6 just another private property owner, you can't extend into  
7 someone -- other property owners' property, whether that's at the  
8 ground level of above. So that's why that the --

9 VICE CHAIR MILLER: So it's a building code?

10 MR. WEINBAUM: Or just -- no, it's not even a building  
11 code, it's a more of a --

12 VICE CHAIR MILLER: Property rights.

13 MR. WEINBAUM: Yeah, it's property rights. Remember,  
14 yeah, exactly common law property rights. It's not your property.  
15 And so you can't extend into there, whereas the building  
16 (indiscernible) projections on the front of the building into  
17 public space.

18 VICE CHAIR MILLER: So how many units would you lose  
19 if you redesigned this thing to set it back so you could do  
20 balconies on some of them? You would lose units, obviously.

21 MR. WEINBAUM: Yeah, we can look it up, but I think  
22 it's --

23 MR. LALLAMENT: You also propose a new issue, because  
24 right now we cannot propose any type of opening into this wall.  
25 I need to look at the building code, but we have to be at least

1 -- I don't (indiscernible a number, but we have to be at least  
2 15 feet away to be able to provide any opening as this is actually  
3 at risk wall. So technically we cannot -- we can take lights,  
4 but we can't rely on the lights for the reason (indiscernible),  
5 and the fresh air cannot come from this side of the façade, except  
6 we'd have to set it back -- I need to get back to you on that,  
7 but I think you'd have to set it back 15 feet if I recall.

8 VICE CHAIR MILLER: Yeah, so I would be interested in  
9 how many units you would lose if you had to do that because that's  
10 a trade off, that's a big trade off. We want -- we need housing,  
11 we need affordable housing, both of which this project provides.  
12 And I appreciate your response to Commissioner May's question,  
13 which I was going to ask about your statement that the IZ Plus  
14 with a map amendment, just a straight map amendment, would provide  
15 less affordable -- less square footage of affordable housing,  
16 less percentage of affordable housing, 12 percent I think you  
17 said, than the 15 percent that's being provided in this case. So  
18 I think that's an important point. And I appreciate that there  
19 are 16 three-bedroom units, is that correct, among the 317?

20 MR. LALLAMENT: Correct.

21 VICE CHAIR MILLER: And how many of the 16 are at the  
22 inclusionary zoning affordable level?

23 MR. LALLAMENT: Fifteen percent, so we --

24 MR. WEINBAUM: Fifteen percent of those, Commissioner,  
25 so based on square footage, so yes. But it's directly

1 proportionate.

2 VICE CHAIR MILLER: Okay. But I don't know if that's  
3 three or four, what do you mean?

4 MR. WEINBAUM: We're looking now. We can provide that  
5 information.

6 VICE CHAIR MILLER: Yeah, yeah, I don't need that right  
7 now. Yeah, if you could provide that for the record. And so I  
8 guess what -- and I like the brick and the materials, the design,  
9 and I do like the tilted windows, I do think it is interesting.  
10 I don't want to be totally negative here, but I guess my biggest  
11 concern -- or I guess what I need a lot more comfort level in a  
12 supplemental filing later or a rebuttal later in response to the  
13 Office Attorney General's comments and the comments that we  
14 haven't seen yet from the party in opposition and others in  
15 opposition are the tenants who are there, your tenants who are  
16 there, Section 8 tenants who were there for many years, I need a  
17 lot more comfort level, a response to the points that have been  
18 raised thus far by those in opposition, including the Office of  
19 Attorney General and certainly the party in opposition and ANC  
20 6E02 Commissioner Alex Lopez.

21 So there were 50 units there, 50 Section 8 units there.  
22 And it looks like there might be almost that number of units of  
23 affordable housing among the 317, although they're going to be  
24 at the 60 percent MFI level, I assume, not at -- well, I need  
25 information on it. What was the MFI level of those 50? I assume

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1 they were at 30 percent or below mostly. But maybe not. I don't  
2 know. Maybe. But you should know as the landlord for them. I'd  
3 like to know how many of them were at 30 percent and below. And  
4 I assume none of the inclusionary zoning units you're providing,  
5 which you don't have to provide under our law, are at or below  
6 -- or at the 30 percent below or level. I assume they're at the  
7 60 percent level if it's going to be rental. So I just want to  
8 know how -- I will need more information. Maybe not at this  
9 time, but whatever you want to say at the time I would welcome  
10 your response, but I'd like to know what their income level was,  
11 what outreach there was to these tenants and communication about  
12 coming back to maybe if they can afford to come back, they would  
13 be able to come forward to come back of course, if they had  
14 Section 8 housing choice vouchers, which I think you're required  
15 under the law to accept if they present that with you -- present  
16 that to you. So if you if you can provide a preliminary response  
17 now, but I'm going to need a lot more comfort level on the whole  
18 tenant, the tenants coming back who were there, who haven't been  
19 there for years now, and what outreach there may have been to  
20 them, if any, and the comprehensive plan policies that have been  
21 cited by the single member district commissioner and OAG about  
22 displacement and Section 8 formerly Public Housing that gets  
23 converted to market rate housing.

24 MR. WEINBAUM: Sure, yeah, we're going to provide a lot  
25 more detail, Commissioner. And I appreciate the comments. I'll

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1 just say preliminarily that, you know, again, this was a market  
2 rate development for years before the decision to vacate occurred  
3 and to do a redevelopment. And so if you think about the folks  
4 way back when, ten years ago, when the Section 8 contract expired,  
5 they received these enhanced vouchers, which essentially -- and  
6 we'll get into what their income levels were and their  
7 affordability levels, but essentially allowed them to live  
8 wherever they wanted to because of those vouchers. And those are  
9 portable vouchers, again, that go that go around the city. What  
10 we're doing in providing this new building is ensuring that the  
11 net amount of affordable housing stock in the District increases  
12 by approximately 48 units by having 15 percent IZ. So you have  
13 all those folks who have those enhanced vouchers living again in  
14 several different buildings. And then you also get the net new  
15 permanently affordable units. So I just wanted to make that  
16 point clear. And again, we'll give you more detail as a follow-  
17 up.

18 VICE CHAIR MILLER: Okay. Well, I appreciate that  
19 preliminary response. That's helpful. And that it's 48 units,  
20 I guess it would have been kind of symmetrical if you'd gotten  
21 to 50, but maybe square footage wise, I'd like to know what the  
22 50 units were square footage wise under the old and what the 48  
23 unit -- because IZ is based on square footage, not on number of  
24 units, percentage of -- so I -- I would love -- I want that  
25 information as well in the supplemental information --

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1 MR. WEINBAUM: Sure.

2 VICE CHAIR MILLER: -- just to understand what the  
3 whole picture is.

4 MR. WEINBAUM: Yeah, I can I can tell you, Commissioner,  
5 that the average unit size for -- there were there were a mix of  
6 ones, twos, and three-bedroom units in the former 50 units of  
7 housing. I think we had 18 one-bedrooms, 24 two-bedrooms, and 8  
8 three-bedrooms. And if you look at the average size of those  
9 old vacant units, the new building, the average size of ones will  
10 be bigger, the average size of two bedrooms will be bigger, and  
11 the average size of three bedrooms will be bigger. So all those  
12 unit types are going to be larger units than what used to be  
13 there. And then, of course, we'll have more of all of them, more  
14 ones, more twos, and more threes than what was there before.

15 VICE CHAIR MILLER: Well, that's the kind of  
16 information I want to see. So thank you. I appreciate it, and  
17 so I look forward to more details on that. So thank you for  
18 those responses and the additional information to come. And I  
19 may have more questions after all of the public testimony yet to  
20 come, but I think that's it for me right now, Mr. Chairman. Thank  
21 you.

22 CHAIRPERSON HOOD: All right. Thank you.

23 I'm going to try to go through mines very quickly  
24 because I want to get to the public.

25 First, let me let me thank you, Mr. -- let me start

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1 right off, Mr. Tummonds, let me thank you for an preliminary  
2 matters issue and trying to come to resolve so we can move forward  
3 today. So I want to thank you and the Applicant for agreeing to  
4 -- as you agreed to moving forward. And I also want to associate  
5 myself with the comments of Commissioner May about the brick. I  
6 understand that it's more of a beige color, but I would just hope  
7 that if we move forward, I would just hope that we would make  
8 sure that that brick is clean. I've been around long enough to  
9 see brick that I've voted on and it looks terrible. We just  
10 talked about this last week in another case. So I'm going to  
11 take your word for it, but I would also encourage you to come up  
12 with some kind of cleaning method, especially for the lighter  
13 colors, if needed. So we can probably memorialize some of that  
14 as far as upkeep. I'm sure you want the upkeep.

15 Now, as far as the balconies and the curvature of the  
16 windows, I love it. I think it looks good. So that's the  
17 disadvantage when you have four people with different opinions.  
18 I love the way that looks. I think to me it's modern technology.  
19 We had another case on North Capitol Street, unfortunately, I  
20 don't think we won out on that one, but I think that was a missed  
21 opportunity and I see some of the same similarities here in this  
22 case.

23 Let me ask about the solar panels. Who is going to  
24 recoup the renewable energy credits? I'm not sure who that  
25 question goes to. Maybe you, Mr. Weinbaum, but who's going to

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1 recoup those recs?

2 MR. WEINBAUM: I will have to get back to you on that.  
3 I don't know the answer to that, Commissioner, but we'll get you  
4 an answer to that.

5 CHAIRPERSON HOOD: Okay. I think that's important  
6 because I always -- you know, it's easy to put the solar panels  
7 up, but you know, where people benefit is in the recs. And I'm  
8 just curious of who's going to. I did see one commissioner in  
9 opposition, I think I may have it right, but I don't want to  
10 assume anything. Was that the single member district  
11 commissioner who opposed the project or was it someone else?

12 MR. WEINBAUM: It was another -- it was not our single  
13 member district commissioner, it was another commissioner, yeah.

14 CHAIRPERSON HOOD: Okay. So let me ask you this, Mr.  
15 Weinbaum, since you seem to be the one asking all my questions -  
16 - answering all my questions, when I hear the rationale about  
17 years ago how you all stopped doing the vouchers and you gave  
18 them the enhanced voucher, in this city I don't believe enhanced  
19 vouchers work, and that's where we get to the point of  
20 displacement. So is that a fair assessment to say that the  
21 displacement started years ago -- it just didn't start now --  
22 it's easy to come down now in front of the Commission and say  
23 we're not displacing anybody, but displacement started, would you  
24 agree with me that this displacement started years ago or would  
25 you disagree, what is your opinion on that?

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1           MR. WEINBAUM:    Yeah, I definitely don't see it as  
2 displacement. We know that 39 of those -- we know where 39 of  
3 those 50 units of housing went. Twenty-nine of those went within  
4 a block. And I think we had one who went to Maryland. There  
5 are ten where we haven't been able to ascertain exactly where  
6 they went. So we do know where the vast majority went. And as  
7 far as, you know, sort of the opportunity to redevelop, you know,  
8 our view on it is that you see different elections all the time  
9 where Section 8 expires and these enhanced vouchers occur. I  
10 think the difference here is by being able to provide these 48  
11 new units plus other people having vouchers, again, I think you  
12 get more net -- more units that are available for people of  
13 limited means in the District by having that, the vouchers and  
14 then the other, and then the new 48, because for years it was  
15 market rate housing here that didn't have any permanently  
16 affordable associated with it. And now you're getting  
17 permanently affordable associated with this larger project.

18           CHAIRPERSON HOOD: And another thing -- and you all  
19 have to forgive me because, you know, we -- it's a lot -- I had  
20 some of these here yesterday, so sometimes I tie things in  
21 together, but what is the MFI, what is the breakdown, Mr.  
22 Tummonds, or you Mr. Weinbaum, can point me to what exhibit? I  
23 think I saw it somewhere. I know my colleagues -- and let me  
24 just back up. My colleagues have asked for a number of  
25 information that I agree with, especially the analysis that Vice

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1 Chair Miller was looking for. For me, soundbite is better as  
2 opposed to giving me a book to read because we have a lot of  
3 cases, a lot of things read, soundbite information for us and  
4 getting to the point helps us get right to the meat and potatoes  
5 of what we're trying to look at. So can you all direct me to  
6 where your breakdown is? I know it's somewhere. I think it's  
7 somewhere. I didn't see it. I don't recall. I tried to find  
8 it again while my colleagues asked question, and I didn't see it.  
9 If you could just give me what exhibit I need to look at< I'll  
10 appreciate it.

11 MR. WEINBAUM: Sure. Yeah, we're looking. Mr. Dettman  
12 is looking right now. This is the breakdown, just so I'm clear,  
13 of the --

14 CHAIRPERSON HOOD: The MFI levels. MFI levels.

15 MR. WEINBAUM: The location of the -- IZ levels, the  
16 amount of the location?

17 CHAIRPERSON HOOD: The MFI levels, is 30 percent, 60  
18 percent?

19 MR. WEINBAUM: Okay. They're all 60 percent.

20 CHAIRPERSON HOOD: So they're all 60 percent. So can  
21 you tell me where that breakdown is in your submission? So  
22 they're all 60 percent.

23 MR. WEINBAUM: Sure.

24 CHAIRPERSON HOOD: And let me let me just say, this  
25 Commissioner here does not believe that is affordable housing.

1 That's just my view. I know what the regulations say. I know  
2 what the -- and we're working on that along with the council and  
3 others in trying to make sure we get to the most need, the people  
4 who need it the most. I like to see stuff at 30 percent of the  
5 MFI, but I think this is definitely an improvement. It was  
6 nothing there -- well, I don't know how we got there. That's  
7 what we're looking to see.

8 Mr. Tummonds, you wanted to add something?

9 MR. TUMMONDS: Sure, yes. Exhibit 24A2 of the record,  
10 pages A33 and A34 is where we have the chart that shows the  
11 location of the proposed IZ units, and then that IZ unit  
12 breakdown.

13 CHAIRPERSON HOOD: So. 24A2.

14 MR. TUMMONDS: Correct.

15 CHAIRPERSON HOOD: Okay. I will look at that while  
16 somebody else is talking.

17 All right. And let me ask this, Mr. Weinbaum, where  
18 is the opposition coming from? ONE DC, have you all had  
19 conversations with ONE DC, have they been talking with you through  
20 this whole process?

21 MR. WEINBAUM: No. So we've been out doing public  
22 outreach about this project since the beginning of 2022. We had  
23 our first public meeting on January 6. ONE DC, you know, is a  
24 public agitator and has been on the case for the Brooklyn Manor  
25 case that you're very well versed in for a lot of years. And we

1 hadn't heard anything until this week. Before that, you know,  
2 we were sitting here on Monday talking about all the other things  
3 that we felt was going to come up, and then all of a sudden this  
4 came out of the blue. But we've been out there in many, many  
5 different forums. We haven't seen them at any ANC Commission  
6 meetings, we haven't seen them at any Zoning Committee for the  
7 ANC meetings, or any of the meetings we've hosted at all. I  
8 think, you know, my sense is this has a big part to do with Mid-  
9 City and that other project.

10 CHAIRPERSON HOOD: Okay.

11 MR. WEINBAUM: That's just my personal opinion.

12 CHAIRPERSON HOOD: Okay. So the build that you all did  
13 on Saratoga, some of the design elements I noticed are in the  
14 same building here. Is that a true assessment because the one  
15 on Saratoga looks good, it definitely I think has improved the  
16 neighborhood, so is that some of the same thing I'm seeing that's  
17 being developed here?

18 MR. WEINBAUM: If you like it, then yes. No --

19 CHAIRPERSON HOOD: No, don't tell me what I want to  
20 hear. Tell me what's correct.

21 MR. WEINBAUM: Yeah. No, I mean, high quality brick,  
22 Commissioner, and real attention to detail and design and hiring  
23 best in class architects is not the same architect. We used Tor  
24 DeGalis (phonetic) there, we're using Eric Colbert here. But you  
25 heard what J.B. was saying, we really want buildings that are

1 going to be built to last the test of time. We like using brick,  
2 durable materials, something that's going to really look  
3 fantastic. And so I'd say that overall is a commitment that's  
4 consistent, but it isn't the same exact design or anything or the  
5 same architect.

6 CHAIRPERSON HOOD: Okay. Okay. Well, it looks  
7 resemblance to me, so it look -- and I like that one. I will  
8 say that I agree with Vice Chair Miller, let's look at how many  
9 apartments -- I mean, how many units we'd lose if we do some  
10 setback. And I know that's not necessarily ideal, especially  
11 when you can get the 60 percent of the MFI in the city. But  
12 let's look at that because I think that square box to me really  
13 does an injustice to the whole -- to the rest of it. And I first  
14 tried to figure out why we were breaking it up like that or why  
15 that was like that, unless I have some or misunderstood something,  
16 but let's look at what Vice Chair had mentioned and actually,  
17 let's look at what all my colleagues have mentioned. But do me  
18 a favor, give us soundbites, don't give us a book. Okay?

19 All right. Any second rounds? Commissioner Imamura?

20 COMMISSIONER IMAMURA: Yes, thank you, Mr. Chairman.  
21 By the look of it on that Exhibit 48 -- or sorry, whatever that  
22 exhibit was, that was a 24A2 set of plans, I have want to be --  
23 I want to be positive here on sheet A34 and 35, I did want to  
24 mention the connection in summary, there is a good arrangement  
25 of the IZ, so that's not something we see very often. A lot of

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1 people end up stacking them, and so you all did a nice job in  
2 that. It looks as though, and I'll let you all make this  
3 determination, but there's about 16 units on the end. Thankfully  
4 there's only two units on the south end per floor. One is an IZ  
5 unit so there's approximately 16 units that would be impacted if  
6 we pulled that back. Fifteen feet seems pretty significant to  
7 me. But I think -- I'm in agreement that I'd like to see what  
8 that might look like and what that -- what sort of impact it had.  
9 But I think that's going to do a tremendous amount of good to  
10 either, A, put those include documents that Vice Chair Miller is  
11 suggesting or recommending or encouraging. But also, I think  
12 it's really going to soften up the public realm there. It's just  
13 -- and I think there'll be tremendous benefit by including -- at  
14 least pulling that back, maybe including some landscape, just  
15 softening that edge. It's very -- it's a very strong edge right  
16 now. It's a ground plane and then your vertical plane for your  
17 elevation there. So I think that would probably be nice to see  
18 what that solution might look like and what kind of impact that'd  
19 have. All right. Thank you, Mr. Chairman.

20 CHAIRPERSON HOOD: Well, thank you. And I will tell  
21 you, if we want to really start talking about affordable housing,  
22 I'm looking at this, and I thank you all for directing me to  
23 this, did see this, but when you start talking about some of  
24 those IZ units, and if you stop in on the ninth and then the  
25 penthouse floor, I know you're looking at a Commission who asked

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1 for the affordable unit at the Watergate some years ago, so I'm  
2 always pushing for more. So I'm not saying that this is a  
3 requirement, but if we really want to start talking about  
4 affordable housing and giving people who might not always have  
5 the means some of the nice privileges and amenities that go along  
6 in this city, I'd like to see some of these units on the ninth  
7 floor as well as the penthouse. And I know that may be a big  
8 ask, but I'm just throwing that out there in this case. But  
9 other than that, I think the design is great. I do like the  
10 windows. And you all have figured that out. I don't know where  
11 my other colleagues are on that, but you all figure out where to  
12 vote, so.

13 All right. Any other questions or comments,  
14 Commissioner. May?

15 COMMISSIONER MAY: Yeah. I just want to say I don't  
16 mind having them look at changes to the south facade, but I don't  
17 have any problem with it, and I don't think every unit needs to  
18 have a balcony. And I think, you know, 50 percent of the building  
19 with balconies or nearly 50 percent is pretty good number. A  
20 lot of people don't want to have balconies. I mean, I know there  
21 are benefits to them. And if everybody got, you know, cool nine-  
22 foot deep balconies like these ones, maybe everybody really would  
23 want them. But I'm just not -- I'm not in the same camp that  
24 that's something that we have to do. But I'm certainly happy to  
25 look at alternatives.

1 CHAIRPERSON HOOD: Thank you, Commissioner May, you  
2 just validated my point. It's a good thing we don't have a fifth  
3 commissioner because then we'd be really mixed up.

4 COMMISSIONER MAY: I just want to add to the confusion.

5 CHAIRPERSON HOOD: Well, thank you. Well, we started  
6 off that way, so great.

7 All right. Any other questions or comments?

8 So again, to the team, you all heard the comments of  
9 all four of us. Might all put you in a different spot, but sure  
10 you all will figure it out.

11 Let me do this before I go to anyone else, Ms.  
12 Torossian, can you make that announcement again please? Thank  
13 you.

14 (Interpreter announces information as requested.)

15 CHAIRPERSON HOOD: Thank you very much. And I'm not  
16 Your Honor, but that was nice of you. I usually get called a  
17 lot of other names, but never that one, so thank you.

18 All right. Let's see, Ms. Schellin, let's do cross-  
19 examination, Mr. Tummonds. Let's go to ANC 6 -- what is that,  
20 6E, is it 6E? Off the top of my head before I get in trouble.  
21 Hold on one second. Somebody help me out right quick, what --  
22 6E, 6E.

23 MS. SCHELLIN: I believe that's going to be Alex Padro.

24 CHAIRPERSON HOOD: Is he representing 6E?

25 MS. SCHELLIN: I thought he was.

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1 CHAIRPERSON HOOD: I know he's a commissioner, but --

2 MR. PADRO: Mr. Chairman, I am not currently a

3 commissioner on ANC 6E, I'm here representing Shaw Main Streets

4 and Friends of Watha T. Daniel Library. Thank you.

5 CHAIRPERSON HOOD: Okay. So he's not here in that --

6 you are a commissioner, right, on 6E?

7 MR. PADRO: I was a commissioner until January 2021.

8 I am not a current commissioner. I hope to be a commissioner in

9 ANC 2G come January 1st.

10 CHAIRPERSON HOOD: Oh, okay. Was that a campaign

11 announcement? No.

12 Ms. Schellin, do we have anybody from ANC 6E?

13 MS. SCHELLIN: I'm sorry. Let me look and see. Michael

14 Michael Eichler, I'm sorry. Let me see if he is on.

15 CHAIRPERSON HOOD: Mr. Eichler.

16 MS. SCHELLIN: I do not see him.

17 CHAIRPERSON HOOD: Okay. So if Mr. Eichler or anyone

18 who's representing ANC 6E, if they please call the hotline number

19 so we won't bypass you. So I guess now we go to ONE DC? Is it

20 ONE DC or Super -- yeah, ONE DC.

21 MS. SCHELLIN: ONE DC, yeah.

22 CHAIRPERSON HOOD: ONE DC.

23 MS. SCHELLIN: I'm not sure which one is going to be

24 cross examining. I believe it --

25 CHAIRPERSON HOOD: So Ms. Rosemary, let me just

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1 explain. I have to have one person -- you all can work in tandem,  
2 but I have to have one person asking any questions. And this is  
3 not for your testimony right now, this is cross-examination. You  
4 can ask Mr. Tummonds and his team any questions that you've heard  
5 that they've responded to -- I mean, that they have presented to  
6 us, and if you have any additional questions to ask them, this  
7 is the time to do that.

8 MS. NDUBUIZU: Thank you again.

9 CHAIRPERSON HOOD: You're welcome. Thank you.

10 MS. NDUBUIZU: Thank you for that, Mr. Hood. So we are  
11 going to start off with Nadia Johnson, who is the president of  
12 the tenant association at Heritage at Shaw. She'll come up and  
13 take my seat.

14 CHAIRPERSON HOOD: Now, let me ask you this, Ms.  
15 Rosemary?

16 MS. NDUBUIZU: Yes?

17 CHAIRPERSON HOOD: Now, this is not testimony. This  
18 is --

19 MS. NDUBUIZU: It's not testimony. It's questions.

20 CHAIRPERSON HOOD: -- for you all -- so she's going to  
21 ask questions. So she's going to be the one to ask questions?

22 MS. NDUBUIZU: Yeah, so we actually have three people  
23 and may end up being -- we may end up just doing two, we're going  
24 to ask questions.

25 CHAIRPERSON HOOD: Oh, let me just say -- Ms. Rosemary,

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1 let me help you. The courts have told me -- and y'all need to  
2 work that out, that I can only have one person to ask cross-  
3 examination questions.

4 MS. NDUBUIZU: Okay.

5 CHAIRPERSON HOOD: So if they could give you the  
6 questions and if you can ask, you can turn your mic off and they  
7 can work with you. But I need one person to ask the questions.  
8 However you all work that out, we'll give you a minute to work  
9 all that out.

10 MS. NDUBUIZU: Okay. So we're hyper -- we love  
11 democracy. So give me one second and we'll be right --

12 CHAIRPERSON HOOD: Okay. Take your time. You need a  
13 couple of minutes?

14 MS. SCHELLIN: Yeah, one minute or two.

15 CHAIRPERSON HOOD: Let's do this. Let's give you all  
16 five minutes 'cause I need a minute. So we'll put all that  
17 together. Let's take five minutes and we'll start back.

18 MS. NDUBUIZU: Okay.

19 (Whereupon, there was a brief recess.)

20 CHAIRPERSON HOOD: President Johnson, you may begin.

21 MS. JOHNSON: Okay. Okay. So have you asked tenants  
22 about the redevelopment plans, and how often -- does.

23 MS. NDUBUIZU: Mr. Hood, quick question? I know it's  
24 only one person, but we want to clarify. Do they get the chance  
25 to respond to each individual question or should we list all the

1 questions and then give them the chance to respond?

2 CHAIRPERSON HOOD: No. We do one question at a time.  
3 And when they respond, there's no response after that, what you  
4 can do, Ms. Rosemary, and Ms. Johnson, is make a note and then  
5 when you do your direct presentation to us, you can -- if you  
6 disagree with what they said, you can respond at that time. So  
7 you're going to ask the question, Ms. Johnson, Mr. Tummonds and  
8 his team are going to respond, and then if you -- whether you  
9 believe it or not, or whether you have some disagreement, move  
10 to your next question and just make a note of it. And when you  
11 present to us, then you bring that issue out on your time to  
12 present to us. Okay?

13 MS. JOHNSON: Okay. No problem.

14 CHAIRPERSON HOOD: Thank you.

15 MS. JOHNSON: Okay. So I'll start with question number  
16 one. Have you asked the tenants about the redevelopment plans?

17 MR. WEINBAUM: Hi. Good evening. We don't have --  
18 there are there are no residents in the buildings that are being  
19 redeveloped there. They're all -- those buildings are vacant.  
20 So what we've done is do an extensive community outreach series  
21 of meetings. So we started by convening a public meeting  
22 ourselves in January and then working through the ANC and other  
23 civic associations and community groups to get out there and talk  
24 about our plans for redevelopment so that anybody living in the  
25 surrounding community, including residents who might live across

1 in Heritage at Shaw Station and in other buildings, could come,  
2 ask questions, provide feedback, and whatnot.

3 MS. JOHNSON: Okay. How often do you communicate  
4 building changes to the residents, when did you notify them about  
5 this petition, which affects them since they live within 200 feet  
6 of the proposed redevelopment?

7 MR. WEINBAUM: So again, we don't have any residents  
8 at the site where we're redeveloping. It's completely vacant.  
9 As far as notice of this case, people within 200 feet get notice  
10 that Mr. Tummonds, my attorney, can speak about in terms of when  
11 an application is filed and when there's other documentation. We  
12 also are required to post notices on the property itself,  
13 indicating that there's a zoning hearing coming up. So you may  
14 have seen placards kind of placed around the site indicating  
15 about this hearing tonight.

16 MS. JOHNSON: Okay. How did the residents communicate  
17 with the management, virtually or in person?

18 MR. WEINBAUM: So again, we don't have any residents  
19 at the property, so I don't know how to answer that.

20 MS. JOHNSON: Okay. I should have added --

21 CHAIRPERSON HOOD: Let me just interrupt. Let me just  
22 interrupt. I think, as Mr. Weinbaum, I think it was Mr. Weinbaum,  
23 Mr. Tummonds opened up earlier, there are residents across the  
24 street, so we mixed it -- I don't know if we're mixing it up.  
25 Are you talking about the residents who plan to come back?

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1 MS. JOHNSON: Yes. And the residents that were there,  
2 because the residents that were there, they were moved across the  
3 street and they plan to come back. But there has not been any  
4 communication as to if they're able to come back because they  
5 --

6 CHAIRPERSON HOOD: So let's do this. Let me try to  
7 help us to understand what's going on. Let's talk about those  
8 residents. Let's just talk about those residents that moved  
9 across the street. Was there any communications for them who may  
10 in turn come -- who, I think, we reached out -- to come back.  
11 Let's ask the Applicant have they reached out to those residents?  
12 Let's go down those lines because we know there were no residents  
13 --

14 MS. JOHNSON: There are no residents now over there,  
15 but when they were and they were moved over to Heritage at Shaw,  
16 they want to know if they could be able to come back to their  
17 homes --

18 CHAIRPERSON HOOD: That's the question. That's the  
19 question.

20 MS. JOHNSON: -- as everything is redeveloped.

21 MR. WEINBAUM: Sure. Thank you, Commissioner Hood.

22 So there was no -- you know, when residents -- some  
23 residents of the building were provided an opportunity to move  
24 across the street to renovated units, there was no redevelopment  
25 being contemplated, so there wasn't a communication because we're

1 moving you because we're building some new building, that was not  
2 in our plans at that time at all. We simply had renovated units  
3 and we wanted to keep the other side of the street, the existing  
4 Heritage Shaw Station, occupied. And so, you know, again, you  
5 had COVID and you had other things. And so as we were renovating  
6 units, when they were become vacancies, we were providing an  
7 opportunity for residents to move over there. In terms of  
8 communications about this new project, we haven't given special  
9 communications to people living at Heritage and Shaw Station that  
10 are any different than the communications we provide anyone  
11 within 200 feet or anyone in the broader community.

12 MS. JOHNSON: Okay. Okay. So we move on to the next  
13 question then. Okay. So the next question is how many affordable  
14 units are in the proposed redevelopment?

15 MR. WEINBAUM: Fifteen percent of the gross floor area  
16 that we'll build will be dedicated to affordable housing, which  
17 equates to, I think, approximately around 48 units.

18 MS. JOHNSON: Okay. So we also have a question, will  
19 they be separate at the market rate apartments from the affordable  
20 housing apartments or they will all be mixed together?

21 MR. WEINBAUM: So it's a good question. So they'll be  
22 completely mixed in and spread out throughout the building. There  
23 will be affordable units on many different floors and in many  
24 different parts of the building mixed in. It won't be like a  
25 separate area where there are affordable apartments versus market

1 rate apartments. And there is an exhibit that we were talking  
2 about earlier in the record, in the case record, I think it was  
3 A24A2 --

4 CHAIRPERSON HOOD: Let's do this. Mr. Young, Mr. Young,  
5 excuse me a second, Mr. Weinbaum.

6 Mr. Young, put that back up so Ms. Young and them can  
7 see it -- I mean, I'm sorry, Ms. Rosemary and Ms. Johnson can  
8 see it right quick. So you can see that they're all mixed in,  
9 can see where they are.

10 And, Mr. Weinbaum, if you can -- once we get it up, can  
11 you explain what's actually going on so they can see it? I think  
12 it's A -- what was it?

13 MR. WEINBAUM: Sorry I was muted. This isn't actually  
14 that. This is the main presentation that our architect gave. It  
15 would be going to Exhibit 24A2.

16 CHAIRPERSON HOOD: 24. So 24A2, if we can put that up.

17 MR. WEINBAUM: And I'm happy to walk through.

18 CHAIRPERSON HOOD: And, Ms. Johnson, you'll see, we're  
19 just going to put it up right quick, so you can see it. And it's  
20 in the record, but for right now we're going to put it up so you  
21 can have a comfort level to see that they're all mixed -- they're  
22 all together.

23 MS. JOHNSON: I appreciate it.

24 CHAIRPERSON HOOD: Actually, it's a very good  
25 distribution from what I see.

1           If anybody couldn't get the ninth floor and the  
2 penthouse, but it is what it is.

3           MS. JOHNSON: Are they putting it up, are they still?

4           CHAIRPERSON HOOD: Yeah, it takes Mr. Young -- it'll  
5 take a moment.

6           MS. JOHNSON: Okay. Okay.

7           CHAIRPERSON HOOD: While we're waiting, Ms. Johnson,  
8 go to the next question.

9           And Mr. Young, when it comes up, we'll stop.

10          MS. JOHNSON: Okay. Yes. We would like to know will  
11 there be a credit check for people in affordable housing units,  
12 with the vouchers?

13          MR. WEINBAUM: Yes, sorry, I'll let Mr. Tummonds speak  
14 about that.

15          MR. TUMMONDS: Yeah. Sure. These would be inclusionary  
16 zoning units that that process is managed, run by the Department  
17 of Housing Community Development. So that is not something that  
18 the Applicant has any control over. We just follow that policy  
19 and that process.

20          MR. WEINBAUM: We build the units, but we work with  
21 DHCD for how they're occupied and filled.

22          MR. TUMMONDS: Yeah.

23          Thank you, Mr. Young, I believe it's pages A34 and A35.

24          MS. JOHNSON: Okay.

25          MR. TUMMONDS: There we go.

1 MS. JOHNSON: Okay. I'm sorry. So the red -- pinkish  
2 red units there, those little boxes, those are all the affordable  
3 units.

4 MS. JOHNSON: Affordable housing units, yes.

5 MR. TUMMONDS: Yeah. And then if you go to A34 --

6 MR. WEINBAUM: You see how they're spread throughout.

7 MS. JOHNSON: Right. I got A35. Okay, now A34. Okay,  
8 yeah.

9 MR. TUMMONDS: There you go. So that shows that they  
10 are intermingled, multiple floors, different areas. And I think,  
11 as Commissioner Imamura mentioned, they're not like just stacked  
12 up on each other.

13 MS. JOHNSON: Uh-huh.

14 MR. TUMMONDS: But --

15 MS. JOHNSON: Okay. So then the next question I would  
16 ask is are the affordable housing units going to have the same  
17 amenities as the market housing units?

18 MR. WEINBAUM: Yeah. So -- good question. So all --  
19 the affordable housing units will be not only spread throughout  
20 the building, but completely indistinguishable. They'll have the  
21 same finishes, the same countertops and flooring and -- all,  
22 everything basically will be the same, appliances and whatnot.  
23 And everyone living in an affordable unit has the absolute  
24 identical access to every amenity in the building, whether it be  
25 rooftop or fitness center or bike room, anything like that.

1 MS. JOHNSON: Okay. Sorry, give me a minute. Okay

2 CHAIRPERSON HOOD: Mr. Young, we can take it back down  
3 now. I think we've finished with that.

4 MS. JOHNSON: Yeah. Thank you so much, Mr. Young.

5 Okay. So are Ward 2 council signed to support the  
6 redevelopment because of the number of two- to three-bedrooms  
7 units, how many two to three-bedroom units are in this proposal,  
8 and how many three-bedroom units are in this proposal,  
9 affordable?

10 MR. WEINBAUM: So I think we --

11 MS. JOHNSON: The affordable units.

12 MR. WEINBAUM: Sure. I think -- I'll just say that in  
13 total I think we have 47 two-bedroom units and 16 three-bedroom  
14 units. And so 15 percent of each of those types would be  
15 affordable. So it's roughly -- it's 7 two-bedrooms I believe  
16 would be affordable and 3 three-beds approximately.

17 MS. JOHNSON: Okay. And so with the three-bedroom  
18 units, is it possible we could get the same number of three-bed  
19 units as we have for the two-bed units or is it just we're just  
20 making sure that it's overall 15 percent and not like equal number  
21 of units, because with three-bed units people who are working-  
22 class families, that would really help them more than the two  
23 -- I mean, they have two-bed units, but, you know, people with  
24 bigger families, the three-bed units will go further.

25 MR. WEINBAUM: Right. I think because we're already

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1 doing a higher -- because we're doing a higher percentage of  
2 three-bedroom units than is typically done in new buildings, you  
3 end up getting more affordable three-bedroom units than you  
4 typically would. So many of the new buildings that come out in  
5 the city, they have no three-bedrooms, so they end up with no  
6 three-bedrooms at all. So you end up with no affordable three-  
7 bedrooms. So I think if you were to look, we've also studied  
8 this in the past, we're actually adding more affordable three-  
9 bedrooms to the housing stock than most of the IZ program has  
10 done in recent years. I don't have that exact statistic, but it  
11 is going to be a representative sampling of the 15 percent. So  
12 because we're making that 5 percent commitment of 16 three-beds,  
13 that's how you get to the 15 percent of those being affordable.

14 MS. JOHNSON: Okay. Thank you. And hold on for one  
15 minute.

16 Okay. So the tenants -- I have the next question is  
17 are they -- are planning on giving all the Heritage at Shaw  
18 tenants placement at all of these units, because what I'm getting  
19 is that some of the tenants that were moved from across from the  
20 property that's vacant now want to move back and they want to  
21 know if all of them will have the chance to move back into their  
22 own apartments?

23 MR. WEINBAUM: So --

24 MS. JOHNSON: Into the building, will they be given  
25 first option to move into the building once this is finished?

1 MR. WEINBAUM: So because we're doing the redevelopment  
2 in accordance with the 15 percent IZ through a program that's run  
3 by DHCD, that lottery of how those units get filled is run through  
4 the Department of Housing Community Development. So my  
5 understanding is that there is a wait list that they follow for  
6 how they fill those units. But again, it's all subject to how  
7 they run the program to determine how people qualify and how they  
8 get into those units.

9 MS. JOHNSON: Hold on for one minute.

10 So I'm sorry. The next question that we have is do you  
11 have any plans for redeveloping the other properties you own at  
12 Heritage at Shaw that are within the 200 feet of this proposed  
13 redevelopment, are you willing to put this in writing?

14 MR. WEINBAUM: We have no plans to redevelop Heritage  
15 at Shaw Station, which is on the western side of Eighth Street.

16 MS. JOHNSON: Okay. So then the next question would  
17 be would those proposed plans include similar zoning expectations  
18 as this proposal -- no, well, they're not doing this then. If  
19 they're not doing that.

20 Okay. Can you guarantee that the building on the 800  
21 block within 200 feet of the proposed redevelopment will not be  
22 forcibly vacant, then put up for redevelopment as the property  
23 in question today has been?

24 CHAIRPERSON HOOD: Let me say, Ms. Johnson, is that  
25 part of this case? Because if it is, you can continue to ask

1 it, but -- I mean, if the Applicant had -- if we're trying to  
2 get information, the Applicant's willing to answer, but we want  
3 to really stick to this case. And I understand where you're  
4 going, but.

5 MS. JOHNSON: Yes.

6 CHAIRPERSON HOOD: So listen, do y'all have an answer  
7 for that, Mr. Tummonds or Mr. Weinbaum?

8 MR. TUMMONDS: I would say, Commissioner Hood, that I  
9 think you're correct, that this is asking about the development  
10 of other properties that I don't think that's really relevant on  
11 the cross and it's not subject of this application.

12 CHAIRPERSON HOOD: Yeah, so let's move to the next  
13 question. Let's try to stick with this case, Ms. Johnson. And  
14 it's --

15 MS. JOHNSON: Okay. I understand.

16 CHAIRPERSON HOOD: Let me just say this. Some of those  
17 questions that you all have, even after this setting, you can  
18 have a conversation with Mr. Weinbaum and Mid-City at a later  
19 time. And I think that -- what I'm going to suggest that anyway,  
20 just in general, to have that conversation and you all can go,  
21 Ms. Johnson, and speak with them. I'm sure they have a nice  
22 conference room somewhere you can sit there, and they may even,  
23 you know. So anyway, I'll just leave it at that.

24 MR. WEINBAUM: Happy to do that, Commissioner.

25 MS. JOHNSON: Oh, okay. That's wonderful. And I guess

1 we can set a date and we can do that for the tenants, because I  
2 know they have -- I have some of the tenants here, and they are  
3 really anxious about whether or not they'll be able to move back  
4 to where they were moved from. So no problem. Okay.

5 So are we on still? Okay. So next question.

6 (Pause.)

7 CHAIRPERSON HOOD: I appreciate everyone's patience,  
8 but information is very important and we want to make sure that  
9 the right information -- all wrong information gets out there,  
10 but we want to make sure the right information gets out there.  
11 So I appreciate everyone's patience with the party.

12 MS. JOHNSON: So I have this one last question is when  
13 did the Section 8 contracts ended and what measure did it take  
14 to ensure residents were able to stay on the property under the  
15 comp plan, for measures of anti-displacement? And in your  
16 response to Zoning Commission, you shared that no one was  
17 encouraged to leave these units, how can you verify those facts?  
18 We do have -- we have members who are currently in the room who  
19 experienced directly direct contact with -- sorry, contradictions  
20 with your information and would like to share their testimonies.

21 MR. WEINBAUM: We -- the -- we stopped the Section 8  
22 or opted out of the Section 8 program in 2013. And again, then  
23 as there were vacancies, we continued leasing for several years  
24 at the property. And then when there became some vacancies across  
25 the street in Heritage at Shaw Station, we were renovating some

1 units and providing an opportunity if residents chose to move  
2 there. And as we've shown before, we have a map showing where  
3 many did opt to move to units across the street.

4 MS. NDUBUIZU: Sorry. We're having some interference,  
5 but I did want to address that, Mr. Hood. I know -- I'm Rosemary.  
6 When do we get the chance to actually directly respond 'cause  
7 there's several times and we need to -- we have evidence to  
8 directly contradict that.

9 CHAIRPERSON HOOD: Well, what I would say, Ms.  
10 Rosemary, is once we -- you finish your cross, once we go through  
11 the Office of Planning, DDOT, and other government agencies, I  
12 will go to the ANC, and then I will go to the -- at some point  
13 those in support, then I go to the party in opposition. When I  
14 go to the party in opposition, you all will be able to, if you  
15 want to refute anything Mr. Weinbaum, Mr. Tummonds, or somebody  
16 said in this Applicant -- one of the Applicants, then that's the  
17 time that you do it. This is not the time to do. This is time  
18 to ask questions, make mental notes, write your notes down of  
19 things you want to convey to the Commission that you disagree  
20 with. And then they'll come back later on and they get the last  
21 word in rebuttal, we'll do cross on rebuttal, and then we'll be  
22 the end of the hearing. So that's the format. You will have  
23 opportunity -- let me cut it short. You will have an opportunity.

24 MS. NDUBUIZU: Okay. Thank you.

25 CHAIRPERSON HOOD: Any more questions?

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1 MS. NDUBUIZU: We went through our questions.

2 CHAIRPERSON HOOD: Okay. Thank you. And let me just  
3 say those were some very good questions and I appreciate the  
4 colloquy and the back forth.

5 MS. JOHNSON: We appreciate your time and patience.  
6 Thank you very much.

7 CHAIRPERSON HOOD: Okay. So don't you all go nowhere.  
8 Just put it on mute and then we'll be coming back to you shortly.

9 All right. Ms. Schellin, let's go to the Office of  
10 -- let's bring up the Office of Planning and DDOT. And let me  
11 not forget the Office of attorney General this time or when they  
12 come up for other government agents. Mr. Jesick, Mr. Jesick, let  
13 me just applaud you for all those government responses. So  
14 anyway, turn it over you, Mr. Jesick.

15 MR. JESICK: Oh, thank you, Mr. Chairman. And thank  
16 you, Members of the Commission.

17 The Office of Planning recommends that the Commission  
18 approve the PUD, the related map amendment, and the associated  
19 rear-yard flexibility. The project would not be inconsistent  
20 with the maps and policies of the comprehensive plan, I think  
21 when reviewed through a racial equity lens, and I'll get into a  
22 little bit more detail about that in a moment. Since the time  
23 of set down, we have continued to work with the Applicant on  
24 questions raised by the Commission and by OP. We feel that the  
25 design of the ground floor facing the Metro Plaza has greatly

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1 improved and will help to activate that space. But we're happy  
2 to continue to work with the Applicant to address the questions  
3 raised by the Commission this evening.

4 We also appreciate the Applicant's commitment to solar  
5 power, to sustainability in general, and also to bicycle  
6 infrastructure, and also acknowledge the Applicant's work with  
7 the community to identify neighborhood services and facilities  
8 that can be improved through specific and tangible contributions.

9 Now, in regard to the comprehensive plan, again, as I  
10 stated, the project will not be consistent with the comprehensive  
11 plan, including as evaluated through a racial equity lens. And  
12 when we consider racial equity, we look at a number of factors.  
13 One, the comprehensive plan strongly supports redevelopment of  
14 underutilized sites. One reason for this is that developing more  
15 housing in the city can help to reduce the upward pressure on  
16 rents, which of course would be helpful to lower income  
17 households. And in addition to housing in general, of course,  
18 there would be a significant amount of affordable housing in this  
19 project, as has been discussed this evening, and also a  
20 significant number of family-sized units, as we feel those are  
21 important benefits of the project.

22 Another topic under the equity umbrella is access to  
23 employment, and that's a major issue both in the city and around  
24 the region. But by creating more households or housing  
25 opportunities near employment, we can help to ease that struggle

1 of finding employment nearby. This planning area has some major  
2 employers and is a very walkable and bikeable area, so residents  
3 would be able to get to those jobs, and it also has of course  
4 excellent transit access, so folks can get to employment either  
5 downtown or in other employment areas around the region.

6 We also feel that this development and the additional  
7 residents it would bring would support local businesses, and  
8 local businesses provide, of course, amenity for neighborhood and  
9 also some potential employment for local citizens. Of course,  
10 we look at environmental equity, and this building would achieve  
11 a high degree of sustainability, which would reduce environmental  
12 impacts for everyone.

13 And then finally, some of the, you might say, smaller  
14 benefits are also very interesting because they provide increased  
15 access or increased equitable access or educational amenities in  
16 the neighborhood, for example things like providing materials and  
17 supplies and equipment for children's programming at the Daniel  
18 Library would provide increased access for neighborhood  
19 residents. Similarly, supporting the speaker and performer  
20 series at the library. An interesting program is the music  
21 education program at the Judah Project, and this Applicant is  
22 committed to providing musical instruments and musical equipments  
23 for that program. And that's just a couple of examples where  
24 this PUD would help to increase access to opportunities for  
25 education for residents in the neighborhood.

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1 I would also like to note that the Office of Planning  
2 found that the total amount of benefits was commensurate with the  
3 amount of flexibility gained through the PUD process. And so  
4 with all of that, the Office of Planning can recommend approval  
5 of the application. The rest of my testimony I will rest on the  
6 record and I'm happy to take any questions. Thank you.

7 CHAIRPERSON HOOD: Thank you, Mr. Jesick.

8 Let's go to Ms. Vacca, and then I'll have Ms. Torossian  
9 make the announcement one more time, but go ahead, Ms. Vacca.

10 MS. VACCA: Thank you. Good evening, Chairman Hood and  
11 Commissioners. For the record, my name is Kimberly Barker with  
12 the District Department of Transportation.

13 DDOT is supportive of the requested approval of a  
14 consolidated PUD and related map amendment for the property at  
15 1707 Eighth Street N.W., pending the requested revision to  
16 increase the long-term bicycle parking spaces from 88 spaces to  
17 106 spaces and the transportation demand management, or TDM,  
18 plan, and to update the number of cargo spaces, horizontal spaces,  
19 and electrical outlets accordingly.

20 The project meets or exceeds all zoning requirements  
21 and standards for vehicle parking, short-term bicycle parking and  
22 loading facilities. The parking ratio of 0.29 falls below DDOT's  
23 preferred parking maximum of 0.30, which was a standard used in  
24 the 2019 CTR at the time of submission. This project has also  
25 met the criteria to be eligible for the low impact development

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1 exemption, which removes the requirement for a full CTR study and  
2 traffic impact analysis. Overall, DDOT supports the project and  
3 welcomes any questions. Thank you.

4 MR. SOLOMON: Okay. Thank you both.

5 Ms. Toros- -- how do you pronounce your name again, I'm  
6 sorry?

7 MS. TOROSSIAN: [Tor-o-see-un].

8 CHAIRPERSON HOOD: [Tor-o-see-un], Ms. Torossian, could  
9 you make that announcement again please?

10 (Interpreter announces information as requested.)

11 CHAIRPERSON HOOD: Thank you, Ms. Torossian. I think  
12 I might ask you to do it one more time when we get to just before  
13 ONE DC does their presentation. Okay.

14 All right. Any questions of -- thank you. Any  
15 questions of either Office of Planning or DDOT?

16 Commissioner May, you have any questions or comments?

17 COMMISSIONER MAY: No, thank you.

18 CHAIRPERSON HOOD: Okay.

19 Commissioner Imamura, any questions or comments?

20 COMMISSIONER IMAMURA: No. Thank you, Mr. Jesick, and  
21 thank you, Ms. Vacca, for your reports. Always good. Thank you.

22 CHAIRPERSON HOOD: And Vice Chair Miller any questions  
23 or comments?

24 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
25 you both for your reports from OIP and DDOT. I guess my question

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1 for Mr. Jesick, you continue to suggest and a couple of us at  
2 least have endorsed your recommendation that there be more --  
3 that there be a consideration of balconies on the southern facade.  
4 Did you have specific discussions about how that would be  
5 accomplished? Apparently they'd have to set it back from the  
6 property line due to the fact that it's built to the property  
7 line in order to do that. And did you have specific discussions  
8 or any -- did you get to any point of design alternatives or  
9 suggestions that you all made? Do you have any suggestions on  
10 that point?

11 MR. JESICK: Thank you. Yes, just to be clear, we are  
12 recommending approval of the design as it is.

13 VICE CHAIR MILLER: Yes. Yeah.

14 MR. JESICK: Our suggestion throughout has been to add  
15 more balconies to the southern portion of the building, whether  
16 that's on the southern facade or maybe the east or west facades.  
17 Something that would perhaps -- it depends on the design, of  
18 course -- but perhaps help the building interact better with the  
19 street or soften its appearance. That was our goal. We did not  
20 get to the level of specifics of how that would actually be  
21 accomplished. So yeah, it didn't get any farther than that.

22 VICE CHAIR MILLER: Okay. Well, maybe after tonight's  
23 discussion, there might be further conversations with you and  
24 your design division about that. Thank you.

25 CHAIRPERSON HOOD: I have no questions. I thank you

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1 both for your reports. Most appreciative of your reports.

2 Let's see, Mr. Tummonds, you have any questions, cross?

3 MR. TUMMONDS: No questions.

4 CHAIRPERSON HOOD: Okay.

5 And DC -- did DC ONE -- what is it, DC --

6 MS. NDUBUIZU: ONE DC, we're here.

7 CHAIRPERSON HOOD: ONE DC. I'm thinking about the D.C.

8 One Fund. Okay, ONE DC, do y'all have any questions of the Office  
9 of Planning or DDOT?

10 MS. NDUBUIZU: No, not at this time.

11 CHAIRPERSON HOOD: Okay. Thank you.

12 Ms. Schellin, let's go to the ANC, do we have anyone  
13 from the ANC or do I need to read the report?

14 MS. SCHELLIN: We have another government agency, OAG.

15 CHAIRPERSON HOOD: Oh, that's right. Let's go to OAG,  
16 Office of Attorney General.

17 MS. SCHELLIN: From Lily Bullitt.

18 CHAIRPERSON HOOD: Ms. Bullitt, welcome. And once you  
19 come up --

20 MS. SCHELLIN: I mean, I believe she has a PowerPoint  
21 presentation.

22 CHAIRPERSON HOOD: Okay.

23 Ms. Bullitt, you can go right ahead.

24 MS. BULLITT: Yes. Hello, everyone. How are you  
25 tonight? My name is Lily Bullitt. I am here on behalf of the

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1 Office of the Attorney General. Our slides are in the record as  
2 Exhibit 37A.

3 So as an initial matter, I just want to clarify that  
4 OAG is not opposed to the redevelopment of this site, but has  
5 specific concerns about the affordable housing proffer, which  
6 I'll discuss further in a moment. I also anticipate that OP or  
7 the Applicant may have questions about our presentation here  
8 today, and if that is the case, I would ask the Commission for  
9 the opportunity to respond to those concerns in writing on the  
10 record.

11 So Mr. Young, if you could move to the next slide  
12 please, I'll turn to our concerns in this case. OAG's concerned  
13 that the application as it currently stands does not satisfy the  
14 PUD balancing test because its affordable housing proffer is  
15 insufficient and it has not mitigated all of its adverse impacts.  
16 This application proposes to demolish four buildings, which  
17 contained 82 affordable housing units to low and moderate income  
18 families. Although the PUD will include a nearly fourfold  
19 increase in the number of rental units from 82 to 317, it will  
20 include only about half the number of affordable units from 82  
21 affordable units to 48 units. While the existing site has mostly  
22 three-bedroom units, the PUD proposes to replace those with  
23 primarily studios and one-bedrooms. Furthermore, the adverse  
24 impacts of this project are not adequately addressed in the  
25 application. Long-time tenants have been displaced from this

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1 property to make way for redevelopment and remaining tenants are  
2 at risk of displacement. OAG's second concern is that the  
3 application does not include any of the strategies that the comp  
4 plan states should be used to address the District's affordable  
5 housing crisis and displacement concerns. This property was a  
6 subject of a Section 8 contract which Applicant chose not to  
7 renew. The comp plan provides specific guidance on how expiring  
8 Section 8 housing should be redeveloped and Applicant has not  
9 followed this guidance. Next slide please?

10 The site is located in an area of Shaw that historically  
11 contained a significant amount of Section 8 housing. So all of  
12 these 11 green dots in the photo represent Section 8 housing.  
13 The District has known for some time that the neighborhood is  
14 rapidly changing and that increasing prices are placing these  
15 Section 8 buildings at risk. Eight of the 11 buildings in this  
16 Convention Center Plan Study Area had Section 8 contracts that  
17 expired in 2004 and 2005. Some were updated and renewed, but  
18 later expired. Lincoln Westmoreland II or Heritage at Shaw is  
19 the green dot number six and is the subject of this PUD. Next  
20 slide please?

21 So this is a map of the proposed site. The site circled  
22 in red is Lincoln Westmorland I. The site circled in blue is  
23 Lincoln Westmoreland II or Heritage at Shaw. All of these  
24 buildings were Section 8 housing providing 100 percent affordable  
25 units. All of Heritage at Shaw in blue was up-FLUMed in 2021

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1 and given the increasing prices in Shaw, there's a large financial  
2 incentive to redevelop the Section 8 housing into market rate  
3 units. The application is only seeking to redevelop half of the  
4 Applicant's property, which are the four buildings circled in  
5 green here. Approval of this PUD increases the displacement risk  
6 for tenants at the other half because it establishes precedent  
7 for Applicant's approach to redevelopment, which includes  
8 displacing tenants. Next slide please?

9           So the history of this project, the site of this project  
10 site underscores the need to ensure that this PUD in particular  
11 provides adequate affordable housing and anti-displacement  
12 strategies. In the 1950s, the District was segregated and the  
13 Shaw neighborhood was known as Black Broadway. It was a cultural  
14 center for black creativity and community. This was at a time  
15 when the government was implementing urban renewal plans in the  
16 southwest, which caused mass demolition and displacement in  
17 another predominantly black neighborhood. So to avoid a similar  
18 fate, the black residents of Shaw organized to fight for their  
19 voices to be heard in city planning processes. They formed a  
20 model inner city community organization or MICCO. Next slide  
21 please?

22           MICCO's work gained national attention, inspiring  
23 Reverend Dr. Martin Luther King, Jr. to march with MICCO in Shaw.  
24 A year after Dr. King gave his Shaw speech, he was assassinated  
25 and riots broke out that left much of Shaw damaged. The block

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1 where the Applicant now seeks to build the proposed PUD was burned  
2 down. Next slide please?

3 To help rebuild Shaw, the Shaw Urban Renewal Plan was  
4 created, which MICCO helped shape and implement. MICCO  
5 collaborated with the Lincoln Temple of Shaw, which had a majority  
6 black congregation and the Westmoreland Congressional Church of  
7 Bethesda, which had a majority white congregation. Together,  
8 they built the Lincoln Westmoreland apartments, the first  
9 building to be reconstructed after the riots. It was a model  
10 for community input and city planning processes that cut across  
11 racial and class lines. The second phase of these apartments  
12 named Lincoln Westmoreland II was later renamed Heritage at Shaw  
13 and is the subject of this PUD. Lincoln Westmoreland II was  
14 built on land purchased from the District. The District sold the  
15 land on the condition that it be used as Section 8 housing for  
16 low and moderate income families. Next slide please?

17 Families that moved in and lived at Lincoln  
18 Westmoreland II since the 1970s have since been displaced. In  
19 2005 or '13, Applicant opted out of the Section 8 program and  
20 began pushing tenants to leave. Tenants were told they had to  
21 move because their apartments were being renovated and upgraded,  
22 but that did not happen. The families residing in those buildings  
23 have been displaced and the buildings are now vacant. Next slide  
24 please?

25 So to ensure the application meets the PUD balancing

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1 test and is not inconsistent with the comp plan, OAG has two  
2 recommendations. First, require, at an absolute minimum, the  
3 affordable housing set aside required under the IZ Plus formula.  
4 In this case, that would result in an IZ set aside of 20 percent  
5 of the gross residential square footage, compared with 15 percent  
6 of what Applicant is currently proffering. And that's equivalent  
7 to about 14 additional IZ units. Second, to outweigh  
8 inconsistencies with the comp plan and to mitigate adverse  
9 impacts, require that the Applicant follow the comp plan's  
10 priority strategies for addressing the District's affordable  
11 housing crisis and displacement concerns. Next slide please?

12 So I'm going to give a brief explanation of these  
13 recommendations, starting with our first one. Next slide please?

14 As you know, the zoning regulations require that PUDs  
15 must offer public benefits to ensure the project is superior to  
16 what would result from a matter of right development. Next slide  
17 please?

18 Updates to the framework element in 2020 added Section  
19 224 that includes an increased focus on zoning and specifically  
20 on the PUD process. Next slide please?

21 As part of that update, the comp plan designated  
22 certain PUD benefits as high priority. The only two PUD benefits  
23 recognized as high priority are affordable housing and anti-  
24 displacement measures. Next slide please?

25 A year later IZ Plus went into effect, further

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1 reinforcing the importance of recapturing additional density for  
2 affordable housing. Next slide please?

3 The comp plan updates to the PUD process and IZ Plus  
4 requirement for map amendments were both implemented to produce  
5 affordable housing as additional density is granted. PUDs  
6 capture that same density that a map amendment would and therefore  
7 the matter of right equivalent to which a PUD must be superior  
8 is a map amendment which requires IZ Plus set asides. Next slide  
9 please? Thanks.

10 The case here is the exact scenario that the comp plan  
11 updates and IZ Plus were meant to address. The site of this PUD  
12 application was up-FLUMed in 2021, significantly increasing the  
13 allowable density at the site. With a swipe of a pen the property  
14 value of the site vastly increased. Applicants are now seeking  
15 to take advantage of that additional value and to use the  
16 additional allowable density, but are not providing the  
17 equivalent affordable housing set asides that the comp plan  
18 updates and IZ Plus intended to maintain for affordable housing.  
19 Therefore, IZ Plus should be their matter of right equivalent to  
20 which the PUD must be superior. Next slide please?

21 So this is the IZ Plus formula. There's actually two  
22 formulas. And the zoning regulations require that the greater  
23 of the two options be used to determine the IZ Plus set aside.  
24 Next slide please?

25 In this case, the first option of the two IZ Plus

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1 formulas results in a greater set aside, which is about 56,000  
2 square feet or 14 more IZ units than are currently being  
3 proffered. This is about 20 percent of the gross residential  
4 square footage or 25 percent of the proposed net square footage.  
5 I would note that the application currently proffers a 15 percent  
6 IZ set aside, but calculates the square footage in two different  
7 manners based on the net and gross residential area. And we  
8 would ask that the application clarify which it is basing its 15  
9 percent profit on. We also ask that they provide its calculation  
10 for how it got to the 12 percent it raised tonight. IZ Plus  
11 should only be a minimum here because there are additional adverse  
12 impacts and comp plan inconsistencies that need to be mitigated  
13 or that require additional benefits to outweigh. Next slide  
14 please?

15           So this brings us to OAG's second recommendation to  
16 require comp plan strategies for preserving affordable housing  
17 and avoiding displacement. Next slide please?

18           The four buildings that Applicants seek to demolish  
19 contain 82 units, most of which were three-bedrooms and a hundred  
20 percent of which were affordable. Applicant proposes to replace  
21 those with approximately 48 IZ units, 38 of which will be studios  
22 and one-bedrooms. So the Applicant is seeking to take advantage  
23 of the up-FLUMed higher value land, but is actually decreasing  
24 the amount of affordable housing on the site. I would note that  
25 a loss of affordable mult-bedroom units typically represents a

1 disproportionate impact on black women who are heads of their  
2 households and raising children. Next slide please?

3           So this is inconsistent with the comp plan which calls  
4 for preservation of existing dedicated affordable housing and for  
5 the applicants to implement anti-displacement strategies.  
6 Applicants have done neither of those requirements. Next slide  
7 please?

8           The comp plan provides guidance on the exact situation  
9 here to guide the redevelopment of properties whose Section 8  
10 contract has expired. The comp plan prescribes four strategies  
11 ordered by priority to minimize displacement and retain  
12 affordable housing. The highest priority strategy is to include  
13 tenants right of return to a replacement unit under the same  
14 tenancy qualifications and to provide a relocation plan for  
15 tenants prior to redevelopment. The second highest priority is  
16 to build one-for-one replacement of affordable units at the same  
17 affordability levels and to replace family sized housing. Next  
18 slide please?

19           The comp plan specifically anticipates the expiration  
20 of Section 8 housing in the Shaw neighborhood and cites one-for-  
21 one replacement and anti-displacement measures as needed benefits  
22 of redevelopment. I would also note that the 2006 version of  
23 the comp plan had similar language requiring equivalent number  
24 of affordable units to be included in redevelopment of Section 8  
25 housing in Shaw. Next slide please?

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1           So to outweigh these inconsistencies and to mitigate  
2 the adverse impacts, OAG recommends requiring that the Applicant  
3 follow the comprehensive plan's priority strategies. This  
4 includes requiring replacement of affordable units at the same  
5 affordability levels and the same unit sizes. This also includes  
6 granting displaced tenants a right of return. And I would note  
7 that many of those tenants have, I believe, as Applicant has  
8 noted tonight, have enhanced vouchers. So providing them with a  
9 right of return should not affect Applicant's bottom line. And  
10 third, requiring that any future zoning application to develop  
11 the remaining heritage apartments include a relocation plan  
12 negotiated with tenants as required by the comp plan. Next slide  
13 please?

14           So this is just a summary of our recommendations. Next  
15 slide please?

16           And this is just our contact information. So if anyone  
17 would like to reach out to us about this or any other matter,  
18 we're happy to be in touch. Thank you.

19           CHAIRPERSON HOOD: Okay. Thank you.

20           Commissioner May, any questions?

21           COMMISSIONER MAY: Yeah. So the first one is you said  
22 that there are 82 units. We heard testimony from the Applicant  
23 that there were only 48 existing. Can you explain that  
24 discrepancy?

25           MS. BULLITT: We received our numbers from public

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1 documents from DCRA, so I believe tonight they said 50 units are  
2 currently on the property or 52 --

3 COMMISSIONER MAY: Sorry, 50, yes.

4 MS. BULLITT: Yeah. And I'm not sure where they got  
5 that number from because DCRA public documents say 82, so that's  
6 as much as I --

7 COMMISSIONER MAY: Okay. Well, we can ask them.

8 So you referred to the property as being up-FLUMed,  
9 right? And so, you know, up-FLUMed, that term only came into  
10 use relatively recently. But you describe the jump in density  
11 from 1.8 tenants to, what, 6.0, I forget what it was in your  
12 presentation.

13 MS. BULLITT: Yeah, 6.0.

14 COMMISSIONER MAY: 6.0. So where do you get the 1.8  
15 from because the current zone is RA-1 and according to the  
16 Applicant, that's -- or according to OP, the FAR for that is 4  
17 something?

18 MS. BULLITT: The FAR, so I will double check that.

19 COMMISSIONER MAY: Maybe check that.

20 MS. BULLITT: I believe it's moderate density  
21 residential, which the comp plan specifically designates as a 1.8  
22 FAR. And I know that it's been up-FLUMed to medium density  
23 residential commercial.

24 COMMISSIONER MAY: So you understand that the FLUM is  
25 not a zoning map, right?

1 MS. BULLITT: I understand.

2 COMMISSIONER MAY: And you understand that sometimes  
3 there, you know, there may not be consistency between the FLUM  
4 at any point and whatever a particular property is zoned. And  
5 so what we are looking at is what is the property zoned. So it  
6 doesn't really help us for you to describe what changed in the  
7 FLUM if it doesn't actually relate to the existing zoning map.  
8 So just keep that in mind.

9 MS. BULLITT: Yep, sure. I think our bottom line still  
10 stands that the increased allowable density which Applicants are  
11 still seeking to take advantage of still requires an additional  
12 affordable housing set aside.

13 COMMISSIONER MAY: And you can you can make that case,  
14 but you should make it -- make that case with accurate information  
15 based on how we actually make these decisions. Right? This is  
16 not how we would make the decision, we would base it on the  
17 existing zone versus the proposed zone when it came to an IZ Plus  
18 case. Now, and maybe your math is right in some way, and I'm  
19 missing that and I'm kind of putting you on the spot about the  
20 numbers. But I'm -- maybe, you know, the Applicant I'm sure is  
21 going to have something to say about that, but that's -- it's  
22 not really helpful for us to have sort of misleading numbers.

23 MS. BULLITT: Well, I assure you, none of -- I am not  
24 intentionally misleading you. I will absolutely double check our  
25 numbers. But I believe this is from the -- taken from the comp

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1 plan framework element. I will absolutely double check and if  
2 they're incorrect, we will supplement the record if --

3 COMMISSIONER MAY: Yeah. Again, it's not about what  
4 the FLUM says, it's about in terms of the baseline, what counts  
5 is what the current zone is. You know, we're the Zoning  
6 Commission, we're not the planning body.

7 MS. BULLIT: Understood.

8 COMMISSIONER MAY: All right. So. Yeah. So the last  
9 thing said is like giving first right of access to the previously  
10 -- the previous tenants of the property. So do you have a thought  
11 on how that might be accomplished, given the fact that the  
12 Applicant does not actually control the process of who gets to  
13 rent an IZ unit?

14 MS. BULLIT: Well, I would differentiate the two. So  
15 there's the IZ units, but then there's also additional units that  
16 could be open to tenants that have been removed, have been  
17 displaced. They have -- if they have enhanced vouchers, as they  
18 were, I believe the Applicant tonight said that they had to be  
19 moved across the street. Enhanced vouchers are supposed to --  
20 there's no cap on the income limit, so the Applicant can charge  
21 the same rent, but the holder of the voucher can still -- will  
22 still be able to afford the apartment, even though the rent is  
23 much higher than what they can afford. So that should not affect  
24 the Applicant's bottom line.

25 COMMISSIONER MAY: Okay. So, okay, I get it. I get

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1 it. Yeah, you're basically telling -- asking that the Applicant  
2 commit to giving some priority to voucher holders who are across  
3 the street if they want to move back.

4 MS. BULLITT: We believe the comp plan has language  
5 that says that, yeah.

6 COMMISSIONER MAY: Well, I'm asking you, I'm not asking  
7 the comp plan, I'm just asking your opinion on it, so sorry.

8 MS. BULLITT: My opinion is based on the comp plan and  
9 yes.

10 COMMISSIONER MAY: Okay. Thank you.

11 MS. BULLITT: Uh-huh.

12 COMMISSIONER MAY: All right. That's it for my  
13 questions.

14 CHAIRPERSON HOOD: Okay. Thank you.

15 Commissioner Imamura, you have any questions?

16 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I will  
17 just make note of two points. One, Ms. Bullitt, you only had  
18 gone through one commissioner and just have three more to go.  
19 And I'll make a note that you have gone from the back bench to  
20 the hot seat, so. Those are my only two observations that I'll  
21 make. But I think Commissioner May may have touched on the point  
22 about priorities that I was going to ask. So I will allow Ms.  
23 Bullit to move on to just two commissioners.

24 CHAIRPERSON HOOD: Okay.

25 Vice Chair Miller?

1           VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank  
2 you, Ms. Bullitt, and welcome to the Zoning Commission, although  
3 I think I've seen you in the background at another hearing.

4           So appreciate OAG's advocacy and the absolute certainty  
5 of their interpretation of the comp plan and the Zoning  
6 Commission's adaptation of the comp plan to the Zoning  
7 Commission's consistency analysis to the comp plan, which has a  
8 lot of ambiguity and there's a lot of potential there for  
9 different interpretation and -- anyway, I'll leave it at that.  
10 I would like to, since you've argued the comp plan a lot, I really  
11 don't have any questions for you.

12           I do want to ask Mr. Jesick, who I'm sure is listening,  
13 from the Office of Planning, to provide, as I've asked the  
14 Applicant to provide, a response to the comprehensive plan  
15 inconsistency arguments that you have strongly advocated here  
16 tonight, which I have to add were not advocated when we adopted  
17 these IZ regulations. There's a lot of ambiguity in the  
18 regulations. There's a lot of -- there's not the certainty that  
19 you assert. And I don't think it's helpful to assert such that  
20 this is inconsistent, it is absolutely consistent, this is the  
21 right way to do things, I really don't think it's helpful. I've  
22 said that previously when OAG came here for and it was late at  
23 night when I said it then and it's almost getting late and (audio  
24 interference) thing I don't want to say. But so I'm not asking  
25 you to respond to anything, but I think there are some

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1 inaccuracies in what you've represented. I think the IZ -- the  
2 -- I think there's been compelling testimony that the IZ Plus  
3 straight map amendment would have provided less affordable  
4 housing than this PUD is providing. I'm not going to say it's  
5 absolutely certain, like you all say about what you're saying,  
6 but I think there's -- I think there was a compelling argument  
7 that was made by the Applicant Office of Planning that more  
8 affordable housing is being provided under the PUD because you're  
9 using a higher -- you're using the PUD density versus the zoning  
10 category density. So you can respond further when -- in further  
11 supplemental comments --

12 MS. BULLIT: Sure. And I can --

13 VICE CHAIR MILLER: I'm not asking for you -- I really  
14 don't want to hear more comments from you. I want to hear from  
15 the Office of Planning in response to your comments about the  
16 comprehensive plan total inconsistency here. So thank you for  
17 your advocacy and your office's advocacy.

18 MS. BULLITT: Thank you.

19 CHAIRPERSON HOOD: I appreciate the -- I join the  
20 comments. I appreciate it, but it's clear to me that the OAG  
21 has clearly inaccurately calculated the IZ requirements, but I'm  
22 not going to get into that. We have a number of people that want  
23 to speak, especially the public. And I would also say I haven't  
24 studied the speech that Martin Luther King gave when he came to  
25 speak to those. Give us the whole thing. Don't just give us

1 that paragraph, because the paragraph before that also talks  
2 about what's going on in the Shaw area, which is more pointed to  
3 what we're doing here today as opposed to what you submitted.  
4 And then the last comment will be in life if I try to stay in my  
5 swim lane. If it's not your swim lane, stay in your expertise.  
6 So thank you, Ms. Bullitt. And let's see if anybody has any  
7 other questions.

8 Let's go to the Applicant, you have any questions or  
9 cross?

10 MR. TUMMONDS: Just a couple. Ms. Bullitt, I noted  
11 that you -- OAG filed their report yesterday. At any time since  
12 we filed this application, did OAG reach out to the Applicant or  
13 myself to talk about your concerns with this application?

14 MS. BULLITT: We have been working to calculate the  
15 numbers. We have not been in touch with you, if that's what  
16 you're asking.

17 MR. TUMMONDS: Correct. Correct. And I note that all  
18 other government agencies are required to file their reports with  
19 the Zoning Commission ten days in advance of the hearing. And I  
20 see there's been kind of a pattern that OAG files the night  
21 before. Does OAG think maybe in the future intend to start filing  
22 their reports ten days in advance like all the other government  
23 agencies?

24 MS. BULLITT: So I am relatively new here, and I think  
25 we're figure- -- last time we testified, we were not treated as

1 a government agency, and now we are, so I think we're all figuring  
2 out how to move forward. But we understand the earlier the  
3 better, yes.

4 MR. TUMMONDS: Fantastic. Thank you. One other issue  
5 I'd like to address, the question about 82 units versus the 50  
6 units. And I note in your presentation, I think you have a  
7 picture of, I believe your page 16, from the Convention Center  
8 Area Strategic Development Plan. Does that make sense? It's  
9 -- this is the image where you show the various maps -- the map  
10 of the (indiscernible), is that where you think you got the 82  
11 units from?

12 MS. BULLITT: No, we got the 82 units from public DCRA  
13 records on SCOUT.

14 MR. TUMMONDS: Okay. Because I think that, you know,  
15 where I think the 82 number could be is that on page 16 of the  
16 Convention Center Area Strategic Development Plan, there is a  
17 chart that talks about the number of units at Lincoln Westmoreland  
18 I, 82 units, and the number of units in Lincoln Westmoreland II,  
19 which is this site, has 121, which would make sense. It's the  
20 121 of the 50 on our site and then the 72 on the site across  
21 Eighth Street. So I think you might want to check this. I think  
22 there's a concern with I believe that you probably got the number  
23 from a chart on this that's maybe incorrect, but that's something  
24 you can look at.

25 MS. BULLITT: No, we've looked into it multiple times

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1 and we got it from DCRA public records on SCOUT.

2 MR. TUMMONDS: Okay. That's all my questions. Oh, and  
3 I guess then too then maybe also then -- I guess the follow-up  
4 question that would be is that also where you got the data about  
5 the -- how those units mostly were three-bedrooms?

6 MS. BULLITT: No.

7 MR. TUMMONDS: So where did that data come from?

8 MS. BULLITT: We received that through public  
9 information. We didn't write an exact number because we were not  
10 able to get the exact certificate of occupancy. But if you have  
11 that and would like to share it, we would love to see it.

12 MR. TUMMONDS: Well, a C of O would not show the number  
13 of unit breakdown.

14 MS. BULLITT: Okay.

15 MR. TUMMONDS: Those are all the questions we have.

16 CHAIRPERSON HOOD: So thank you, Ms. Bullitt, and I  
17 know you're new, but I would encourage you to find the history.  
18 The office in which you are now in represented us, so to give us  
19 stuff a day before and say you weren't treated like and we're  
20 trying to figure you all out and where you all need to be, to  
21 say you weren't treated like a government agency, I don't know  
22 where you got that from. I don't think that was the way that  
23 -- that intent was not the case. But I still go back to my  
24 comments, swim lanes. Swim lanes are very important.

25 All right. Let's go to the ANC, do you have any cross-

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1 examination? We didn't have anybody from the ANC though, did we,  
2 Ms. Schellin?

3 MS. SCHELLIN: No, sir.

4 CHAIRPERSON HOOD: Okay. Let's go to -- I don't want  
5 to call them DC ONE -- I wrote it down, I got so much --

6 MS. SCHELLIN: ONE DC.

7 CHAIRPERSON HOOD: ONE DC, let me -- ONE DC, you have  
8 any cross of OAG?

9 MS. SCHELLIN: Ms. Robinson?

10 CHAIRPERSON: Ms. Rosemary.

11 MS. NDUBUIZU: Not at this time. Thank you, Lily.

12 CHAIRPERSON HOOD: All right. Thank you.

13 What I would like to do, Ms. Schellin, is I want to  
14 take -- we have no one here from the ANC, I'll read their report.  
15 And what I would like to do, and Mr. Young, you can take OAG  
16 down, and who else? Oh, before we go, what I would like to do  
17 is I'm going to go to -- I'm going to read the ANC report, which  
18 I think is support, I'm going to read that right quick. And if  
19 the party ONE DC will forgive me, I do get things mixed up because  
20 I know there's a fund called DC something, I can't recollect, but  
21 anyway, I'm going to ask ONE DC to go last because I want to take  
22 time to go through what you all are doing because I've heard the  
23 questions of Ms. Johnson. So you all indulge me, I'm going out  
24 of order, I'm asking does anybody have any problems, the  
25 Applicant, or ONE DC, I want to hear from the public. And I have

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1 the prerogative to switch that order. I want to hear from the  
2 public who are in support and opposition because I know those are  
3 single, we'll get through that fast. And then I'm going to take  
4 a little more time with -- once we see. Is that okay? All right.  
5 Well, let's do it and we'll proceed.

6 MR. RITTING: Mr. Hood?

7 CHAIRPERSON HOOD: Yes?

8 MR. RITTING: This is Jacob Ritting. I just popped up  
9 to make a suggestion, and that has to do with the OAG's  
10 submission. Because it mentions a number of comprehensive plan  
11 policies and alleges that the approval of the application would  
12 be inconsistent with them, in order to analyze the comprehensive  
13 plan consistency, you also really need to hear from the other  
14 parties about what other policies they believe might be  
15 outweighed or somehow affected by the policies cited by OAG. And  
16 because the OAG submission was made yesterday, the other parties  
17 haven't had an opportunity to do that. And I think Commissioner  
18 Miller sort of hinted at getting a response from OP. But I'd  
19 like to encourage the Commission, I think you're probably going  
20 to do this anyway, but I just wanted to say it now that you should  
21 give an opportunity to the Applicant as well as to the Office of  
22 Planning to respond to those allegations of comprehensive plan  
23 inconsistencies and give them a chance with adequate time to  
24 consider it in writing before you take any action. And I just  
25 wanted to make sure that we got that out there and you had a

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1 chance to leave the record open at this hearing so you don't get  
2 past that inadvertently. So thank you.

3 VICE CHAIR MILLER: That was my that was my point, Mr.  
4 Ritting, in my comments to Office of Planning and to OAG.

5 CHAIRPERSON HOOD: Okay. So that's good. So when we  
6 get to that point, y'all bring that back up again because I will  
7 probably be forgot. So I'm trying to get through tjhis hearing,  
8 but let's bring that back up again, let's make sure we nail that  
9 home when we start doing our recap.

10 All right. Let me go, I think, Ms. Schellin, we don't  
11 have anybody from the ANC. And thank you, Mr. Ritting. Let me  
12 find the ANC report again. Somebody tell me what exhibit -- oh,  
13 is that Exhibit 19. Yeah. Okay.

14 This was dated July 5th. Very commendable they work  
15 right after the Fourth. But anyway, July the 5th, 2022. And it  
16 basically ends -- it talks about what donations are being made  
17 to groups.

18 "Based on information presented to ANC 6E and noted  
19 above, (indiscernible) significant community dialog process that  
20 the Applicant has engaged in, ANC 6E thanks the Zoning Commission  
21 for its thoughtful consideration of these comments and gives  
22 support to the application and great weight, respectively." And  
23 I think they have recorded the vote in here, which was ANC 6E  
24 voted four in favor, one opposed, and zero abstentions. And that  
25 is our Exhibit Number 19.

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1 All right. Let's go to persons in support, Ms.  
2 Schellin.

3 MS. SCHELLIN: Okay. I think it's a mistake, I have  
4 Ms. Robinson as proponent, but I think she's actually an opponent.

5 MR. TUMMONDS: No, I think that's correct. Ms. Robin-  
6 -- I'm sorry, Ms. Schellin, Ms. Robinson is a proponent of the  
7 application.

8 MS. SCHELLIN: Okay.

9 CHAIRPERSON HOOD: Is Ms. Robinson going to testify?

10 MR. TUMMONDS: Make sure it's Theodosia Robinson.

11 MS. SCHELLIN: Theodosia, yes. Okay. So I have  
12 Theodosia Robinson and let's see, Mr. Solomon was part of the  
13 team.

14 CHAIRPERSON HOOD: Let's take the party in opposition  
15 down for the moment. Let's bring all those people up who want  
16 to -- those individuals who --

17 MS. SCHELLIN: We only have Ms. Robinson is the  
18 individual in support, and she's representing Lincoln  
19 Westmoreland Tenant Association.

20 CHAIRPERSON HOOD: And I'm also going to bring those  
21 in opposition individuals, and I'm also going to bring the  
22 undeclared, I'm going to bring it all in --

23 MS. SCHELLIN: Okay. So you want me to just go ahead  
24 and call --

25 CHAIRPERSON HOOD: Right. Call all of them.

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1 MS. SCHELLIN: Four, five, how many would you like?

2 CHAIRPERSON HOOD: Four because I'm going to also spend  
3 time with ONE DC.

4 MS. SCHELLIN: Okay. Let's go, Alex Lopez, Nadia  
5 Johnson.

6 MS. JOHNSON: We're here.

7 MS. SCHELLIN: Karen Carter. That'll be four.

8 MS. NDUBUIZU: She's here.

9 MS. SCHELLIN: And actually, there's only one more --  
10 I'm sorry, there's two more listed. Janice Underwood and Leory  
11 Thorpe.

12 MS. NDUBUIZU: Janice Underwood is here.

13 MS. SCHELLIN: Okay. So Ms. Robinson will be first,  
14 Mr. Thorpe is last.

15 CHAIRPERSON HOOD: Okay.

16 MS. YOUNG: I do not see Ms. Robinson on or Mr. Thorpe.

17 MS. SCHELLIN: Mr. Thorpe was on. Did he get off?

18 MR. YOUNG: I believe they were both on earlier, but I  
19 don't see them anymore.

20 MS. SCHELLIN: Yeah, you're right, they're not. Okay.

21 CHAIRPERSON HOOD: Let's just go with who we have.

22 MS. SCHELLIN: Mr. Lopez.

23 CHAIRPERSON HOOD: Commissioner May?

24 COMMISSIONER MAY: Yeah, I just want to clarify. It  
25 sounded like some of the people who are testifying as individuals

1 are in the room with the rest of the ONE DC group.

2 MS. SCHELLIN: Right.

3 COMMISSIONER MAY: And I just wanted to make sure that  
4 they are, if they're going to be testifying now, they're  
5 testifying as individuals as opposed to being part of the ONE DC  
6 full presentation.

7 CHAIRPERSON HOOD: We'll work that out -- when we see  
8 them we will make sure that they stay with the group.

9 COMMISSIONER MAY: Okay.

10 CHAIRPERSON HOOD: We'll get --

11 COMMISSIONER MAY: I just wanted to make sure we were  
12 all clear on that. Okay.

13 MS. SCHELLIN: Yeah. Okay. So Mr. Lopez is first.

14 MR. LOPEZ: Okay. Good evening. My name is Alex Lopez  
15 and I'm ANC commissioner for 6E 02, and I'm testifying in  
16 opposition to this PUD. My opposition is primarily based on the  
17 Applicant's community benefits proffer, which is inconsistent  
18 with the comprehensive plan with regard to affordability and  
19 anti-displacement measures. It does not satisfy the PUD  
20 balancing test or sufficiently mitigate adverse impacts. My  
21 opposition is also based on the application's proposed number of  
22 onsite parking spaces, which greatly exceeds parking minimums for  
23 the site. The IZ Plus framework should be the minimum baseline  
24 for affordable units here. The PUD process should not be used  
25 as a loophole to allow developers to build less affordable units

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1 than what would be required under a standalone zoning map  
2 amendment. The IZ Plus framework ensures that when density is  
3 increased through a zoning map amendment, a defined proportion  
4 of the bonus density would be recaptured as a community benefit  
5 in the form of IZ affordable housing. It does not make sense  
6 that a consolidated PUD and zoning map amendment that unlocks an  
7 equivalent amount of bonus density and greater flexibility than  
8 a standalone map amendment should not also be required to  
9 recapture an equivalent proportion of the bonus density in the  
10 form of IZ affordable housing. If, instead of filing a  
11 consolidated zoning map amendment and PUD, the Applicant  
12 (indiscernible) an equivalent increase in FAR from 3.5 to 7.2  
13 through a standalone zoning map amendment, this project would  
14 have been subject to an IZ Plus requirement to provide 55,899  
15 square feet of IZ Plus set aside, which is equivalent to about  
16 79 units. Because the project was instead filed as a consolidated  
17 PUD and map amendment, IZ Plus does not apply. So the application  
18 provides 22,099 square feet less of what the equivalent IZ Plus  
19 set aside would be. Second, anti-displacement measures and  
20 preservation of expiring housing. I largely agree with the  
21 comments provided by OAG in this area. The comprehensive plan  
22 has a number of references to expiring affordable housing and  
23 anti-displacement measures. I would recommend that the Zoning  
24 Commission require that the developer -- that the Applicant  
25 provide one-for-one replacement units for those voucher holders

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1 that were formerly renting at this property.

2           Finally, regarding onsite parking minimums, the Zoning  
3 Commission would be hard pressed to find another development in  
4 the District that is better connected to transit, bike lanes, and  
5 walkable communities than this one. The lot is located directly  
6 adjacent to a Metro station, two Metro bus priority routes, is  
7 directly adjacent to two bike lanes, and has a walk score of 98  
8 out of 100. The project should be a dictionary definition of  
9 transit-oriented development and should actively discourage  
10 private automobile ownership through minimizing or eliminating  
11 onsite parking. Instead, the application proposes to build 93  
12 parking spaces on site, which greatly exceeds the parking minimum  
13 of 53 spaces. This parking allotment is inconsistent with the  
14 D.C. -- sustainable D.C. 2.0 goals to reduce car commuting trips  
15 to 25 percent by 2032 and reduce -- achieve carbon neutrality by  
16 2045.

17           Finally, excessive onsite parking in this project will  
18 attract tenants that own vehicles, which intensifies traffic  
19 congestion in the neighborhood, contributes to traffic safety  
20 issues that undermine the District's vision, zero commitments and  
21 (indiscernible) and continued reliance on inefficient high-  
22 emitting transportation. I think that's my time, and I appreciate  
23 the opportunity to provide this testimony.

24           CHAIRPERSON HOOD: Thank you, Mr. Lopez.

25           MS. Schellin, do we have anyone else?

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1 MS. SCHELLIN: Sorry. I think we need to find out from  
2 Ms. Rosemary and Ms. Clasen if the others that I called, if  
3 they're part of their presentation. I think they will be, because  
4 they're all in the same room.

5 CHAIRPERSON HOOD: Let me first find out, is anybody  
6 on the phone? I don't want to miss anybody because we had Mr.  
7 Padro, Mr. Thorpe, we had a couple of people --

8 MS. SCHELLIN: Mr. Thorpe is back up. He's on the  
9 phone.

10 CHAIRPERSON HOOD: Oh, he's on the phone. Okay.

11 VICE CHAIR MILLER: Excuse me, Mr. Chairman?

12 MS. SCHELLIN: He's calling using number three.

13 CHAIRPERSON HOOD: Okay. Hold one second, Ms.  
14 Schellin.

15 Vice Chair Miller?

16 VICE CHAIR MILLER: Yeah. I just wanted to thank  
17 Commissioner Lopez for his testimony, which I had read beforehand  
18 and appreciate his advocacy, which helped give me the discomfort  
19 level that I currently have with this application and why I've  
20 asked the questions that I've asked of the Applicant and the  
21 Office of Planning. So I appreciate your advocacy and tone, even  
22 though you're in a minority of one in your ANC in terms of  
23 support. I think it was four to one vote in support of the  
24 application. I think you were the one, but the one is important  
25 and I wanted to know that -- that gave me some discomfort. I

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1 wanted to know what -- I wanted to hear responses to that. So  
2 thank you for that.

3 CHAIRPERSON HOOD: Vice Chair Miller, let me do this.  
4 Let me hear from the folks - and we're going to do like we  
5 normally do, then I'll come back and ask Mr. Lopez --

6 VICE CHAIR MILLER: Okay. Okay. I thought you were  
7 going to let him go.

8 CHAIRPERSON HOOD: No, I'm trying to -- I'm trying to  
9 -- Mr. Lopez, let me just finish.

10 MR. LOPEZ: Sure.

11 CHAIRPERSON HOOD: I'm trying to get all the people who  
12 waited all this time to be able to testify. And once I get  
13 through them, we can go around and ask questions like we normally  
14 do, our normal process. I'm already taking the individuals out  
15 of order because I know they've waited a while, so I wanted to  
16 do that first before we start the co- -- so if you can hold your  
17 point, Mr. Lopez, Ms. Schellin, let's get everybody, all the  
18 individuals who are here, and then I will deal with ONE DC after  
19 all those people have testified.

20 Who's next, Ms. Schellin?

21 MS. SCHELLIN: Call-in user number three, Mr. Young,  
22 is Mr. Thorpe. If you could pull him up.

23 CHAIRPERSON HOOD: Do we have anybody else besides Mr.  
24 Thorpe still left or everybody's left?

25 MS. SCHELLIN: It appears that the rest are, I believe,

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1 part of the party.

2 CHAIRPERSON HOOD: Okay. Okay. All right.

3 Well, go right ahead, Mr. Thorpe.

4 MR. THORPE: Okay. Good afternoon. Can you hear me?  
5 Good evening. Can you hear me?

6 CHAIRPERSON HOOD: Yes, we can.

7 MR. THORPE: Can you hear me? Okay. (Indiscernible).  
8 Okay. (Indiscernible). First of all, let me thank Sharon  
9 Schellin for assisting me with this hearing. I think she does a  
10 great job for the Zoning Commission. You know, the mayor is  
11 talking about affordable housing being built in the city. And  
12 if this is -- this proposed project is your idea of affordable  
13 housing and then black people in trouble because I actually agree  
14 with the OAG and I would advise DC ONE and the tenant  
15 associations, you guys complaining, stop complaining, wait 'til  
16 something get done to be reactionary and start getting involved,  
17 holding your elected officials, the ANC, accountable because the  
18 chairman did not reach out to me. I live three blocks from the  
19 project. I'm a long-term -- long-time former commissioner, used  
20 to chair the commission. I have a -- I'm the president of the  
21 East Central Shore Civic Association and also the founder of the  
22 "Redhead Patrol," which patrols the area. We out there every  
23 week with the police, when most people are in bed.

24 So I heard a lot of lies and deceptions today coming  
25 from people about this project. This project is a gentrification

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1 project. Basically, it's a new form of slavery where you got  
2 public officials that the head of government is allowing this to  
3 happen, allowing blacks to be traded and pushed out of this city  
4 at the expense of peanuts. I don't like the faca- -- I don't  
5 like the design. I think it's bland, certainly doesn't look as  
6 attractive as the development projects I see in the community  
7 being attractive with their architectural design. I don't like  
8 it. I think the team from Mid-City lied about outreach. They  
9 never contacted me, nor many black people in this community when  
10 they had their meetings. And if you're going to depend on the  
11 ANC commissioners, these are gentrified folks that haven't lived  
12 in the city for ten years. They get in and run for office and  
13 win because of the demographics is mostly black -- white voters.  
14 And the blacks that win are usually the ones who sell out and  
15 want to assimilate and be accepted, and so they don't let --  
16 allow the other black folks in this city, including myself, in  
17 this neighborhood, Shaw, know about these things. I had to  
18 actually run to -- I think I had asked Alex Lopez about it because  
19 Alex wasn't even -- he live right across the street from me.  
20 He's a renter. I'm a homeowner. And he didn't even tell me  
21 about this project. So you have a bunch of people that's claiming  
22 to be in -- for or against this project, but actually there's a  
23 lot of (indiscernible). Even when you look at the amenities.  
24 Had I not -- had not Andre Lee from Mid-City come to me to my  
25 block party I give every year for the community and the police,

1 I wouldn't have really known too much about this. I've been a  
2 part of it. So again, this is just black people being whitewashed  
3 by lies, deception, trickery. And they got these so-called  
4 cocktail sipping Negroes and Panamanians and Dominicans that go  
5 around long with them that then oppress the people keep the people  
6 ignorant and out so they can basically prosper by the organization  
7 they have. Example Shaw Main Streets, Kennedy Rick (phonetic),  
8 but then you look at the other white community organizations,  
9 Bridge Street and all these folks like that, they made sure, even  
10 with the ANC money, that they get all that ANC money and none of  
11 that money go to black people or black organizations unless they  
12 kowtow to their so-called exclusionary type of plans. I want to  
13 be real about this. And you guys will never hear -- hardly hear  
14 me talk like this, because I usually -- when I come down there  
15 for developers, these are developers I work with, I can just tell  
16 you Devler's (phonetic) Development, Hines (phonetic)  
17 Development, Roadside Development, Bull (phonetic) Development,  
18 these are top class people with integrity that work with the  
19 community and have always given back. So I have to be real about  
20 this. This team is lying. And they'll listen to people -- even  
21 the ANC chair, the outgoing chair, he's not running this year,  
22 he didn't let nobody know what's going -- there's a lot of racism  
23 going on with their commission. Their commission is  
24 exclusionary, I'm telling you. And I've actually heard some of  
25 them tell developers not to talk to certain people, as well as

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1 government officials, and that they don't want to see the more  
2 affordable housing being built in Shaw. I'm just giving it to  
3 you guys on the Zoning Commission and keeping it real with you.  
4 I don't have the benefit. I'm all right. I own my house. I  
5 don't have a mortgage. I own it. So financially, I'm okay, so.  
6 And I work for the government, but I don't throw my money away.  
7 So I say to people like the people from ONE DC, stop complaining  
8 and start running for office or throwing people out in office  
9 that don't represent you. Stop coming late to something when  
10 it's too late and asking and begging for something and start  
11 getting up, educating your people, go to meetings, run people for  
12 office, get people out that's not representing you. And then you  
13 start working with the OAG. I like the OAG's representation  
14 tonight. Work with them and bring about some lawsuits. That's  
15 what you need to do. Thank you.

16 CHAIRPERSON HOOD: Thank you.

17 Hold tight, let me see if we have any -- Ms. Schellin,  
18 do we have anybody else?

19 MS. SCHELLIN: No, sir, the other young ladies  
20 answered, they seem to all be with ONE DC.

21 CHAIRPERSON HOOD: So let's go back to Vice Chair  
22 Miller. He had a question for Mr. Lopez or either questions for  
23 Mr. Thorpe, go ahead, Vice Chair Miller.

24 VICE CHAIR MILLER: I think I made my comment to  
25 Commissioner Lopez and I thank Mr. Thorpe, who I haven't seen in

1 a while, although we --

2 MR. THORPE: I got a lot of respect -- I have a lot of  
3 respect for you, Rob Miller. You did a great job when you worked  
4 in the city council, but the only issue I got with you, you keep  
5 ducking me on that tennis court. I think you're afraid to play  
6 me.

7 VICE CHAIR MILLER: Are you available this weekend?  
8 You got to call me.

9 MR. THORPE: I think I might (audio interference). I  
10 got something to do this week and I'm going to be out with Jack  
11 Evans and a couple of people.

12 VICE CHAIR MILLER: Okay. I'll give you a few weeks  
13 to get ready. Okay. Thank you for your testimony.

14 MR. THORPE: Thank you.

15 MR. LOPEZ: Thank you for your comment. I just have  
16 one correction for the record. I was not present at the ANC  
17 meeting that voted on this issue. If I had been, I would have  
18 been a second no vote.

19 CHAIRPERSON HOOD: So I do have a quick question then  
20 I'm going to go to Commissioner May. Why is it that you all  
21 don't have your names on the letter here? Just curious because  
22 I like to see who's in ANC 6E 01, 02, 03, and I don't see the  
23 names, and that -- I would have to go Google that. I tried to  
24 look in the records. I'm just throwing that out there because I  
25 wanted to know who the no vote was and I was -- but anyway, that's

1 neither here nor there. I'm moving on.

2 Commissioner May, you have any questions of either Mr.  
3 Thorpe or Mr. Lopez?

4 COMMISSIONER MAY: One comment for Mr. Lopez. I mean,  
5 I think one of the things that folks need to understand about IZ  
6 Plus is that it is a, you know, it's applied when you go from  
7 one zone to another zone and you have the base zone correct at  
8 three and a half. But the zone that you could go to, this zone,  
9 would not be 7.2. 7.2 is only possible with a PUD. And so I  
10 mean, you can you can make that comparison, but you should  
11 understand that if it were actually an IZ Plus case, the increase  
12 in FAR would be 2.5, not 3.7. That's all.

13 MR. LOPEZ: I understand that, and I understand that  
14 IZ Plus is not directly relevant to this case. But I do, you  
15 know, maintain the IZ Plus is a good proxy for the -- an  
16 appropriate amount of benefits recapture from bonus density --

17 COMMISSIONER MAY: I don't disagree with that at all.  
18 I just, you know, it's important to make that distinction when  
19 you are describing this because if it actually had been an IZ  
20 Plus case, it wouldn't get to 7.2. Yeah, it's a reasonable  
21 measure. I mean, I think about it in those terms that was --  
22 this is kind of where IZ Plus came from. Right? We were grappling  
23 with what's the right number of increased affordability when you  
24 are having these huge jumps in zoning density, you know, back  
25 when it was first discussed I don't even know how many years ago.

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1 But that's all, I just wanted to make sure that that point was  
2 clear. Thank you.

3 CHAIRPERSON HOOD: Thank you.

4 Commissioner Imamura, any questions of either Mr. Lopez  
5 or Mr. Thorpe?

6 COMMISSIONER IMAMURA: No, sir.

7 CHAIRPERSON HOOD: Okay. First, let me thank you, Mr.  
8 Lopez. I haven't worked with you as much as I have with Mr.  
9 Thorpe, but let me thank you for your comments. I appreciate  
10 you -- I mean, I'm sorry you didn't make the meeting to add more  
11 discussion to the ANC.

12 And Mr. Thorpe, let me thank you. One thing you've  
13 always been -- I've worked with you over the years -- you've  
14 always been a straight shooter. You don't take any tea for the  
15 fever. So I appreciate your very direct comments. But what I  
16 would ask both --

17 MR. THORPE: Well, I respect you too. I mean, I think  
18 you're probably about the only public official, black public  
19 official, in the District that I see that got integrity, that's  
20 not ashamed to be who you are and try to do the best you can for  
21 everybody, all people, all races, all religions, trying to bring  
22 people together to come to a common goal of fairness. And you  
23 don't sell your people out like a lot of these black politicians  
24 are doing. That's why I don't vote for many of them. You don't  
25 do that. So I want to commend you on (indiscernible).

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1 CHAIRPERSON HOOD: Thank you, I appreciate that. But  
2 I do want to ask you a question, because I heard your comments  
3 about the ANC not -- I guess the ANC and the developer not coming  
4 to the community. And I know you've been down there, you've  
5 helped change --

6 MR. THORPE: Well, you know, I live three blocks away,  
7 man. I live three blocks away. My house is basically at Fifth  
8 and Rhode Island. And I've, you know -- what you have to  
9 understand, you know, when you guys and I think the commission,  
10 the Zoning Commission, does a great job trying to be fair, when  
11 these folks come to you guys on the ANC commission, most of the  
12 time these guys will come in -- these new folks come in that's  
13 been around I think the last 15 years, they're not coming to you  
14 guys with the truth about community involvement. They only --  
15 they're very exclusionary, exclusionary in terms of who they want  
16 to get involved. There's certain people they don't want to know  
17 information. And I've actually heard -- a developer actually  
18 told me one time that one of the commissioners was sharing and  
19 said she don't want no affordable housing built in Shaw, and even  
20 called one of the government officials and told them not to talk  
21 to me, and the guy said I can't do that, he's a citizen and I  
22 can't do that. So you got a lot of racism and classism going on  
23 with that ANC for the last 15 to 20 years. And, you know, these  
24 new folks coming on are just as worse, you know. Black people  
25 in this community don't have the representation because a lot of

1 them have been displaced out. So these new folks come in, they  
2 get together, then they take over the community and they say we  
3 want this, we want that, and amenities and nothing for black  
4 people. I mean, bicycles and dog parks? Black people don't have  
5 the luxury all the time to feed a dog. They got kids and a lot  
6 of them don't have bicycles 'cause they can't afford it, they can  
7 barely get a job. One person lied saying -- from the government  
8 -- that this project will provide jobs. Look around Shaw. Walk  
9 up the Shaw -- the corridor on Seventh Street and see how many  
10 black businesses you see and how many black people working there.  
11 That's all a lie. It's not going to -- it'll benefit them. It's  
12 not benefiting people of color, brown people, black people. It's  
13 benefiting them. This is a gentrification racism project that  
14 is being stamped by our Ward 2 commissioner -- I mean Ward 2  
15 representative, Brooke Pento, who don't have a clue about black  
16 people or their needs and wants and not even visible in this  
17 community. When she had a town hall meeting, she only had 4  
18 people there the other night, out of 50, that were black. And  
19 one of them probably came from south -- from southeast. So we  
20 haven't really had no representation up here since Ward 2  
21 Councilmember Jack Evans represented this area. And Charles --

22 CHAIRPERSON HOOD: MR. Thorpe, let me ask you this, Mr.  
23 Thorpe, I'm trying to figure out -- I'm hearing -- I heard Mr.  
24 Lopez, you think some more conversation with the developer  
25 talking -- I'm not sure if they work through the ANC 'cause it

1 sounds like that's not -- that didn't work, even though they  
2 voted in support, feel like some residents feel like they've been  
3 excluded. Do you think that conversation -- do you have a group  
4 that they can come maybe talk to and you all can continue to have  
5 a conversation?

6 MR. THORPE: I told you I'm president of the East  
7 Central Civic Association, they never reached out to me. Well,  
8 one of them lied and said that they work with civic associations.  
9 I'm the president of the Historic Shaw Civic Association that was  
10 out there trying to calm people down during the 1968s riots on  
11 Seventh Street when they were looting and burning things down  
12 when King was assassinated. I'm also president of a citizen  
13 organized patrol, that's the redheads. I patrol that area where  
14 they're building over there, the lot in Shaw, every week with the  
15 Third District police. You can check with them. They tell you  
16 that. So yeah, I do. I'd meet with them right now, but if I  
17 have a meeting with them right now, I don't -- there's no need  
18 for me to meet with them right now. They need to meet with them  
19 other black people that's been excluded by the ANC and that they  
20 relying on. You know, your community people -- if you hire people  
21 from the community to work for your development company, they  
22 should know who the players are, you know, and you can't always  
23 go by what the ANC say because a lot of them got hidden agendas.  
24 Like I said, one commissioner's getting money for two  
25 organizations that he's the head of and he's about to get back

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1 on the commission in January because nobody ran against him, or  
2 the guy that was the chairman, their current chairman. So you  
3 know, a lot of lies being told, man. I'm not going to tolerate  
4 it. You know, I might even start looking towards the old  
5 (indiscernible) and coming out with some lawsuits because there's  
6 no equity, there's no racial equity in terms of their project and  
7 there's no racial equity in terms of the community amenities that  
8 they're given out, man. This is a -- it's a sham.

9 CHAIRPERSON HOOD: Okay. All right. Thank you, Mr.  
10 Thorpe. Hold tight, we may have some more questions. I (audio  
11 interference) ask the Applicant to move forward.

12 Let's go to -- does the Applicant have any cross of  
13 either Mr. Lopez or Mr. Thorpe?

14 MR. TUMMONDS: No cross. But I would note that it's  
15 my understanding Ms. Robinson is on a phone number, on a phone,  
16 which is 202-770-5308. I don't know if that --

17 CHAIRPERSON HOOD: Let me finish these two witnesses  
18 and we'll call Ms. Robinson.

19 MR. TUMMONDS: Okay. But yeah, I have no questions of  
20 either of these witnesses.

21 MS. SCHELLIN: She's not on.

22 CHAIRPERSON HOOD: Okay. Does ONE DC have any cross  
23 for Mr. Lopez or Mr. Thorpe?

24 MS. NDUBUIZU: Not at this moment. But we did want to  
25 clarify, we are -- we became involved -- ONE DC became involved

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1 once we learned --

2 CHAIRPERSON HOOD: Well, let me ask you, do you have  
3 any questions of Mr. Thorpe or Mr. Lopez?

4 MS. NDUBUIZU: No questions, but wanted to clarify  
5 because Mr. Thorpe said ---

6 CHAIRPERSON HOOD: You can clarify because that's why  
7 I'm taking you all last, I'm coming to you all last. If we can  
8 -- everything that's been said, you can clarify later. Okay.

9 All right. So I want to thank you, Mr. Thorpe, and  
10 thank you, Mr. Lopez, we appreciate your testimony.

11 MR. LOPEZ: Thank you, appreciate it.

12 CHAIRPERSON HOOD: All right.

13 Now let's go -- Ms. Schellin, I think we are now ready  
14 for ONE DC, correct?

15 MS. SCHELLIN: That's correct. I just double checked.  
16 We do not have any other callers on. So Ms. Robinson is not on.

17 CHAIRPERSON HOOD: Okay. So ONE DC, Ms. -- oh, I'm  
18 sorry, yeah, you're right, Ms. Torossian, you are on the one, so  
19 go right ahead.

20 (Interpreter announces information as requested.)

21 CHAIRPERSON HOOD: Thank you. Could you do me a  
22 favor? Could you -- I don't know how many times you've made that  
23 announcement during the hearing. We -- no one -- but could you  
24 just send something letting us know how many times you've made  
25 that announcement for the record, so if someone says that we

1 didn't have a translator here, that would not be accurate. So  
2 if you could that with Ms. Schellin, we'd greatly appreciate  
3 it. Okay. And thank you very much. Okay. But you're not going  
4 anywhere, right? Just in case. Okay. Great. All right. Let's  
5 go to Ms. Rosemary and Ms. Johnson and I think you all can do  
6 your presentation however you see fit. And I will mute myself  
7 and listen.

8 MS. SCHELLIN: They have -- I think the Applicant did  
9 their presentation of 18 minutes.

10 CHAIRPERSON HOOD: So you all are parties now, so you  
11 all have 18 minutes. So hopefully you have your presentation  
12 -- okay.

13 MS. NDUBUIZU: Thank you. So we're going to start off  
14 with a resident who was actually moved. She is one of the 29  
15 residents.

16 MS. CARTER: Hello, sir.

17 CHAIRPERSON HOOD: Good evening. Thank you for your  
18 patience.

19 MS. NDUBUIZU: Yes, sir. Excuse me.

20 Yes, sir. I am a long-time resident of --

21 CHAIRPERSON HOOD: I think you should give us your  
22 name, give us your name first. Everybody give us your name when  
23 you start.

24 MS. CARTER: My name is Karen Carter. Anyway, my name  
25 is Karen Carter. My name is Karen Carter, and I moved at 1711

1 8th Street N.W., February of 1981. HUD turned the keys over to  
2 that property. It was brand new building. I was the first  
3 resident in that building. I was 22 -- no, I was 21 years old  
4 with a 3-year-old daughter, and strips and everything were across  
5 the doors and stuff because they just tore the rowhouse down and  
6 built that up, the Garden Apartments. So I was there 43 years,  
7 and for the past 40 -- say about 5 years before I moved out, they  
8 kept on -- I noticed they was -- kept on saying we, you know, we  
9 want to renovate and you can move back. And they kept on saying  
10 -- I kept saying no, I'm okay, you know, just give me -- paint  
11 my apartment. They was like you know, we can -- you can go back  
12 -- you can go back -- you can come back, we're just going to move  
13 people out so we can just renovate. Well, what happened was I  
14 kept saying no, I didn't want to move because I was really  
15 comfortable. I had the biggest apartment over there. I did not  
16 want to move. Okay? But when I did move, I had to move because  
17 it's some people that lived upstairs or whatever, the water,  
18 whatever, was flooded, and my apartment -- I'd been there so  
19 long, the floors and everything because they didn't bother to fix  
20 it or whatever. So and my son had got mold in his room because  
21 of the neighbors upstairs, it came down. It only was there for  
22 like two or three days. But I reported it to the rental office,  
23 so they was like okay, well, we're just going to move you across  
24 the street and then you can come back when it's done.

25 So I've been over there for years, but I'm okay over

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1 there, I don't want to get kicked in the street, but I'm 65 years  
2 old now and I'm a senior citizen, and it's hard for me to uproot  
3 and everything when I've been there almost 50 years all my life.  
4 And matter of fact, I didn't even know about this meeting until  
5 last week. I was walking down the street and one of the teenagers  
6 in the neighborhood, I went into the store to get something for  
7 my high blood pressure, 'cause I drink a lot of watermelon juice  
8 and pineapple juice, and then the teenager said did you see the  
9 sign, I said what sign, all I see is the sign saying new  
10 apartments or whatever, whatever availability and all this is  
11 coming up soon, or whatever. And then he showed me the sign.  
12 The sign was so small, it was like a little green sign, a teeny  
13 tiny green sign on green grass. You got to literally look down  
14 to see it. So you would not know. So I'm up here walking, I  
15 walked past it, did not even know that my resident -- my -- we  
16 getting ready -- we facing all this stuff 'cause the sign wasn't  
17 obvious. Nobody knocked on my door, reached out to me and said  
18 this is what we're trying to do. The only people that knocked  
19 on my door was Ms. Rosemary and another guy. They also -- they  
20 was -- after I was stressed out, didn't know what I was going to  
21 do, Sunday they knocked on my door --

22 CHAIRPERSON HOOD: Ms. Carter, Ms. Carter, Ms. Carter,  
23 I don't want you to use up all their time. I don't know how many  
24 other people -- we get the gist, you were not knowing about it.  
25 We may have some questions. But you all are on the clock. You

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1 only have 14 minutes left, and I'm sure she has other people who  
2 want to testify. We may have some questions for you, but if you  
3 can kind of keep your --

4 MS. CARTER: I'm sorry, I'm longwinded. I'm done. I'm  
5 done.

6 CHAIRPERSON HOOD: No, that's not -- give us your  
7 closing thought and then we'll go to the next person.

8 MS. CARTER: I'm good. I'm just -- I just don't want  
9 to get kicked out. I'm old. Let me just die and be comfortable.

10 CHAIRPERSON HOOD: Well, we don't -- well, that's one  
11 thing we all -- we all want to do that. Stop the clock. Stop  
12 the clock for a second.

13 MS. CARTER: I just want to be comfortable. I'm 65  
14 years old.

15 CHAIRPERSON HOOD: Okay. Stop the clock for a second.  
16 Let me ask you this. Do you want to come back across the street?  
17 Is that what you're trying -- is that -- I'm trying to -- you  
18 know what, let me ask you --

19 MS. CARTER: No, I don't. No, I don't.

20 CHAIRPERSON HOOD: Okay. Okay.

21 MS. CARTER: I want to stay where I am if I'm going to  
22 stay.

23 CHAIRPERSON HOOD: Okay. I got you. I got you. All  
24 right. Let's bring the next person up.

25 Thank you, Ms. Carter.

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1 MS. CARTER: You're welcome.

2 MS. UNDERWOOD: Hello. How are you? My name is Janice  
3 Underwood. I'm a former resident of Lincoln Westmoreland II,  
4 turned over to Heritage at Shaw. I was there when they started  
5 with the opt-out in house Section 8, and we end up -- we formed  
6 a tenant associates and we fought for like two years in order to  
7 get our enhanced voucher. My thing is with this coming up now,  
8 I live -- now I live at Channing Phillip (phonetic) right beside  
9 Lincoln Westmoreland I. So I'm looking at you're building this  
10 high rise right behind us, there's one being built on Parcel 42,  
11 and then we having one -- it's congested as it is. But I know I  
12 really don't have any control over that. But my thing is that  
13 you, these people, the developers, it's like everywhere that they  
14 build these building up, they always give false tense to the  
15 people coming back. You have to fight to do so much to get back  
16 in that building. I was born and rooted in the Shaw area, so  
17 I've seen -- I have seen this go on over and over and over. Those  
18 people that they move from that lot from that -- what's that,  
19 the east side over to the west side, they promised those people  
20 that they would be able to get back in there. But that's how  
21 the management and developers do.

22 Within two years -- this is -- I don't know what  
23 MidAtlantic is doing, but I know because I'm the vice president  
24 of my tenant -- of my building. But I also work along with ONE  
25 DC and I have seen MidAtlantic has for that complex why in one

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1 year or a year and a half you have had five different managements  
2 because they can't keep anybody. And it's just sad how even when  
3 I was living there, it's like you're being forced to move to get  
4 on, because when I was staying there, they took the playground.  
5 We have kids. They closed the playground down. Okay. Why you  
6 taking the playground? Oh, we're going to put a dog park. So  
7 right now what I'm seeing going on with these developers, they're  
8 -- the animals is more important than the kids. And then you  
9 wonder why there's so much stuff going on out here. But that's  
10 because there's nothing for these children to do. The developers  
11 are putting up these big fancy buildings. But it's not for us.  
12 So I'm just asking MidAtlantic and the developers what are you  
13 all are going to do about these people that has been there on  
14 this side of the street, they have been there all their life,  
15 but now they have to go back through a lot of (indiscernible)  
16 and all of this, and, you know, it's really sad. It's really  
17 sad. They shouldn't have to go -- if they want to come back,  
18 they should be able to just give their voucher and come back.

19 CHAIRPERSON HOOD: We get it now. So do you want to  
20 come back?

21 MS. UNDERWOOD: No, I'm happy at Channing and Phillips.

22 CHAIRPERSON HOOD: Okay. So so far I've had two  
23 witnesses with two nos. Okay. I'm just --

24 MS. UNDERWOOD: No, I'm speaking for my -- I have  
25 relatives live over there, and I'm speaking for my people because

1 I was one of the ones walking around with Rosemary and ONE DC  
2 knocking on the doors over there. And you know, a lot of people  
3 didn't even know this was going on. They -- and one thing  
4 MidAtlantic did not tell you all that they had those people to  
5 sign some paperwork and they gave -- did you all give them a \$100  
6 gift certificate for signing saying yeah, they can build this  
7 development?

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

9 MS. UNDERWOOD: Uh-huh, have a great day.

10 CHAIRPERSON HOOD: All right. You too. Thank you.

11 Okay. Who's next?

12 And Ms. Rosemary, are y'all -- y'all have about nine,  
13 almost ten minutes.

14 MS. NDUBUIZU: Okay.

15 CHAIRPERSON HOOD: So I don't know how many more people  
16 -- how many people you have left?

17 MS. NDUBUIZU. We have one more.

18 CHAIRPERSON HOOD: Oh, okay.

19 MS. NDUBUIZU: I did want to add that Ms. Carter did  
20 not -- she clarified and she said that she would like the  
21 opportunity to live there as well. She doesn't want to get  
22 displaced.

23 MS. CARTRER: I (indiscernible) at 811 R Street.

24 MS. NDUBUIZU: Okay, is that what you mean, okay.

25 All right.

1 MS. CARTER: I want to stay over there where their  
2 function at, on the 800 side, I'll stay over there. Always be  
3 back, back and forth.

4 CHAIRPERSON HOOD: Okay. Okay. So Ms. Rosemary, I'm  
5 going to have some questions for them, I'm sure my colleagues,  
6 so anyway.

7 MS. NDUBUIZU: So yeah, that's fine. That's perfectly  
8 fine.

9 CHAIRPERSON HOOD: Ms. Schellin, once she starts, you  
10 can start the clock.

11 MS. JOHNSON: Hello. My name is Nadia Johnson, and I'm  
12 the president of the tenants association. I would like to speak  
13 out on the woman that is called Sierra Dozer Robinson (phonetic).  
14 She was not the president of the tenants association. I am still  
15 the current president of the tenants association and Mid City  
16 Financial did not reach out to me about what they were proposing  
17 to do. I found out through ONE DC about what they're proposing  
18 to do with this new redevelopment program of theirs. And so also  
19 I would like to say that I do have tenants, some that are here,  
20 that you have heard their testimony, and some that aren't --  
21 weren't able to come that their main concern is being not only  
22 displaced, but homeless, because there are families like Ms.  
23 Janice said that have children, and they were promised to be able  
24 to move back across the street once this was redeveloped. And  
25 now I'm hearing that the possibility is they may not be able to

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1 move back across the street because if they're not able to get  
2 into the lottery and win their apartment back through the lottery  
3 that they could very well end up in a homeless shelter or in a  
4 home -- various homeless tent cities we have throughout the city,  
5 which is a very scary prospect for single mothers who depend on  
6 those three-bedroom apartments and two-bedroom apartments that  
7 they're head of their household, that they went from having a  
8 guaranteed roof over their head in a neighborhood in which they  
9 send their kids to school to having nothing at all because of  
10 new development. So that is something I would like this panel  
11 to take into consideration before they spring and start this new  
12 development because there are people and families that will  
13 suffer greatly from the reduction of affordable housing in this  
14 area.

15 CHAIRPERSON HOOD: Thank you, Ms. Johnson.

16 Do we have anyone else?

17 MS. JOHNSON: Yes, we have one more person for you.

18 MS. CLASEN: Hi, my name is Haley Clasen and I am  
19 reading the testimony of a resident who prefers to remain  
20 anonymous due to fear of retaliation from the Applicant, but who  
21 gave me permission to share their story anonymously. They said,  
22 "I've already been displaced. The landlord's already made me  
23 move across the way. The 17 numbers are vacant for a long time.  
24 I moved from there. And they never told us a reason why we had  
25 to move out. They never sent us no letters, no notices that we

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1 got a new landlord, new maintenance person, when the water will  
2 be cut off. They probably will get us out of here. I didn't  
3 want to move from there to over here, but I didn't have another  
4 choice because I've been at this neighborhood for so long and I  
5 don't want to move nowhere else because I'm close to the grocery  
6 store and the bus line, and I don't want to move to Maryland.  
7 The bus is here, my doctor is here. I don't know why they want  
8 to tear these down. It just don't make sense to me. Once they  
9 tear these down, ain't no guarantee how long we'll be waiting to  
10 move back into the apartments. I don't know how long this is  
11 going to take or if I'm going to pay market rent or what, if  
12 we're going to do the applications all over. Like I said, they  
13 should have given us notice, called us and let us know what's  
14 going on. We could have had a meeting about this. They just  
15 keep us in the blind. They only give us notices not to let  
16 visitors in the hallway, but they don't send us a notice what's  
17 going on at the property. You know, whether we're trying to move  
18 back in, we don't know if they're going to accept my voucher or  
19 not. This will be my fourth time moving, from 1715 to 1709,  
20 downstairs to upstairs, then they moved me over here. This is  
21 ridiculous. I'll have to do an application all over again.  
22 People are living on low income, and there's no guarantee they  
23 might let new people in. They'll be the first ones that get to  
24 move into a new apartment, even before the residents who have  
25 been living here for years. We should have priority to move back

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1 before anyone else. And there's no guarantee how long it's going  
2 to take for me to move back in. I pray they don't tear this  
3 building down. Thank you."

4 CHAIRPERSON HOOD: Great, thank you.

5 Is there anyone else, Ms. Rosemary?

6 MS. NDUBUIZU: That's it.

7 CHAIRPERSON HOOD: So let me -- I'm trying to understand  
8 -- and I'm going to bring the Applicant back up to -- my  
9 colleagues have some questions, but first of all, I got thrown  
10 totally off guard from reading, you know -- we don't just read  
11 all the time the day or two before, we read early in advance,  
12 and I had some more zoning issues, and I know the racial equity  
13 lens is what we look at now. And this is a perfect textbook case  
14 for me to try to figure these things out.

15 So the building, as it stands now, we've heard from the  
16 Applicant is empty. And I've asked the Applicant when did they  
17 start trying to transition people across the street and up the  
18 street or wherever else everyone -- I think -- they told me --  
19 the way I captured it there's only one person -- it's a total of  
20 eleven people who they've lost contact with. And a lot of this  
21 will probably be -- so when did you all -- and I'm asking Ms.  
22 Johnson -- I don't know, Ms. Rosemary, do you live on this site,  
23 did you live on the site, do you live across the street, or are  
24 you just helping them?

25 MS. NDUBUIZU: I'm with ONE DC, I don't live on the

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1 site. Nadia, Ms. Janice, and Ms. Carter, they all either lived  
2 on the site or are currently living here.

3 CHAIRPERSON HOOD: So when Wind (sic) got wind of what  
4 was going on, and you all came down to assist them and help them,  
5 you all went and sought them out?

6 MS. NDUBUIZU: No, we didn't. Windy Sea has been in  
7 existence since 1998.

8 CHAIRPERSON HOOD: You said ONE DC, I thought you said  
9 Wind, I'm sorry. I'm sorry.

10 MS. NDUBUIZU: No worries. ONE DC has been in existence  
11 since 1998. We actually were across the street, so we technically  
12 probably would have been included in this conversation as well.  
13 We were across the street in New Communities Church on Sixth and  
14 S. We have been organizing in the Shaw area since 1998. We  
15 officially became ONE DC We changed our name. It became ONE DC  
16 in 2006. We have organized with these tenants for years. It is  
17 unfortunate that Mid-City chose not to actually do a thorough  
18 engagement of the community because they would have easily found  
19 that ONE DC has been there. We were actually there when Ms.  
20 Janice talks about the organizing that happened after the Section  
21 8 -- after Mid-City decided to opt out of the Section 8 contract,  
22 we were actually there. We tried multiple times to get in touch  
23 with the Mid-City CEO and the vice president. It's nice to see  
24 one of the vice presidents here this evening, but unfortunately  
25 our efforts to actually engage them in our right to remain, and

1 the tenants' rights to remain, were rebuffed. And we were told  
2 that actually the redevelopment of that site, they had no plans  
3 to demolish, they had no plans -- they were actually denying  
4 renovation to the current tenants. So that point that the Mid-  
5 City has made about that maintenance concerns didn't go down,  
6 that they addressed -- that is not true. We have residents,  
7 and I was there when I was actually doing the organizing and I'm  
8 still doing organizing with ONE DC, we saw how Mid-City was  
9 actually denying the upgrade services that they were providing.  
10 They renovated only vacant units. They would not renovate the  
11 entire unit, I mean, the entire property. They only did vacant  
12 units. So I just wanted to make sure that that was on record.

13 CHAIRPERSON HOOD: So Ms. Rosemary, help me understand.  
14 I'm trying to figure out the best -- because I know the ACD  
15 (phonetic) needs to be a part of this discussion -- help me  
16 understand. So there was no conversation. And let me ask you  
17 the same question I asked the Applicant. Is this a fair  
18 assessment if I -- you've been doing -- working with them for a  
19 while, is it a fair assessment to say the displacement started  
20 years ago?

21 MS. NDUBUIZU: Yes.

22 CHAIRPERSON HOOD: Okay. So that's what -- that was  
23 my question. They started trying to get people out and move them  
24 across the street, but they found places for them to go. And  
25 it's your testimony, or you all's testimony, that they found a

1 place for them to go, which is right across the street, which is  
2 convenient, and they almost with a promise to come back once it's  
3 redone, is that a fair assessment?

4 MS. CARTER: Yes, they told me I could.

5 MS. NDUBUIZU: They told Ms. Carter yes.

6 CHAIRPERSON HOOD: Is there any written material of  
7 that relocation or bringing you back or anything? If you all  
8 don't have it, I will ask that the Applicant because they did  
9 profess to us that they have 39 families, I think I wrote that  
10 down correctly, 39 out of 50 that they still able to locate?

11 MS. NDUBUIZU: They never wrote anything down that we  
12 know of.

13 CHAIRPERSON HOOD: Okay. And what year would you say  
14 a lot of this probably started?

15 MS. NDUBUIZU: This started this started right when  
16 they ended, so 2013, we've been doing organizing because we  
17 actually addressed the fact that they removed the playground. We  
18 addressed the fact that we felt that that was a form of racial  
19 inequity through a gendered lens, because these are black  
20 mothers, primarily with children. We addressed the fact that in  
21 the community center --

22 CHAIRPERSON HOOD: So who did you address it with  
23 besides them?

24 MS. NDUBUIZU: We wrote letters. We wrote letters. We  
25 can submit this to you. We wrote letters to the management --

1 the property management team and the owner. We actually even  
2 made a trip down to Mid-City's headquarters to actually address  
3 and try to attempt to have a conversation, a candid one. We were  
4 rebuffed. And so at this current moment, that's partly why I  
5 had to make that point, Mr. Hood, to Thorpe, when Thorpe was  
6 saying the reactionary. We were organizing for a very long time  
7 and it's inaccurate to suggest that we were reactionary. What  
8 our problem has been is that Mid-City has not respected the  
9 tenants' power. And also it's disrespected that history of the  
10 property knowing that Martin Luther King and there's this long  
11 racial justice history of ensuring that black long-time D.C.  
12 residents get to stay in the neighborhoods that they helped to  
13 sustain.

14 CHAIRPERSON HOOD: So I'm familiar with that. I did  
15 study some of that with Reverend Fonteroy and others. So let me  
16 just first of all ask my colleagues if they have any questions.  
17 I think I kind of know which way I'm going to be moving for when  
18 I ask the Applicant to come back up.

19 So Commissioner May, you have any questions or  
20 comments?

21 COMMISSIONER MAY: I do not.

22 CHAIRPERSON HOOD: Okay.

23 Commissioner Imamura, you have any questions or  
24 comments?

25 COMMISSIONER IMAMURA: I do not.

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1 CHAIRPERSON HOOD: And Vice Chair Miller, you have any  
2 questions or comments?

3 VICE CHAIR MILLER: No. But thank you for your  
4 participation tonight and your desire to be in quality housing  
5 in the neighborhood that you've been in forever.

6 CHAIRPERSON HOOD: And Mr. Tummonds, do you have any  
7 cross or have any questions?

8 MR. TUMMONDS: No cross, no questions.

9 CHAIRPERSON HOOD: And again, we have no one from the  
10 ANC. Okay. So ONE DC, stay tuned. You all are a party. You  
11 all will be -- I hope we have all your information, but you all  
12 will be contacted if any further submissions and as we move  
13 forward. If no one work with you -- okay, so let's see how this  
14 goes further.

15 Okay, Mr. Tummonds, you all want to come back and do  
16 your cross -- I mean, your rebuttal?

17 MR. TUMMONDS: Sure.

18 CHAIRPERSON HOOD: I would -- I used to say if you have  
19 any, but I'm sure you do. And then if we need to, we'll do cross  
20 and rebuttal and then you can do your closing.

21 MR. TUMMONDS: Perfect. Thank you. So I think our  
22 rebuttal testimony will be provided by Mr. Dettman.

23 Mr. Young, you have the slides for Mr. Dettman's  
24 rebuttal.

25 CHAIRPERSON HOOD: You know what? Before you do

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1 rebuttal, you know what, I do want to -- you heard ONE DC,  
2 somebody needs to be prepared to explain what's going on with  
3 that because I have some concerns with that as well. So let's  
4 -- I'm trying to think, do we do that first? Just go ahead and  
5 do your rebuttal and I will ask my questions after rebuttal.

6 MR. TUMMONDS: You know, I'm truly (indiscernible).  
7 Can we have time to break, let people do what they need to do  
8 and then we come back in five minutes and present our rebuttal  
9 testimony?

10 CHAIRPERSON HOOD: Okay. Let's take a five-minute  
11 break and we'll come back at 8:15.

12 MR. TUMMONDS: Perfect, thank you.

13 CHAIRPERSON HOOD: Okay. Are we ready to come back?

14 Give Commissioner Miller a moment. We can go ahead  
15 -- and if my camera's off, it's not that I'm not listening, I  
16 may be chewing. Okay?

17 All right. Mr. Tummonds, you all may begin.

18 MR. TUMMONDS: I believe we have Ms. Robinson available  
19 to talk. She is, I think, the login, if you will, is under Andre  
20 Lee, does an Andre Lee show up on the login, Ms. Schellin or Mr.  
21 Young?

22 MS. SCHELLIN: Yes. Andre Smokey Lee.

23 MR. TUMMONDS: Yeah, so great, so I think Ms. Robinson  
24 is there. So I would indulge you if we could have -- allow Ms.  
25 Robinson to present her testimony?

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1 CHAIRPERSON HOOD: Okay. Yeah. Let's go ahead -- and  
2 let Ms. Robinson go ahead.

3 MS. SCHELLIN: She just needs to unmute.

4 MR. LEE: Hello?

5 MS. SCHELLIN: You're good.

6 MS. ROBINSON: Good evening. How are you? My name is  
7 Theodosia Robinson, but you can call me Tessie, or should I say  
8 Ms. Tessie. I live here at 17 57th Street, N.W., in Apartment  
9 No. 812. I've been living here for the last 48 years in the same  
10 unit. Also I was here during the period of time when they built  
11 the Garden Apartments that's in back of my building. Also at  
12 one point was president along with Lincoln Westmoreland I when  
13 it was Lincoln Westmoreland II, I was president there. And but  
14 the thing is is that they talked about selling the property, and  
15 at the time I went through NDC One to try to get help, but that  
16 didn't come out the way it should have came. So we wind up  
17 fighting for this. I got -- went through the building, got my  
18 residents together, and I spoke with them and let them know that  
19 we would have to mov out -- we had to get rid of (audio  
20 interference).

21 CHAIRPERSON HOOD: Have we lost Ms. Robinson? Let's  
22 see if we can get Ms. Robinson back.

23 Mr. Tummonds, if you can call and do whatever y'all did  
24 and see if we can get her back. She was in the middle of her  
25 testimony.

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1 MR. TUMMONDS: Yeah, we'll check and see what we can  
2 do real quick here.

3 CHAIRPERSON HOOD: Okay.

4 If not, she can always submit it in writing, Mr.  
5 Tummonds.

6 Mr. TUMMONDS: We appreciate your indulgence, and  
7 that's what we'll do.

8 CHAIRPERSON HOOD: Okay.

9 MR. TUMMONDS: Thank you very much for your  
10 understanding.

11 VICE CHAIR MILLER: Okay.

12 MR. TUMMONDS: So with that, we will proceed with our  
13 rebuttal testimony. And with that, I will have Mr. Dettman come  
14 and give his testimony.

15 And Mr. Young, if you could pull up Mr. Dettman's  
16 slides.

17 MR. DETTMAN: I'm going to address just two main points  
18 in my rebuttal testimony this evening. One about the comments  
19 around use of IZ Plus as kind of a baseline or the metric that  
20 we should be striving for purposes of determining what's the  
21 appropriate affordable housing proffer for the project. And then  
22 wanted to just take a minute to address some of the comments  
23 around the balancing of comp plan inconsistencies.

24 And so looking at IZ Plus first, as you know, the  
25 regulations are very clear that IZ Plus does not apply to a PUD.

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1 And it shouldn't be used as a baseline for determining the PUD  
2 affordable housing benefit. IZ Plus only applies to a map  
3 amendment as stated by the regs when pursued as a standalone map  
4 amendment under a specific provision of the regs. That specific  
5 provision has to do with standalone map amendments. The map  
6 amendment regulations specifically state that IZ Plus shall not  
7 apply to a map amendment that's related to a PUD application.  
8 And you'll recall that during the development of IZ Plus there  
9 was an exchange, I think, Commissioner Miller, you mentioned this  
10 or Commissioner May actually, there was an exchange between the  
11 Commission and the Office of Planning about why wouldn't we make  
12 IZ Plus applicable to PUDs. And the Office of Planning explained  
13 that it was about IZ Plus was about capturing the affordable  
14 housing that was lost due to the trend towards map amendments  
15 because of PUD appeals and all that, and that affordable housing  
16 is part of the overall negotiated package of benefits and  
17 amenities for a PUD. Paul, next slide please?

18           So the PUD standard requires a comparison of affordable  
19 housing to what would otherwise be required under existing  
20 zoning. It specifically refers to existing zoning, which in this  
21 case RA-4, and RA-4, with the IZ bonus, allows 4.2 FAR. And so  
22 if we assume a matter of right development under RA-4, Type 1  
23 construction, all residential, and a full utilization of the IZ  
24 bonus density, the IZ set aside under matter of right existing  
25 zoning would be 12,700 square feet. That's 60 percent MFI, it's

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1 about 8.3 percent of what that project would be. This project  
2 providing 39,820 square feet of IZ, 15 percent of the project.  
3 It's clear that it far exceeds what would otherwise be required  
4 under matter of right existing -- for existing zoning. So it  
5 meets the stated standard of review under the PUD regs. Next  
6 slide?

7           So but for the sake of the argument, if we wanted to  
8 look at IZ Plus as a baseline for PUD's affordable housing  
9 proffer, then the baseline calculation needs to be based on  
10 accurate assumptions. We talked a little bit about this earlier  
11 in terms of what zone could be achieved through a standalone IZ  
12 Plus map amendment and how much density could be achieved. It  
13 may have been the last hearing that you had, Commissioners, the  
14 PUDs that was done Main Avenue, this came up as well as part of  
15 OAG's presentation. And the Office of Planning specifically said  
16 that when it comes to a map amendment, oftentimes when applicants  
17 pursue the most intense zone that's identified in a FLUM  
18 designation, the Office of Planning says you're going to a PUD.  
19 So you might be able to get to 7.2 under the medium density  
20 commercial designation. That's MU-10. But you're automatically  
21 in a PUD. So you can't assume if we're going to do this baseline  
22 exercise, you can't assume, like the Office of attorney General  
23 has, that 7.2 FAR is the density you use for the IZ Plus  
24 calculation. You have to use six. MU-8 is identified as being  
25 consistent with medium density commercial, and an MU-8 with the

1 IZ bonus density you get up to six. And so if you look at the  
2 charts on the right, the base FAR for the existing zoning without  
3 IZ bonus is 3.5. You can get to six as a matter of right under  
4 a standalone MU-8 map amendment. That's a 71 percent increase  
5 in the density. And if you look at the zoning regulations, the  
6 sliding scale for IZ Plus, you'd see that a 71 percent increase  
7 in density, assuming Type 1 construction, it's a 12 percent set  
8 aside. And so based on that hypothetical project, that 12  
9 percent, a 6.0 FAR project on this site would result in an IZ  
10 Plus set aside of 26,145 square feet. Again, this project is  
11 providing 39,820 square feet of affordable housing. So even if  
12 you were going to use IZ Plus as a kind of a guideline, this  
13 project far exceeds what would otherwise be required under a  
14 reasonable theoretical IZ Plus standalone map amendment. Next  
15 slide?

16 So the project devotes a significant amount of the PUD-  
17 related bonus density to affordable housing. So again, if we're  
18 going through this theoretical exercise of using IZ Plus as a  
19 baseline, we can get up to six FAR. We do that calculation,  
20 right? We're proposing a project of 7.2 FAR. So if we're using  
21 IZ Plus as the baseline, the PUD-related bonus density that we're  
22 requesting is the 1.2 FAR, the difference between the 6 and the  
23 7.2. So what does that additional 1.2 FAR of density, of PUD-  
24 related bonus density, result in terms of gross floor area? 1.2  
25 FAR in this site results in about 40-some thousand square feet

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1 of additional density. The project provides 13,675 square feet  
2 of additional affordable housing above that theoretical or  
3 hypothetical IZ Plus project. So if you take the additional  
4 affordable housing that's provided above that hypothetical IZ  
5 Plus and you figure out what's the percentage of that in terms  
6 of the 1.2 PUD-related bonus density, of the PUD-related bonus  
7 density, 31 percent of that density that's being requested is  
8 being devoted to affordable housing, 31 percent. Next slide?

9           So again, going back to the true standard of review,  
10 which is where we're balancing benefits and amenities and the  
11 standards, the benefits and amenities far outweigh the degree of  
12 development incentives and technical zoning flexibility being  
13 requested in this project. That's where the balancing is. The  
14 project requests a map amendment, which is going to result in a  
15 gain of 3 FAR. The only other flexibility being requested is a  
16 minor rear-yard flexibility. That flexibility is fully balanced  
17 by the benefits and amenities provided by the project, superior  
18 design, landscape, economically, site utilization, over \$100,000  
19 in contributions to community organizations, 370 units of  
20 housing. That's a net gain of 267 units on the site, including  
21 16 three-bedroom units, and LEED Gold, including 700 square feet  
22 of rooftop solar. The most significant benefit in this project  
23 is the affordable housing. And as that chart shows you, it far  
24 exceeds whatever kind of baseline you want to use. If you want  
25 to use the real baseline, 8.3 percent would be required under

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1 existing zoning, 15 percent is being provided. If you want to  
2 use the IZ Plus as a metric, as a guidepost, 12 percent of an IZ  
3 Plus project would be required, 15 percent is being proposed.  
4 You can see how that sort of lays out in terms of gross floor  
5 area. So I think that information, I hope, clearly shows that  
6 even if you were going to use IZ Plus as a guidepost, we still  
7 far exceed what would be required. Next slide?

8 I'm going to put this slide on hold just for a second,  
9 because I wanted to touch upon OAG's comments about how additional  
10 measures are required in order to outweigh comp plan  
11 inconsistencies. And that's just not how the balancing test  
12 works. Inconsistencies with a comp plan are not balanced by more  
13 benefits and amenities. That's very clear in the zoning  
14 regulations. It's also very clear, I'll just read the zoning  
15 regulations, what's really balanced, "In deciding a PUD, the  
16 Commission shall judge, balance, and reconcile the value of the  
17 public benefits, the degree of development incentives, and any  
18 potential adverse effects according to specific circumstances of  
19 the case." That's the balancing, it's benefit -- the benefits  
20 and amenities are balanced with the development incentives that  
21 are being requested and any potential adverse impacts. There is  
22 a balancing for comp plan inconsistencies, and that balancing is,  
23 as the Commission knows, it was very clearly stated by the court  
24 in the McMillan (phonetic) case, is that where you find an  
25 inconsistency you have to acknowledge the inconsistency and

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1 determine that that inconsistency or inconsistencies are  
2 outweighed by other competing considerations within the  
3 comprehensive plan, such that when read as a whole, the project  
4 is not inconsistent with the comprehensive plan. That's the  
5 balancing. Next slide? Or no, stay on the slide please.

6           The Office of Attorney General talks about -- mentions  
7 one particular comp plan inconsistency, it's in the Near  
8 Northwest Element, and it talks about expiring public housing  
9 contracts. OAG even mentioned that the District knew about these  
10 expiring leases in Shaw, pointing to the small area plan. And I  
11 think that's relevant because if you look at the comprehensive  
12 plan policies that talk about expiration of Section 8 leases and  
13 whatnot, all of the policies that are in the comprehensive plan  
14 that relate to addressing that issue, the policies relate to  
15 District programs. It's about developing District programs,  
16 implementing existing District programs like DOPA and TOPA in  
17 order to allow the District to intervene to essentially buy all  
18 these expiring leases in order to preserve that income restricted  
19 housing.

20           And so if you look at the action that the Office of  
21 Attorney General identifies under expiring public housing  
22 contracts, it's an action in the comp plan, and it says "Implement  
23 the D.C. Housing Preservation Strikeforce recommendations." All  
24 six of the recommendations in that plan, it sort of suggests that  
25 there are recommendations in there that the applicant has to

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1 follow. All six of the recommendations in that study, and I have  
2 it right here in front of me, have to do with the District  
3 creating programs in order to help the District preserve through  
4 funding, buying out a lease, taking over a project, funding new  
5 projects, new development of all affordable projects, all the  
6 recommendations in that study have to do with District actions.  
7 Nothing the applicant could do, even if they wanted to. The last  
8 part of that policy says "Consider the redevelopment of these  
9 sites with mixed income projects that include, at minimum, an  
10 equal number of affordable units, additional market rate units,  
11 and measures to avoid displacement of onsite residents." This  
12 is a mixed income project. It's going to have an equivalent --  
13 essentially an equivalent number of dwelling units that are  
14 currently on the site. It's going to have additional market rate  
15 units. And there aren't any onsite residents. So we don't need  
16 any measures to avoid displacement of onsite presence.

17           And if you -- but if you look at the anti-displacement  
18 strategies that OAG is pointing to in the comprehensive plan, it  
19 talks about redevelopment and rehabilitation of income restricted  
20 affordable housing. This site has not been income restricted  
21 affordable housing since 2013. But if you're going to say okay,  
22 well, it's a vacant site, but let's talk about how that site came  
23 to its current condition since 2013. And Mr. Weinbaum testified  
24 to this in good detail, if you look at those anti-displacement  
25 strategies, you would see that some of those anti-displacement

1 strategies actually played out on the site and they will continue  
2 to play out on the site after the redevelopment is completed.  
3 Projects accepting tenant-based vouchers must accept tenant-based  
4 vouchers following redevelopment. This redevelopment will accept  
5 vouchers.

6           This -- my last point is this map here. And what it  
7 shows is, again, Mr. Winebaum mentioned this, about where are the  
8 old tenants, where did they go. And as he mentioned, that in  
9 2013, when the project ceased being income restricted housing and  
10 there were some renovations of existing dwelling units across the  
11 street, you know, existing tenants on the site were offered an  
12 opportunity to move into a renovated unit. What this map is  
13 showing is you can see in the upper left the red hatched  
14 rectangle, that's the subject property. And you can see that the  
15 residents that got the enhanced vouchers, you can see that 20 of  
16 the 50 residents of the 50 dwelling units, tenants, what was it,  
17 Jamie, 29 of them moved within a block of this site. So in terms  
18 of the impacts of displacement, thinking about the ability for,  
19 you know, avoiding permanent displacement and driving people out  
20 of the neighborhoods that they've long been residents in, you can  
21 see that a very high percentage of the residents that lived in  
22 the these buildings currently on the site now live within a block  
23 of the site. There are others that are located in relative close  
24 proximity and those other blue dots. There's one that moved out  
25 to Bladensburg. But I think this map is -- I think the

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1 information in graphic form is fairly compelling that while maybe  
2 there was displacement off the site, the large majority of the  
3 tenants within those buildings still reside within the  
4 neighborhood, still reside within a block of the site. And I  
5 think that that is consistent with some of the anti-displacement  
6 strategies that you read about in the comprehensive plan. That's  
7 all about really avoiding just driving out existing residents,  
8 longstanding residents from their neighborhood never to come  
9 back. And that speaks to cultural displacement. These are  
10 tenants that live within a block of the site. They're still  
11 within their neighborhood. They still have those social  
12 connections that are so important to advancing an equitable city.  
13 And so I'll leave it there. Mr. Chairman, thank you for your  
14 time and happy to answer any questions.

15 CHAIRPERSON HOOD: Mr. Dettman, let's leave that slide  
16 up. Let's put that slide back up. Because that is in conflict  
17 with what Mr. Weinbaum told me. So let's talk about this slide  
18 right quick. I thought he said 39 were still in the District  
19 and 11. -- or maybe it was -- one in Maryland and ten unknown.  
20 But then it says 20 within one block -- help me understand that.  
21 Maybe I'm misreading that, maybe I'm adding too much to it. What  
22 does that mean, District 39, what does that mean? Are you  
23 including the unknown, this 10, 'cause how do we get to 39?

24 MR. DETTMAN: Yeah. So we have 50 to start with and  
25 as Mr. Weinbaum mentioned, ten of them we're unable to figure out

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1 where they went. One of them is in Maryland and then 39 are in  
2 the District.

3 CHAIRPERSON HOOD: So this says 29 within one block.

4 MR. DETTMAN: Yes.

5 CHAIRPERSON HOOD: How do you know where the other ten  
6 are?

7 MR. DETTMAN: We have their addresses and they are  
8 within the District. Those are the other blue dots that are on  
9 the map. You can see that the cluster of dots that's around the  
10 site, that's 29. The other ten dots are elsewhere on the map  
11 there you can see.

12 CHAIRPERSON HOOD: Well, I know I got on glasses.

13 MR. DETTMAN: It's small.

14 Mr. Young, maybe you could maybe zoom in?

15 CHAIRPERSON HOOD: No, I'm looking at what it -- I'm  
16 looking at where I think the 29 is up top. And then the other  
17 blue dots, I see is one, two, three, four, five -- well, I'm not  
18 going to count the one in Maryland.

19 MR. DETTMAN: Yeah, it's -- there's actually the -- the  
20 catalog of addresses that we have, a lot of the tenants show up  
21 as being at the same address because they're in the same building.  
22 And so you actually will not count 29 dots around the site because  
23 it's putting the dots on top of each other.

24 CHAIRPERSON HOOD: Okay. Okay. All right. I got you.  
25 All right. So when they move the first time, I mean, when they

1 -- I mean, when you start moving people out and giving them the  
2 vouchers, I'm looking at the comp plan policies, at that time was  
3 there a relocation plan or were people promised that they could  
4 come back or how did that all -- how did all that materialize?  
5 Well, first of all, were you all even there when all this started?  
6 You know, I'm just trying to figure out how did we get there?  
7 You heard the testimony --

8 MR. DETTMAN: So and I think it's -- yes, I think you're  
9 correct. The people in this room were not there. And I say this  
10 is where we can provide that information, but I'm also going to  
11 ask you for the -- I'd say the flexibility that I asked at the  
12 beginning of this meeting, which was us moving forward tonight,  
13 getting the party status request the day before, this is exactly  
14 the kind of information that we can and will obtain. But we're  
15 going to need to talk to those people who were working at Mid-  
16 City in 2013, in 2014, and 2015 to get that information. And  
17 also we will get the information about the meeting that the  
18 chairman of Mid-City had with the residents of Lincoln  
19 Westmoreland to talk about that playground we heard about and the  
20 concerns that management had about the unfortunately not great  
21 things that were occurring on that playground. So I think those  
22 are all -- that's all the information that we can provide. We  
23 need some time to do that and we will put that into the record.

24 CHAIRPERSON HOOD: Okay. Thank you, Mr. Tummonds, and  
25 let's tighten up all the loose ends, and even beyond that, Mr.

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1 Tummonds, I know you've done this in other cases previously,  
2 you've always went away and got the Applicant to work along with  
3 the community, so once we figure all that out, let's hahs that  
4 out, and maybe ONE DC, and let's figure out what was promised  
5 and let's make sure that, first of all, I'm sure you will, that  
6 we're following our new racial equity lens profile, which we're  
7 mandated to do in the comprehensive plan. So I would appreciate  
8 a lot of that. I think it would be easier for me and give me a  
9 comfort level for once we tighten up some of these loose ends  
10 about IZ and IZ Plus and, you know, comp plan policies and some  
11 of those things that are also before us. But as far as I'm  
12 concerned, a promise made, a promise kept, which you all asked  
13 for earlier, sure, we'll give you time to work that out and let's  
14 try to get to the bottom of it so we can find out exactly where  
15 we are as we continue to move forward. Let me see if there are  
16 any other questions from my colleagues?

17 Commissioner May?

18 COMMISSIONER MAY: Yeah, so it was suggested at one  
19 point in the testimony that because there's no guarantee that any  
20 of the former residents who might want to move back, could get  
21 any of the IZ units, that they would be able to move back -- I  
22 mean, could they be guaranteed spaces if they decided to move  
23 back into the building with their current enhanced vouchers? So  
24 I'm wondering if the Applicant, whether today or after further  
25 consideration, would be willing to make the commitment to allow

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1 anyone who was formerly in one of the 50 units and wants to come  
2 back and has an enhanced voucher, if they would, in fact, be able  
3 to come back. Are you -- you know, would you be willing to commit  
4 to that? I think that's something you should consider if you're  
5 not ready to answer it right now.

6 MR. TUMMONDS: Yeah, I think -- we'll need to look at  
7 it, but yes, we will we will address that in our closed hearing  
8 submission.

9 COMMISSIONER MAY: Did I have another question? I  
10 don't know. It's really late. Yeah. I mean, I don't know. I  
11 think Chairman Hood, when we get to that point, I think that I  
12 would like to know that there has been further outreach to the  
13 29 or maybe the 39 that we know about, or the 40 I guess maybe,  
14 the 40 that they know how to reach because it doesn't sound like  
15 there was direct personal outreach to those people about what was  
16 happening on the site and whether there was an interest in coming  
17 back.

18 So anyway, that was just a comment, Mr. Tummonds, you  
19 don't have to comment on that. I was just -- that was for the  
20 chairman's benefit.

21 CHAIRPERSON HOOD: With that, we need to hurry up  
22 because after about 10:00 -- I've worked with Commissioner May  
23 for a long time, and about 10 o'clock I don't know what happens,  
24 but we need to --

25 COMMISSIONER MAY: That's when we were starting at

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1 6:30, at 10 o'clock I was running out of gas. We've been going  
2 since --

3 CHAIRPERSON HOOD: All right. It's getting late, so I  
4 got to have some fun.

5 Commissioner Imamura?

6 COMMISSIONER IMAMURA: No, no questions, Mr. Chair.

7 CHAIRPERSON HOOD: And Vice Chair Miller?

8 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
9 you, Mr. Tummonds, for your -- and Mr. Dettman, for your rebuttal  
10 testimony. That was useful to have. I'm not sure if it's in  
11 the written record that will be useful to have that in the  
12 supplemental filing that you do, which I'm sure you're going to  
13 do. And I associate myself entirely with Commissioner May's  
14 comments just now about considering a preferential right to  
15 return somehow for the tenants that you know about who were there.  
16 And I forget what the other second comment he made, but I  
17 associate that -- I know I agreed with it whatever it was. What  
18 was it, Commissioner May?

19 COMMISSIONER MAY: It was further outreach --.

20 VICE CHAIR MILLER: Oh, yeah.

21 COMMISSIONER MAY: -- to the 40.

22 VICE CHAIR MILLER: Yeah.

23 COMMISSIONER MAY: To find out what their interest is.

24 VICE CHAIR MILLER: Yeah, obviously that's a useful  
25 thing to do. And I know -- knowing this Applicant and you, Mr.

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1 Tummonds, I know that you will do that. So I think we can move  
2 forward in a productive way. I hope so. Thank you, Mr. Chairman.

3 CHAIRPERSON HOOD: Thank you. I was going to ask the  
4 Applicant if they have any --

5 MR. TUMMONDS: Yeah, ONE DC have any cross of our  
6 rebuttal?

7 CHAIRPERSON HOOD: Yeah, that's where I was going, ONE  
8 DC. I didn't want to call them D.C. One or whatever, but ONE  
9 DC, do you have any cross? Let's bring Ms. -- there they are.  
10 Ms. Rosemary, do y'all have any cross of the Applicant on  
11 rebuttal? On rebuttal, which you've heard. And you also heard  
12 what the Commissioner are asking.

13 MS. NDUBUIZU: Yes. We just have a rebuttal, but it's  
14 a clarification question.

15 CHAIRPERSON HOOD: Go right ahead.

16 MS. NDUBUIZU: Haley?

17 MS. CLASEN: Yeah. So we just wanted to confirm if the  
18 Applicant is going to be reaching out to residents like how the  
19 plan to do so would go. And I know that may not be a question  
20 we can answer today, but to make sure, you know, in the past our  
21 residents have testified that they haven't received very clear  
22 communications.

23 MR. TUMMONDS: Since you guys are a party, and there  
24 is requirements to be in a party, we'll reach out to you. Does  
25 that work?

1 MS. NDUBUIZU: Works okay.

2 CHAIRPERSON HOOD: So here's the thing. I'm going to  
3 ask that you make yourself accessible and make sure that the  
4 parties involved, just like the work you've done today, to get  
5 the residents here, I'm going to ask Ms. Rosemary, you and your  
6 colleague to make sure that there's a correspondence and reaction  
7 and conversations with the Applicant, okay? This is what you all  
8 are asking for, let's make it work.

9 MS. NDUBUIZU: Thank you.

10 MS. CLASEN: Thank you.

11 CHAIRPERSON HOOD: Thank you all. Don't go nowhere, I  
12 want you all to hear everything. We're almost finished.  
13 Definitely got to finish by ten o'clock. All right.

14 Can we have closing, Mr. Tummonds?

15 MR. TUMMONDS: I think the closing's very, you know,  
16 very quick. We appreciate everyone's time this evening. We  
17 think that it was beneficial to move forward this evening. We  
18 remain excited about this project and all the benefits that it  
19 does bring, revitalization of an underutilized site, additional  
20 housing, additional affordable housing, we think a really  
21 thoughtfully designed project. We will address the questions and  
22 issues that we heard today throughout this hearing in a closed  
23 hearing submission. And we will probably, most importantly,  
24 engage in the dialog with ONE DC that was requested this evening.  
25 And we look forward to this project also moving forward.

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1 CHAIRPERSON HOOD: Thank you. Let me thank everyone  
2 who participated. Let me ask Ms. Schellin to come up with the  
3 dates. I don't know how much time is needed, Mr. Tummonds, maybe  
4 we need to check back later or do -- get some dates. Let's come  
5 up -- let me turn it over to Ms. Schellin, I'm tired.

6 MS. SCHELLIN: I think because you guys need to reach  
7 out and meet with each other that we are probably not going to  
8 be able to bring this up for action until December. And along  
9 with the things that need to be provided, I think that works  
10 best. And so working from the December meeting, I came up with  
11 dates for you guys to reach out to get your documents together  
12 and to reach out to ONE DC, meet with them of 11/17 that you guys  
13 would meet prior to that date and all documents would be due by  
14 3 p.m., December -- I'm sorry, November 17th.

15 And ONE DC, Ms. Rosemary, you guys would also provide  
16 on November 17th by 3 p.m. a letter following up on your meeting  
17 with the Applicant, how that went, you know, if there's a change  
18 in your status by 3 p.m. on November 17th. And then on December  
19 1st by 3 p.m., you would have an opportunity to respond to each  
20 other's submissions. So ONE DC would be able to respond and the  
21 ANC would be able to respond to what the Applicant files. The  
22 Applicant would be able to respond to what the ANC and ONE DC  
23 files and that would be due by 3 p.m. on December 1st.

24 And if we could have draft findings of facts,  
25 conclusions of law from the Applicant by December 8th, 3 p.m.

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1 One DC is not required to submit them, only if they choose to do  
2 so. And then we can put this on for the December 15th public  
3 meeting at 4 p.m. Other than that, the record is closed.

4 MR. TUMMONDS: Oh, I might -- Ms. Schellin, in that  
5 regard, I know Mr. Padro (phonetic) was looking to submit letters  
6 on behalf of the friends of the library and Shaw Main Streets  
7 and then he was going to testify, but I think he got pulled away.  
8 Would he be able to submit those?

9 MS. SCHELLIN: Yes, he actually submitted them this  
10 afternoon, which was after the deadline. So I'd ask the  
11 Commission if they would be willing to allow the record to receive  
12 those two letters.

13 CHAIRPERSON HOOD: Unless I hear objections, let's  
14 bring that in, yes.

15 MS. SCHELLIN: Okay. So we'll go ahead and add those  
16 two. They've already been submitted, so we'll just go ahead and  
17 add them. I didn't hear that the Commission -- I know OAG said  
18 they would like to be able to reply to something but -- or provide  
19 a further response, but I didn't hear the Commission say they  
20 wanted anything else. I know that that you asked for OP and the  
21 Applicant to respond to what OAG provided, but I didn't hear that  
22 you necessarily needed to hear from OAG again.

23 CHAIRPERSON HOOD: Did anybody ask for anything from  
24 OAG? Was it you, Commissioner -- I know I don't --

25 MS. SCHELLIN: I didn't hear.

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1 CHAIRPERSON HOOD: Okay. No, we don't need anything.

2 MS. SCHELLIN: Okay. So OAG will not be providing  
3 anything. So the record is closed to everybody else.

4 CHAIRPERSON HOOD: All right. Other than that -- and  
5 also in that letter from ONE DC, I also would like to know if  
6 there was any -- still any differences -- I need to know if things  
7 that y'all did -- I need that in that letter too for me so I can  
8 know where we are.

9 MS. SCHELLIN: Right. From the Applicant and ONE DC.

10 CHAIRPERSON HOOD: From both of them, yeah, but  
11 Applicant knows, but I'm just -- ONE DC may not know, so I want  
12 to make sure they know. I know Mr. Tummonds does these cases  
13 three times a week, so I'm sure he knows what all to put in there.  
14 All right. Do we have anything else.

15 MS. SCHELLIN: I would just say that if Rosemary or  
16 Haley believe it was, if they have any questions, if they're  
17 confused about the dates I gave, they can call me on Monday in  
18 the office and I'll be glad to explain that. So if you want to  
19 do that, that's fine. I won't be in tomorrow, but you can call  
20 me on Monday or email me. Okay?

21 CHAIRPERSON HOOD: And she means that. I get calls all  
22 the time, comments from residents in the city when I'm out and  
23 about, they talk about how great Ms. Schellin is, so please make  
24 sure if you don't understand something, please you all, let's  
25 reach out to Ms. Schellin.

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1 MS. SCHELLIN: Yeah.

2 CHAIRPERSON HOOD: All right. So do we have anything  
3 else, Ms. Schellin?

4 MS. SCHELLIN: No, sir, that's it.

5 CHAIRPERSON HOOD: All right. I want to thank each and  
6 every one of you, and especially the time, and I'm sorry that we  
7 didn't get everybody who testified, but sometimes we have to take  
8 time in these cases and make sure we flesh everything out. So I  
9 want to thank everyone for their participation tonight. The  
10 parties, the Applicant, the ANC, those who testified, my  
11 colleagues, and everyone. The Zoning Commission will be meeting  
12 again October the 24th, Zoning Commission Case No. 22-17, case  
13 on the Wisko Wiley LLC (phonetic). We'll be on these same  
14 platforms at 4 p.m. So with that, I want to thank everyone for  
15 their participation tonight. And this hearing is adjourned.  
16 Good night, everyone.

17 (Whereupon, the above-entitled hearing went off the  
18 record.)

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In the matter of: Public Meeting

Before: DCZC

Date: 10-20-2022

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