

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

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THURSDAY

DECEMBER 8, 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
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 December 8, 2022

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

OPENING STATEMENT:

Anthony Hood 3

PRELIMINARY MATTERS:

Sharon Schellin 5

PRESENTATION:

Case Number 13-05; FC Ballpark LLC, first stage PUD
modification of significance, second stage PUD 1402 1st Street
SE, Square 744S Lots 807-813 and Square 744SS Lots 802 and 805

David Avitabile 7

COMMENTS AND QUESTIONS FOR APPLICANT 14

DDOT REPORT

Jonathan Rogers 33

OP REPORT:

Karen Thomas 34

ANC REPORT:

Anthony Hood 37

WITNESSES IN OPPOSITION/CONDITIONAL SUPPORT

Carolyn Brown (support) 38

CLOSING STATEMENT:

David Avitabile 40

MOVE AND APPROVAL 42

ADJOURN:

Anthony Hood 43

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 December 8th, 2022. We are convening broadcasting this public hearing by video conferencing. My name is Anthony Hood and I'm joined by Vice Chair Miller and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young also, who will be handling all of our virtual operations. Also from the Office of Zoning Legal Division, Mr. Jacob Ritting. I will ask all others introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding's being recorded by a court reporter. The platforms used are 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 408.7. 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 before providing your testimony. When you are finished speaking, please mute your audio. If you experience difficulty

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

6 The hearing will be conducted in accordance with
7 provisions of 11 DCMR Chapter 4 as follows: preliminary matters;
8 Applicant's case, the Applicant has up to 60 minutes, but I think
9 they can do it in 10 to 15, hit the highlights; we will also have
10 the report of the Office of Attorney General and other government
11 agencies; report of the Department of Transportation; and then
12 the Office of Planning will go last; we'll have the report of
13 the ANC; then will have testimony of any organizations,
14 organizations -- five minutes of testimony of organizations and
15 individuals. Organizations, five minutes. Individuals, three
16 minutes. We will hear in the following order from those who are
17 in support, opposition, and undeclared. Then we'll have rebuttal
18 and closing by the Applicant.

19 The topic of tonight's hearing is Zoning Commission
20 Case No. 13-05E. This is the FC Ballpark, LLC, first stage PUD
21 modification of significance and second stage PUD at square
22 744(S) and 744(SS), Lots 807 through 813, 802, and 805. Again,
23 today's date is December the 8th, 2022.

24 At this time, the Commission will consider any
25 preliminary matters. Does the staff have any preliminary

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1 matters?

2 MS. SCHELLIN: Yes, sir. Proffered expert witnesses.
3 We have two who have previously been accepted. Laurence Caudle
4 architecture and Erwin Andres in transportation. So if the
5 Commission would just accept them in this case, I'd appreciate
6 it.

7 CHAIRPERSON HOOD: Any objections? Okay. We will
8 continue that status, Ms. Schellin. Anything else?

9 MS. SCHELLIN: Then we have Brian Pilot from Studio in
10 Architecture (sic). And Doug Brooks in landscape architecture.

11 CHAIRPERSON HOOD: Okay. And those are Exhibit 2- --
12 and both of them in Exhibit 20H?

13 MS. SCHELLIN: 20H as in Henry, yes. Pages one and
14 three.

15 CHAIRPERSON HOOD: Any objections or do we need time
16 to -- no problems for either one.

17 MS. SCHELLIN: If Mr. Young could bring up Mr.
18 Avitabile, they did have some other experts listed, but per the
19 email I received from the Applicant today, they were not
20 testifying. So I just want to confirm that the others that were
21 previously listed do not need to be qualified as experts; is that
22 correct?

23 CHAIRPERSON HOOD: Let me deal with -- let me just deal
24 with these last two -- let me see if I can get them off. Any
25 objections? I'm looking at my --

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1 COMMISSIONER IMAMURA: No objections.

2 CHAIRPERSON HOOD: Okay.

3 Any objections, Vice Chair Miller?

4 Okay. No objections, okay.

5 All right. Mr. Avitabile, good afternoon.

6 MR. AVITABILE: Good afternoon. And thank you. Can
7 you all hear me all right?

8 CHAIRPERSON HOOD: Yes.

9 MR. AVITABILE: Excellent. We -- I don't believe we'll
10 need the other experts to be recognized. If a question comes up
11 involving civil engineering or waterfront engineering, well,
12 we'll deal with it then. But I think we'll be okay.

13 MS. SCHELLIN: Okay. Great.

14 So from DDOT, we have Jonathan Rogers. And from the
15 Office of Planning we have Karen Thomas and I believe Jennifer
16 Steingasser. And ten from the ANC we have, I believe it was --
17 I'm sorry, let me see. We have --

18 CHAIRPERSON HOOD: Is it Chairman Daniels?

19 MS. SCHELLIN: Yes, Chairman Daniels. I'm sorry, I
20 lost his name. I lost my actual printout. So anyway, that is
21 all I have.

22 And I believe the Applicant decided to do a very short
23 presentation just hitting the highlights of about maybe 10, 15
24 minutes, I believe.

25 CHAIRPERSON HOOD: Okay.

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1 So Mr. Avitabile -- and thank you, Ms. Schellin ---
2 before you get started, I want to make sure you hit the highlights
3 and really expound for me, unless my colleagues have something
4 else, about the 30 percent. I was very excited to read that. I
5 was very happy. I forgot about what I usually asked for, 10,
6 and 20. When I saw so much, 30 percent. So if you can hit that
7 and hit some of the highlights and any issues that may have come
8 up, because it looks like this is overwhelmingly a lot of support
9 in the record. So let's see how this goes. I'll turn it over
10 to you. Thank you.

11 MR. AVITABILE: Great. Thank you very much, Chairman
12 Hood and members of the Commission. David Avitabile with Goulston
13 & Storrs here today with Lawrence Ferris on behalf of the
14 Applicant. We have here in the room with me members of the
15 Applicant's team, and then we also have our architects and
16 landscape architects joining from their respective locations.
17 We'll do a short presentation today, myself and Rich Fernicola,
18 from -- on behalf of the Applicant. We'll speak briefly and
19 we'll cover that issue, Chairman Hood, as well as the other
20 benefits of the project.

21 So if we could bring up the presentation please, we're
22 only going to go through the first, oh, six or seven pages of
23 it, but we'll have the rest of it ready if we need to go to some
24 of the other pretty pictures. Thank you so much, Mr. Young. All
25 right. So we can go to the next page please, when you're ready.

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1 So this application is in many ways it's been nearly
2 ten years in the making, but it's the second phase of a two-step
3 PUD. Chairman Hood and Commissioner Miller, you'll remember back
4 in 2013 we were before you getting first stage approval for this
5 property. It's property that's owned by the District, currently
6 occupied by D.C. Water and is right next to the Nationals
7 ballpark. It's immediately south of the Southeast Federal
8 Center, the Yards, and it is much like the Yards, it's controlled
9 by the same affiliate or by an affiliate of what is now
10 Brookfield. So it's the same master developer for all of this
11 property that you've been seeing over the past 15 years. Back
12 in 2013, the property was rezoned to what is now this CG-4 zone.
13 And you approved a development plan that consisted of four
14 parcels. If we could go to the next slide please?

15 And briefly, there was a movie theater that was
16 approved on what we call the F-1 parcel, which is the parcel in
17 the northeast corner, and then first stage approval for three
18 parcels on the left side of the screen, the G-1 parcel at the
19 top, the G-2 parcel in the center, and then the G-3 parcel on
20 the bottom. The first stage approval was for residential
21 buildings over ground floor retail, with some parking both above
22 and below grade. And then along the waterfront it was an interim
23 park, but largely a retail pavilion was approved. And all of
24 this with the new street grid being reintroduced to connect
25 everything. So what we're here tonight is to talk about some of

1 the modifications we've made to that plan to recognize changes
2 that have happened over the last nine years and then with the
3 actual approved building designs. So with that, I'm going to
4 turn it over to Rich, who's going to walk through some of the
5 modifications and the amenities. And then I'll close with some
6 comments on where we stand on the record.

7 MR. FERNICOLA: Thank you, Dave. If we could advance
8 to the next slide. Great. Thank you.

9 On behalf of Brookfield Properties and the Menkiti
10 Group, I'd like to walk through the community benefits of our new
11 PUD submission and also note that these are -- sorry there's some
12 noise from the outside. Sorry about that. I would like to walk
13 through the community benefits of our new PUD submission and also
14 note that these are benefits in addition to what was provided for
15 in the prior PUD approval. First, we are proposing to increase
16 the onsite affordable housing from a total of 8t percent
17 affordable, or 48 affordable units from the prior approval, to
18 30 percent of the total units, or 204 affordable units. Half of
19 these units will be delivered at 30 percent AMI and the other
20 half will be delivered at 60 percent AMI. And we'll provide some
21 additional color on that through the presentation.

22 Number two, as Dave indicated, the park did allow for
23 a retail building to be constructed up to 15,000 square feet.
24 Through consultation with DMPED (phonetic) and the ANC, we are
25 proposing to remove the structure and expand the open space and

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1 construct a publicly accessible waterfront park. This results
2 in an approximate 30 percent increase in open space as part of
3 Diamond Teague Park.

4 Next, we are going to redistribute Potomac Avenue also
5 to increase space for pedestrians and park uses. Next we are
6 carrying the Yards place curbless environment through the PUD
7 area similar to that to what is being constructed next to the
8 Comonicks (phonetic) Building. Next we are delivering incubator
9 retail space and this includes creating fully built-out retail
10 spaces for local women and minority owned businesses within
11 building G-1. And these spaces will be leased at below market
12 rents to these future targets. Next we are -- we're relocating
13 all above grade parking within buildings G-1 and G-2 that was
14 designed in the prior approval, and we're placing all parking
15 below grade, and this results in the addition of -- additional
16 units that we can construct in these two buildings.

17 And then finally, we're going to implement the best
18 practices in resilient design. Now that's a summary of the
19 community benefits between the prior approval this approval. I'd
20 also like to state that I want to thank DMPED for their continued
21 support through the PUD process and note that we've been working
22 closely with DMPED to increase the amount of affordable housing
23 as part of this project, as well as to increase the amount of
24 open space and to create a world class, publicly accessible park
25 as part of this project. Thank you, Dave.

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1 MR. AVITABILE: Thank you. Thank you.

2 We're very low tech moving the laptop, but we figured
3 that was the easiest way to avoid the microphone reverberations.
4 All right. If we can go to the next slide please?

5 And this slide, I think, again, just gives a sense of
6 the ground floor plan and really shows the retail lining almost
7 all sides of each building, the incubator retail over on the
8 Yards Place side, the focus of the lobbies along Yuritz (phonetic)
9 Place consistent with the master planning for the overall Yards
10 west master plan. And then finally, of course, the park space
11 at the end. Then we go to the next slide.

12 And that board shows how this fits into the broader
13 context again. And one of the important details here is that
14 this whole site has been integrated fully into the master planning
15 for the entire Yards development so it will fit seamlessly in
16 with the other buildings that you've seen over the last few years
17 on the parcels to the north. And really it extends that same
18 concept, that same streetscape all the way down to the river.
19 And we can go to the next slide.

20 This will be where I'll just sort of wrap up the
21 presentation and sort of summarize where we are, Chairman Hood
22 So we're here with support from the Office of Planning, the
23 Department of Transportation, ANC 6D, the Deputy Mayor for
24 Planning and Economic Development, and our neighbor, D.C. Water.
25 We have agreed to revise our transportation demand management

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1 plan in response to DDOT's request. That was one of the
2 outstanding issues. We submitted that updated and revised TDM
3 into the record yesterday. Second, we agreed to D.C. Water's
4 recommended conditions in their letter of support from yesterday.
5 We acknowledged that and we are -- continue to be really
6 appreciative of the hard work that D.C. Water has made to create
7 a situation that allows for these properties to be put to a new
8 urban use.

9 And then finally, we had some conversation with the
10 Office of Zoning Legal Division at the beginning of the week,
11 sort of confirming process here. One of the minor changes to
12 the PUD that you may remember from the record is there's some
13 land that's been added into the PUD land area. That's what we
14 call accreted land. It's land in the riverbed that up until a
15 couple of months ago was not record on the city's land records
16 as land because it had been underwater. And so we've added that
17 in. And so there was a question as to whether the Commission's
18 action in 2013 to rezone the property included that land as well
19 or whether you needed to now rezone that property. And we
20 concluded collectively I believe that there's a provision of the
21 zoning regulations that says when the Zoning Commission rezones
22 land, they also rezone the submerged lands that are sort of
23 pertinent to that land out to, you know, the pier headline in
24 the water. And that's a -- I think it's A206.6 of the zoning
25 regulations. And so when you approved this PUD back in in 2013

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1 and you rezoned the property, that necessarily included rezoning
2 the land, that's these accreted land that we've added into the
3 PUD. So those were the only outstanding issues that we had going
4 into this week. And I think we've addressed them all. You know,
5 we have a full record that satisfies all of the legal
6 requirements, including compliance with the first stage PUD,
7 consistency with the comprehensive plan, and that includes
8 separate analyses, both racial equity and resilience, since this
9 is a site that falls within one of the resilience focus areas.
10 And of course, we've got detailed plans in elevations for the two
11 buildings in the park, which we're happy to discuss with you all.
12 And then finally, I think to your -- to your question, Chairman
13 Hood, on how this property is able to achieve the depth and
14 breadth of affordable housing. This is a District disposition.
15 This is district property that's being disposed. And so as a
16 part of that land disposition agreement, there is the ability to
17 achieve that level of affordable housing based on the cost of the
18 land itself. So that's the lever that the city uses to deliver
19 this level of affordable housing in these projects. And it's
20 consistent with other projects we've brought before you in the
21 last couple of years in this quadrant of the city and nearby.
22 But that's what allows us to get to that level. But it's -- it
23 does not in any way sort of take away from how, you know,
24 incredible it is to be able to achieve that. And again, that's
25 in large part thanks to the District itself for contributing to

1 it.

2 So with that, we'll end here. I don't know if I've
3 exceeded our ten minutes or not, but we're happy to answer any
4 questions. We have the rest of the presentation here and we can
5 certainly flip to any page if you'd like to discuss any questions.
6 Thank you.

7 CHAIRPERSON HOOD: Thank you, Mr. Avitabile, your team
8 that presented today, and those who may present, we really
9 appreciate your responses and your presentation to us this
10 afternoon.

11 You've answered one of my questions and I appreciate
12 it. What was the lever, and I like the way you answered that,
13 and I appreciate it. It was very pleasant to read the 30 percent,
14 and I probably mentioned it earlier, but it was very pleasant
15 because I know I've been talking about 30 percent for a long
16 time. And to see this, I guess now you all have set the mark
17 now, I can go down to maybe 10 and 20. I'm sure that's going to
18 be a heavier lift, but it's always worth a try. Let me just ask
19 one question. And I didn't see it if it was in there, if you
20 could direct me, are some of the units like at 30 percent, are
21 they going to be below -- you know, we always talk about this,
22 so some of those, are they going to be mixed throughout the
23 project or are they going to be on the lower end or they're going
24 to be able to get the views as well. So I'm just curious, has
25 that decision been made?

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1 MR. AVITABILE: So because this is part of a land
2 disposition, ultimately the Deputy Mayor and Department of
3 Housing and Community Development will approve an ADU covenant
4 similar to the IZ covenant and that will include an approved
5 distribution of all of the affordable units in the building. But
6 the rules are pretty similar to the rules for IZ units. They're
7 spread throughout all floors of the building, try to avoid, you
8 know, stacking the units. We distribute them equally among the
9 different unit sizes. So there will be, you know, some of these
10 buildings have three-bedroom units and so there will be three-
11 bedroom affordable units as well. So they will be distributed
12 throughout the building. You know, we don't submit a plan for
13 these sorts of cases because we know that it's going to go
14 through, you know, the District in other ways. But it will have
15 that same level of distribution. Some of the units will have
16 balconies, very similar to the way the units are distributed on
17 the IZ.

18 CHAIRPERSON HOOD: Yeah, I would be very interested to
19 see what my colleague, the Vice Chair, has to say about balconies,
20 I did notice that as well. I don't have any other questions.
21 Let me ask you this though, I didn't see it in the record, but I
22 never know when we start, was there ever any opposition anywhere?
23 I mean, I know you all work the way you are, but is there any
24 opposition that you know of? As I go through this, and I know,
25 you know, I know you can't predict the future, but as I go through

1 this, am I going to -- are we going to run up against somebody
2 who's opposed? Maybe that's not a fair question because, you
3 know, never mind. I withdraw that question because I never know
4 what's going to happen. But I just see overwhelming support in
5 the record. I'll just leave it at that.

6 MR. AVITABILE: No, if there isn't any opposition we
7 worked hard with, you know, our neighbors, you know -- I mean,
8 the reason why it's taken nine years to get to this point is it
9 was really complicated to work through with Deputy Mayor and with
10 D.C. Water the plans for relocation and making sure we could live
11 together next to each other as neighbors now. But everyone put
12 a lot of work, a lot of time in to get to that point. So you
13 know, it's been all cooperative hand in hand working together.

14 CHAIRPERSON HOOD: Okay. Well, good, those nine years
15 were very well used. I hope all our cases don't take nine years,
16 but I really appreciate the outcome from where I see it now. So
17 thank you and the team.

18 Let's go to Commissioner Imamura, any questions or
19 comments?

20 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. As you
21 mentioned, the -- and as Mr. Avitabile mentioned, the record is
22 whole and complete. It took this almost exhaustive working
23 through all of it, but it's complete in my point of view. So I
24 appreciate the thoroughness of Mr. Avitabile and your team. It's
25 a commendable project. Appreciate the additional affordable

1 housing and the water waterfront -- the addition of the water
2 park. It's a tremendous public amenity there that I was really
3 pleased to see. In terms of the architectural design, as most
4 people know, that's certainly an interest of mine as well as
5 Commissioner May's. I don't have any particular questions for
6 Mr. Pilot. Just wanted to comment on the fleet, the re-use of
7 the fleet maintenance building and its façade sort of at the
8 base, this plinth, I thought that was just a really creative
9 solution and idea for the G-1 parcel. I certainly appreciate the
10 shape, grammars, form, and mass scaling of G-2 sort of facing the
11 waterfront, but they just appear to be and maybe by intent two
12 sort of separate buildings there. I wish they would speak a
13 little better to one another. I will advocate for -- perhaps I
14 don't want to speak for Commissioner May, but he has a couple of
15 rules that we know that we finally refer to as the May rule. But
16 one of -- the one that I'm speaking to is the color palette for
17 G-2 being awfully light. I personally like the color selection,
18 but I want to stress and encourage the design team to just think
19 about that in terms of maybe a cool gray as opposed to a white.
20 I'm sure you all have -- you know, you all have come before the
21 Commission many times and know his particular preference for
22 design teams to think through that -- those issues a little more
23 carefully. So I want to encourage the team to do so.

24 I do have one question though, or at least maybe
25 somebody, Mr. Pilot or somebody from the design team, maybe Mr.

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1 Caudle, I'm not sure who. But to talk a little bit about the
2 bleacher seating and terrace on the penthouse of, I guess, G-1.
3 Mr. Pilot, I think that's a creative sort of gathering space, but
4 -- and I don't oppose it at all. In fact, I'm actually an
5 advocate of it. But I wanted to ask if any thought was given to
6 softening the bleacher seating. So it's a very architectural
7 solution. And it's very open and I think it's going to be very
8 hot. And all I'm asking, Mr. Pilot, is has any thought been
9 given to breaking up that mass with some planting some planter
10 boxes? That's all.

11 MR. PILOT: Thank you for that comment. This is, you
12 know, just -- this is Brian Pilot from Studios Architecture. We
13 did carefully study those bleachers and the different spaces
14 around in trying to create a number of different gathering areas.
15 And you can imagine that that also provides some really sort of
16 wonderful elevated views potentially into the ballpark. But you
17 know, I think as we continue to develop the design and design
18 development, that's definitely something that we would take into
19 consideration with our landscape architect on that building.

20 COMMISSIONER IMAMURA: I'm glad to hear that because I
21 think it really requires more of a landscape solution than an
22 architectural solution. And you've done such a phenomenal job,
23 I think, with incorporating some of those landscape elements,
24 that was really noticeable to me there, that sort of the -- it
25 is very architecturally driven. I think it probably could use a

1 revisit I think, just a couple planter boxes I think could soften
2 those edges, create little pockets, smaller pockets, rather than
3 sort of this massive steps. So just please consider that.

4 And then, I guess, Mr. Pilot, while you're on, perhaps
5 maybe your landscape architect could speak to it. I did notice
6 a couple things. Two questions. One, at the waterfront park
7 there's sort of this structure, I guess it's probably at the
8 intersection of Potomac Place and Yard Place maybe. Right. And
9 it's at -- it's sort of -- it creates a node there. And it's
10 very underwhelming. Like that could be a really neat moment as
11 people come down Yards Place. And I was thinking the landscaping
12 -- and I wasn't involved, and I'm not suggesting any sort of
13 redesign or development of it, but whether, you know, what's
14 really driving folks down to the waterfront there in terms of the
15 landscape, and it seemed to fall a little flat to me along Yards
16 Place and at that really neat moment there at that node and I
17 thought maybe there could be something a little bit better there
18 in terms of that trellis that's there, something -- it's very two
19 dimensional to me.

20 MR. AVITABILE: So if we could have Doug from Scape
21 brought up as a presenter, I think right now he's an attendee,
22 but not a presenter. He's our landscape architect on the park
23 and he could speak to that, Commissioner Imamura.

24 COMMISSIONER IMAMURA: All right. Thank you, Mr.
25 Avitabile. Mr. Pilot, thank you very much for your response.

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1 MR. BROOKS: Okay. I think I'm available now. Okay,
2 I'm unmuted, great. Thanks for that comment as well
3 (indiscernible). But, no, I think one of the at least conceptual
4 thinking around the park was really acting as almost a delta for
5 the folks from the waterfront to basically go from the waterfront,
6 the existing Anacostia River walk trail and how that is almost
7 this funnel of people up to the rest of the urban fabric. And
8 thinking about how that is a little bit of a sort of fan, so to
9 speak. So the materiality of that shape structure is a bit of
10 the sort of waterfront in it being kind of a caged steel post
11 with a simple lapped construction of timbers. And I think there's
12 a little bit of nuance and maybe in the renders it shows it maybe
13 not so clear, but there are some very, very subtle nuance of just
14 flipping those members about 45 degrees, so it creates this very
15 interesting geometric, almost origami like shaped structure. So
16 while I think it's quite flat in its architectural appearance, I
17 think there's some very interesting sort of subtle but pretty
18 technical detailing there. So I know one of the reasons in
19 thinking of just this flat plain is how to allow that view as
20 you're coming down sort of Yards West and the sort of new
21 extension that we're really looking to maximize that space. So
22 it's about an 18 foot finished floor to sort of the top of that
23 structure. So we're really allowing, as they're moving through
24 that sort of open vista to the river. But again, we're in sort
25 of SD, you know, so I think there is a little bit of, you know,

1 some of that comment we can wrap into what that might look like
2 in its end state. But hopefully that gave you a bit of a
3 conceptual idea of what we're thinking.

4 COMMISSIONER IMAMURA: Thank you, Mr. Brooks. I
5 appreciate that. And I can appreciate and understand sort of the
6 trying to protect sort of that vista and the nuance and sort of
7 the tectonics of that trellis. You know, I'm familiar with that
8 Scape and your work, and I'm optimistic that we can do better
9 and something very creative. It's a great moment there. And
10 while the materiality is great, and I imagine -- it certainly
11 doesn't come across in the perspectives for sure. So it doesn't
12 do it justice the way you described it. But I think the intent
13 is good. I certainly appreciate the plant palette that was
14 selected, the way that you've organized this public space along
15 the waterfront park. Again, I hope and wish that maybe there
16 may be more thought behind Yards Place and how to draw people
17 down that streetscape to the park. It just didn't come through
18 on the plans that I saw. I'm curious too, while you're on, Mr.
19 Brooks, if you can describe or discuss a little bit about your
20 role and involvement perhaps in some of the resilient design that
21 I think there was the first slide that talked about best practices
22 in resilient design. If you can talk a little bit since we are
23 in 100-year floodplain what your involvement was in sort of the
24 resiliency aspect of it and any sort of stormwater management
25 would be great.

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1 MR. BROOKS: Sure. Yeah. You know, essentially we're
2 building an extension just to the north of Diamond Teague Park.
3 Right? So there are some existing grades we need to tie into in
4 order to maintain that boardwalk sort of in situ. But as soon
5 as we hit that, we're looking to slope up to get to some of the
6 finished floor elevations that the architectural team is working
7 too, and while creating also an accessible way to navigate up
8 that park space. So you'll see that in some of the plans. It
9 kind of levels out as you move from east to west. So there's at
10 least a definite elevation of the park as it ties in directly to
11 the existing Diamond Teague Park as we move up to the new sort
12 of building and street. So I think just by lifting it, you know,
13 in some parts of the site, we're actually lifting it upwards of
14 four to five feet just so that it won't be flooded quite so often.
15 And then in addition to that, we're looking to -- there's 50 foot
16 of waterfront that this project is going to be engaging. So
17 we're looking at how we will tie into the existing grade at the
18 boardwalk there of the existing Diamond Teague Park and how we're
19 looking to build a more resilient living shoreline there that
20 will encompass both the hardened edge of, you know, sort of river
21 stone, but also interspersing some planting in there so that it
22 will be sort of functional from an ecological perspective. We
23 are in -- you know, we're beginning to walk through the permitting
24 aspects of that with, of course, the DOEE, the Army Corps to
25 understand what is our in-water -- sort of like how much of the

1 in-water can we look to affect with regards to is it -- is there
2 planting that we want to go into on those flats there? But we
3 think that, you know, with the combination of elevating and then
4 hardening that edge beyond what is there, but also introducing,
5 you know, planted shelves, so to speak, that those will be a bit
6 more intertidal, a bit more ecologically functioning over time.
7 So I think kind of between those two, I think those are at least
8 us trying to tie into that narrative and that story. And I think
9 that's kind of the ethos of our firm is to always kind of not
10 just improve and make resilient, but also think about the
11 ecological infrastructures that are coupled with the more
12 traditional infrastructure.

13 COMMISSIONER IMAMURA: Terrific. Thank you, Mr.
14 Brooks. I'm glad. I wanted -- the reason I also wanted to put
15 that on the record and again, very familiar with Scape and the
16 work that you all do and so I'm pleased that you're on this
17 project and leading that effort. I don't know where my colleagues
18 will rest on this, but should anything be asked for to supplement
19 the record, one of the things that I saw missing, Mr. Brooks,
20 and it's not just in this case, it's in many cases, but because
21 this has such a large public impact it's difficult for people to
22 imagine what the landscape looks like at the street and sort of
23 at the pedestrian level seasonally. Right? And what -- so, you
24 know, I don't think that I -- you know, I certainly don't want
25 to hold up the project, but it would be great if we could have

1 some perspectives or renderings of what this will look like
2 seasonally, what that park looks like seasonally. And, you know,
3 this is something I try to advocate and certainly hope the public
4 and other applicants hear, but we need to do a better job of
5 showing the public what these projects look like throughout the
6 year. And so with that for now, Mr. Chairman, I don't think I
7 have any other questions. And again, I just want to commend the
8 project team on both sort of the urban design of this and just I
9 think it's a good example of a well-integrated and thoughtful
10 design solution, both architecturally and landscape
11 architecturally. So with that, I yield back.

12 CHAIRPERSON HOOD: Okay. Thank you.

13 Vice Chair Miller, any questions or comments?

14 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
15 you, David Avitabile and the architectural team for bringing this
16 application forward and all your work with the community, ANC 6D,
17 and with district agencies, including DMPED and D.C. Water. Not
18 always easy agencies to deal with, I won't mention which one is
19 not easy to deal with. But there are significant, as the ANC
20 noted and others have noted, improvements from our first stage
21 PUD approval. This is a modification of the first stage PUD and
22 then the second stage approval for certain sites. The amount
23 -- the increased amount and increased depth of affordable housing
24 is just fantastic. It's, as noted by you and others, it's has
25 four times the amount of affordable housing in the first stage

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1 PUD. I think it was only 48 units, and I think it was at an 80
2 percent median family income. And now you're at 205 or something
3 units of affordable housing, half of which are at the 30 percent
4 and below level and the other half at 60 percent. So that's just
5 something we don't see often in cases before us, even -- and it's
6 30 percent set aside of the 600 plus units. And you've added
7 units -- you eliminated some above grade parking, I think, which
8 never is a good thing, and created more housing from those units.
9 And you've limited -- and you've reduced the parking because you
10 don't have that iconic movie theater -- was it called icon?

11 MR. AVITABILE: That's right. That's right. It was
12 the icon.

13 VICE CHAIR MILLER: Yeah, I mean, we were all excited
14 about icon movie theaters pre-pandemic, but I don't think I've
15 been to a movie theater -- I used to go every couple of weeks.
16 I don't think I've been to one in a few years. I don't know if
17 I'll ever go back to one. It really isn't necessary, although
18 there is that experience -- that shared experience. But I'd
19 rather share it with others who I know. So there's a lot to be
20 commended here. The design, I agree with all the comments of my
21 colleagues, both Chairman Hood and Commissioner Imamura. The
22 urban design is really commendable. All the terraces and
23 balconies, the preservation of that fleet maintenance building
24 as the foundation of the building works really well. All the
25 setbacks and terracing and the number of balconies you have I

1 really do appreciate. And the expansion of Diamond Teague, of a
2 fully accessible park and expanding Diamond Teague Park to make
3 it fully publicly -- in a fully publicly accessible way.

4 Another commendable -- and you've gone from, I think,
5 a LEED Silver to a LEED Gold as well. There's so many
6 improvements it's hard to keep track of them all. But it's been
7 a number of years, and so there has been time to make those
8 improvements. If just -- out of curiosity, so this level of
9 affordable -- this deep level and amount. much greater than
10 anything our regulations require, although you said it's a
11 District site, it was disposed of and so there are new
12 requirements, percentage requirements, which maybe didn't exist.
13 The 30 percent set aside at the time that you did the first stage,
14 which is why you were at 48 then. I don't know if that's the
15 case, but I'm just trying to figure out how we -- you said it
16 was because it's a District site, but it was a District site
17 then. But I think the Council and the Mayor increased that set
18 aside requirement and affordability levels for District
19 dispositions. And I see you're nodding your head. So let me
20 interrupt myself and let you say something, and then I'll go
21 back.

22 MR. AVITABILE: No, yeah, that's correct. This site's
23 within the Anacostia Waterfront Development Zone. And so under
24 the AW DZ Act, there's a requirement that, you know, the Council
25 put in place that essentially directs the Mayor when they're

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1 negotiating the LDAs for these sites to prioritize affordable
2 housing over other considerations, whether it's getting more land
3 value or anything else. And so that's where the -- that's where
4 our requirement comes from. And it's the same requirement that
5 you saw last year at this time for the parcel redevelopment next
6 to Audi Field, you know, similar situation. So that's where the
7 requirement is coming from. But it's no less of a benefit because
8 it still represents prioritizing the affordable housing over, you
9 know, over other elements. So that's where it comes from. And
10 that's why the change.

11 VICE CHAIR MILLER: So in addition to whatever write
12 down of the cost of the land and the disposition, which we don't
13 need to get into here, that's not really a zoning issue, but just
14 out of curiosity, are there other District -- or federal subsidy
15 -- housing subsidy programs that are supporting -- are needed to
16 support this level of affordability? Because I don't think the
17 market rate, even with writing down the land value, might support
18 all that.

19 MR. AVITABILE: I'll let Rich speak to that.

20 MR. FERNICOLA: Hi, Rich Fernicola, Brookfield. We're
21 in the middle of amending and restating the LDA, the land
22 disposition agreement, from 2013, and we are evaluating with
23 DMPED whether any additional subsidies are appropriate for the
24 project. There's none finalized or put in place yet, but we are
25 working with DMPED on that front in addition to what the LDA

1 currently outlines for us to do, 30 percent, and again, like Dave
2 said, at a reduced purchase price. So nothing identified and
3 firm yet, but we are evaluating that with DMPED. Thank you.

4 VICE CHAIR MILLER: Thank you for that response. And
5 so I guess that evaluation is going to take a little while because
6 when does -- if we were to approve this fairly soon, we -- I
7 think I saw 2024 date for starting of construction; is that true?

8 MR. FERNICOLA: I mean, we want to get through this
9 entitlement obviously, through the appeal period, then we need
10 to restart design, finalize the design, and then obviously finish
11 permitting the site. Right now, we are looking at a end of '24,
12 early '25 construction start. There is -- obviously there's a
13 lot of infrastructure work here, some demolition, but it's really
14 the finishing up, the permitting, or the entitlement, the
15 permitting, and design piece of it puts us towards the end of
16 '24.

17 VICE CHAIR MILLER: You mentioned appeal period. I
18 don't see any opposition here, do you really -- is that really -
19 -

20 MR. AVITABILE: We're really okay on that front. That
21 one we may be okay with.

22 VICE CHAIR MILLER: You've taken care of that with the
23 nine years that you've worked on it.

24 MR. AVITABILE: That's correct.

25 VICE CHAIR MILLER: Okay.

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1 MR. AVITABILE: That's correct. That's one boulder out
2 of the way.

3 VICE CHAIR MILLER: Yeah, that's a big boulder. Just
4 one final -- well, I think one final question. The D.C. Water,
5 you incorporate -- I think you've incorporated or addressed all
6 of their concerns. Are there -- were there additional specific
7 conditions that we're supposed to consider, including in our
8 order that you all are agreeing to?

9 MR. AVITABILE: Just, you know, they proposed two
10 conditions, one of which were things we discussed with them at
11 length that govern how the shared O Street will operate and really
12 ensure that the operation of O Street as our main access point
13 to the buildings will work harmoniously with their access that
14 they need to get into, you know, their campus. And so we were
15 happy to agree to those. And then the other condition is really
16 simply to memorialize and execute this sort of multi-piece
17 agreement that we've been negotiating with them over the past
18 couple of years, that again governs not only sort of the zoning
19 and land use issues, but other aspects that they detailed in
20 their letter, including, you know, who's going to own O Street,
21 O Street itself, that land will be owned by D.C. Water. They'll
22 sort of retain it so that they have that long-term assurance of
23 that maintenance of access to their site will have, you know,
24 easement rights across it for our use. But so that -- those are
25 -- you know, the conditions that they proposed were short and

1 sweet, but they capture, I think, everything that we needed. You
2 know, we've worked hard with them. I mean, if you reach back
3 into your memory, you know -- they've been in support the whole
4 way, but support with sort of issues that needed to be worked
5 through. And we spent a lot of time working through them. You
6 know, the original PUD had, you know, access across their site
7 that's now been pulled out with some other changes we've made,
8 all in response to their requests. So that's how we're here
9 today in a very good place.

10 VICE CHAIR MILLER: Well, that's good to hear. Just
11 two other things that I forgot to mention in terms of positive
12 aspects of the project. Can you just reit- -- the number of two-
13 bedroom and three-bedroom units, can you just -- of the 600 and,
14 is it, 5 units, how many are two- and three-bedroom? I mean,
15 it's more than we usually see.

16 MR. AVITABILE: So each building has, I want to say,
17 about 9 or 10 three-bedroom units, of which a third would be
18 affordable. So you've got, you know, do the math, 18 or so three-
19 bedroom units across the two buildings. And then in terms of
20 two-bedroom units, I'm looking here now, it's -- it looks like
21 there's about 100 in G-1 and then 100 in G-2. So 200 two-bedroom
22 units across the two buildings, more or less. And those -- the
23 unit mixes are in the plans. But so it's a significant number
24 of larger units across both buildings. And again, a third of
25 each will be affordable.

1 VICE CHAIR MILLER: And that was also a change from the
2 mix that was previously in the first stage PUD?

3 MR. AVITABILE: I don't think we were at that level at
4 that stage.

5 VICE CHAIR MILLER: Or not?

6 MR. AVITABILE: I think the first stage merely sort of
7 had a ballpark number of units, you know, without really getting
8 into unit mix. But I think it's fair to say the buildings,
9 because it shifted towards a slightly larger unit mix, slightly
10 larger units in terms of the mix.

11 VICE CHAIR MILLER: And then finally, the children's
12 -- am I still with you? I seem to be having connectivity issues.
13 Can you hear me?

14 MR. AVITABILE: We can.

15 VICE CHAIR MILLER: Okay. I'll wrap up quickly then.
16 The children's playground, recreational space is also an amenity
17 that is, as I'm still a relatively new grandparent, I'm very
18 cognizant of these days. So I think that's very -- and especially
19 in this neighborhood, I think that's very commendable. Just one
20 of many commendable aspects of this project. Thank you all for
21 all the work on this.

22 Thank you, Mr. Chairman.

23 CHAIRPERSON HOOD: Thank you. Any second go arounds,
24 Commissioner Imamura? I'm asking myself a question out loud.
25 No. All right. So let me see here. I have a new -- bear with

1 me. Other government agencies, other than the DDOT report, we'll
2 get to them. I don't think I saw any -- I didn't see anything
3 from the Office of Attorney General, but anyway let me go through
4 me -- give me one second please. Okay. So I don't believe we
5 have a report of the Office of Attorney General. I didn't see
6 any other government agencies other than the Deputy Mayor did
7 send in a support letter actually reiterating what Mr. Avitabile
8 mentioned about the partnership and their support. And I also
9 want to commend the Deputy Mayor's office because I will tell you
10 I was very well pleased when I read the 30 percent. For some
11 reason, after you get to -- when you see that kind of stuff, you
12 forget about everything else. Maybe that's what I did, but I'm
13 glad we got there. I don't believe there were any other reports.

14 Report -- Ms. Schellin, do we have anybody from the
15 Department of Transportation.

16 MS. SCHELLIN: Yes, we have Mr. Rogers, Jonathan
17 Rogers.

18 CHAIRPERSON HOOD: Mr. Rogers. You mentioned that, you
19 mentioned that. Let's bring Mr. Rogers up.

20 MS. SCHELLIN: I believe Mr. Rogers is just back from
21 paternity leave, but I may be wrong.

22 CHAIRPERSON HOOD: You know, when I heard the name --
23 welcome back, Mr. Rogers.

24 MS. SCHELLIN: I think he's just come back.

25 MR. ROGERS: I'm here. Good evening, Mr. Chairman --

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1 CHAIRPERSON HOOD: Welcome back.

2 MR. ROGERS: -- and Commissioner Miller, it's been a
3 while. Good to see you. I'm several months back from paternity
4 leave, but it feels like just yesterday. DDOT wishes to rest on
5 the record and appreciates the close coordination that we've had
6 with the Applicant throughout the process. Thank you.

7 CHAIRPERSON HOOD: That's the way to come back, Mr.
8 Rogers, great.

9 Commissioner Imamura, any questions of DDOT?

10 COMMISSIONER IMAMURA: No questions.

11 CHAIRPERSON HOOD: And Vice Chair Miller, any questions
12 of DDOT?

13 VICE CHAIR MILLER: No. Good to see you too, Mr.
14 Rogers. Thank you for being here.

15 CHAIRPERSON HOOD: And Mr. Avitabile, any questions of
16 DDOT?

17 MR. AVITABILE: No, sir.

18 CHAIRPERSON HOOD: And Ms. Schellin, we don't have any
19 -- do we have anybody from the ANC?

20 MS. SCHELLIN: I did not see Mr. Daniels on here.

21 CHAIRPERSON HOOD: I don't see Mr. Daniels, and I didn't
22 see anybody.

23 MS. SCHELLIN: But let me double check. Nope.

24 CHAIRPERSON HOOD: Vice Chair's not here. Okay. Well,
25 thank you, Mr. Rogers, appreciate it.

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1 Okay. Let's go to the Office of Planning's report.
2 I'm going to have to get used to our new order.

3 Ms. Thomas?

4 MS. THOMAS: Yes. Good afternoon, Mr. Chair, members
5 of the commission. I'm Karen Thomas with the Office of Planning.
6 Do we have the slides up? Sure. Thank you.

7 Again, good afternoon, Mr. Chair, members of the
8 Commission, Karen Thomas with the Office of Planning. And this
9 afternoon we are asking that the Commission approve the
10 modification of this long-standing PUD, which was originally
11 approved in 2013. Next slide?

12 This site is one of the large remaining parcels of Navy
13 Yard to be developed, and since initial improvement approval,
14 we've had several significant changes, both physical and
15 regulatory, which impacted the changes to the PUD, including the
16 comp plan, particularly with its emphasis on equity and
17 resilience. Next slide?

18 We believe that the modifications of this PUD better
19 respond to the principles of equity which the comp plan demands
20 be considered as part of development going forward. And the
21 Applicant's submission here tonight and OP set down report, and
22 final report I should add, provide in-depth information of the
23 project's consistency with the comp plan as viewed through the
24 equity lens. And on balance, the PUD would not be inconsistent
25 with these important indicators as detailed in our report. Next

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1 slide?

2 So putting it together, we see that there would be no
3 displacement of residents with new housing in an expensive
4 neighborhood. We have a generous number of affordable units
5 which would be included and which wouldn't have happened had this
6 project been already completed. So we're very supportive of the
7 number of three-bedroom units as affordable family-sized units
8 are in the Navy Yard neighborhood. So the project's location and
9 the access to the Navy Yard amenities and other nearby waterfront
10 neighborhoods will have a positive impact on daily living for
11 lower income and all residents particularly access to connected
12 recreation spaces, parks, and bike trail systems, and quite
13 frankly, the water itself. Benefits from this project would not
14 only accrue to the neighborhood, but to the District as a whole.
15 And we concluded that the requested flexibility could be
16 considered reasonable when balanced against the benefits of this
17 project and its value to the District. And that would include
18 the housing at the low level of affordability, where we don't
19 have this level in this neighborhood. We will have new retail
20 space with incubator space targeted to local women- and minority-
21 owned businesses. And we would have a 40,000 square foot addition
22 to the Diamond Teague Park system. The street grade would be
23 continued and its focus is primarily on pedestrian traffic,
24 providing access to the navy Yard Metro entrance on M Street. We
25 would have new development with built in climate ready features

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1 and preservation of the industrial facade of the fleet
2 maintenance building, along with a continuation of the Lafon
3 (phonetic) Street, which is Potomac Avenue, which was really
4 desired by the comp plan and historic preservation. We are
5 pleased with the agency and community coordination with this
6 phase of the PUD. And with that, Mr. Chair, I'll ask that this
7 application be approved based on a balance of consistency with
8 comp plan, as demonstrated in the public hearing tonight. Thank
9 you.

10 CHAIRPERSON HOOD: Thank you, Ms. Thomas, are you
11 asking for a bench decision or you're not, you're just saying
12 approve, you didn't say bench, I just want to make sure.

13 MS. THOMAS: That would be helpful to all concerned.

14 CHAIRPERSON HOOD: Okay. All right. So thank you, Ms.
15 Thomas, for your report. I think your report was very well done.
16 I really appreciate everything that you outlined and the way it
17 was done as always.

18 Let's see, Commissioner Imamura, any questions of the
19 Office of Planning?

20 COMMISSIONER IMAMURA: No questions, Mr. Chairman.

21 And as always, thank you, Ms. Thomas, for your report.

22 CHAIRPERSON HOOD: And Vice Chair Miller, any questions
23 of Ms. Thomas?

24 VICE CHAIR MILLER: No questions, Mr. Chairman.

25 Thank you, Karen Thomas, for your thorough report as

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1 usual.

2 CHAIRPERSON HOOD: And Mr. Avitabile, any questions of
3 the Office of Planning, Ms. Thomas?

4 MR. AVITABILE: No, sir.

5 CHAIRPERSON HOOD: All right. Mr. Thomas, thank you
6 very much. We appreciate it.

7 Okay. Report of the ANC, again, Ms. Schellin, you said
8 that you didn't see anybody from the ANC, so I will read it.

9 MS. SCHELLIN: That's correct.

10 CHAIRPERSON HOOD: I will read some of it, not all of
11 it. Well, I'm going to read the part that I've read actually
12 four times. It says "ANC 6D enthusiastically endorses the
13 multiple positive changes to the PUD and enhancement of the
14 benefits package." I appreciate ANC 6D, and I'll tell you why.
15 ANC 6D comes to us when they have a problem, and they also comes
16 to us when they enthusiastically endorses the multiple
17 (indiscernible) changes. And I appreciate all the work that they
18 have done. I've said this even when they come and they did not
19 agree with everything that was going on. And that's why we take
20 the time to try to work through it, because ANC 6D are the ones
21 who are going to endure whatever's done there. So I want to
22 appreciate Chairman Daniels and all those commissioners in ANC
23 6D for the years of work that they have done. And that's the
24 report. And the resolution was approved by a vote of seven to
25 zero. So continue to do the great work and we appreciate our

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1 front-line elected officials.

2 All right. Let me see where am I at. Ms. Schellin,
3 do we have anybody who's here to testify in either support,
4 opposition, or undeclared?

5 MS. SCHELLIN: Let me check. I think we have one
6 person, but let me double check. We have one person who is a
7 proponent, and that is Carolyn Brown.

8 CHAIRPERSON HOOD: Okay. Carolyn Brown. Let's bring
9 up Ms. Brown.

10 Anybody else, Ms. Schellin, or is that it?

11 MS. SCHELLIN: No, sir, that is it.

12 CHAIRPERSON HOOD: Okay. Ms. Brown, good evening or
13 well, good afternoon still. You may begin.

14 MS. BROWN: Good afternoon, Mr. Chairman. For the
15 record, Carolyn Brown from the Brown Law Firm, and I'm here on
16 behalf of D.C. Water. As you know, D.C. Water is in support of
17 this project. We have submitted a letter at Exhibit 24. We're
18 very pleased to have worked collaboratively with the Applicant
19 and DMPED. We're also very appreciative of the Applicant's
20 willingness to include the additional conditions in the order,
21 and we urge the Commission to act favorably on the application.
22 Thank you.

23 CHAIRPERSON HOOD: Thank you, Ms. Brown, for coming to
24 tell us that. That's very important. We appreciate the work
25 that you all have done with D.C. Water and D.C. Water has done

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1 with the Applicant. So thank you for taking the time to just
2 come and tell us that, that's very important.

3 Let's see if we have any questions or comments of Ms.
4 Brown.

5 COMMISSIONER IMAMURA?

6 COMMISSIONER IMAMURA: No, sir. I echo your comments,
7 Mr. Chairman.

8 Thank you, Ms. Brown, really appreciate your testifying
9 before the Commission.

10 CHAIRPERSON HOOD: And Vice Chair Miller?

11 VICE CHAIR MILLER: Yeah, I too concur with my
12 colleagues your comments. I asked that question about -- to the
13 Applicant about your -- the D.C. Water conditions and it's good
14 to hear from D.C. water themselves represented by you very well.
15 So thank you very much.

16 CHAIRPERSON HOOD: And Mr. Avitabile?

17 MR. AVITABILE: No questions. Thank you.

18 CHAIRPERSON HOOD: It's something how when people --
19 everybody's in support there's no questions, but anyway, that
20 means that the work has already been done. So great -- with the
21 Zoning Commission we greatly appreciate that.

22 So thank you, Ms. Brown.

23 All right. Ms. Schellin, nobody else, right?

24 MS. SCHELLIN: No one else.

25 CHAIRPERSON HOOD: Okay.

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1 All right. Mr. Avitabile, I'm sure you don't have any
2 rebuttals. Nothing -- I don't see anything. I can answer that
3 for you. So you have any closing?

4 MR. AVITABILE: Just to say thank you to everyone that's
5 participated in this process. I know we thank everyone -- the
6 one agency I don't think we've mentioned yet tonight, but we --
7 well, two two agencies we haven't mentioned directly. We've
8 worked carefully and closely with the Department of Energy and
9 the Environment as well. They've been quite helpful in guidance
10 and also the Historic Preservation Office been very helpful. And
11 I wanted to make sure we thank them as well, but we really
12 appreciate everyone's help and support and guidance. This is a
13 project that has been greatly improved by all of the feedback
14 from the community and from the agencies. And so we're happy to
15 ask the Commission to take action as well. I know Ms. Thomas
16 stole my thunder, but certainly if you feel inclined, we would
17 appreciate a bench decision so we can keep moving forward. We're
18 also happy to otherwise listen, but thank you.

19 CHAIRPERSON HOOD: Okay. Thank you.

20 Ms. Schellin, is this -- I get confused, is this a two-
21 vote case? Since I (indiscernible) 16 I don't know --

22 MS. SCHELLIN: I believe since this is a modification,
23 and Mr. Ritting can correct me, but it should be a one-vote case.

24 MR. RITTING: Short answer, yeah, one vote. Mr.
25 Avitabile touched on this at the beginning. There was some

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1 question about whether there was new property involved, whether
2 there was need for proposed action. But as he mentioned, I don't
3 think that there is because that land was essentially underwater
4 at some point. So per the Zoning Commission's regulations, the
5 map amendment that you took already already covered that
6 property, so there's no need to do a (audio interference). So
7 one vote.

8 CHAIRPERSON HOOD: All right. This is a modification.
9 I don't think anybody -- I don't know if anybody asked for
10 anything major, but we would have to get that if you did. If
11 not, I'm ready to proceed with this as a modification of
12 significance. But I will tell you this, everything wasn't on the
13 table. The public hearing notice told us exactly what was on
14 the table for us. So that's why you didn't hear me ask no
15 transportation questions and all the like, because that stuff has
16 already been approved for the most part. So I will say that I
17 am ready to move forward. And unless there's something and unless
18 I hear something other from Mr. Ritting, I would also recommend,
19 Ms. Schellin, that we do a summary order if we can, make it easy
20 on the staff.

21 So let me hear from others, Commissioner Imamura?

22 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm
23 prepared to move forward. I just want to put out the comment
24 that this is a great example of the good neighbor policy in action
25 working for sure. So working with the community, with other

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1 agencies, we think it's a terrific and tremendous project. I
2 want to thank the Applicant for all the work they did behind the
3 scenes to come before the Commission with everything buttoned up
4 as it should be.

5 CHAIRPERSON HOOD: Okay. And thank you.

6 And Vice Chair Miller?

7 VICE CHAIR MILLER: Yeah, thank you, Mr. Chairman.
8 Yes, I'm ready to move forward.

9 CHAIRPERSON HOOD: Okay. So with that I would move
10 -- and I'm going to use the -- and I appreciate the ANC again.
11 I'm going to read this again. "ANC 6D enthusiastically endorses
12 the multiple positive changes." You know, for me, after --
13 sometimes I read things over and over and over again, but with
14 that, I would move approval, that the Zoning Commission approve
15 Zoning Commission Case No. 13-05E the FC Ballpark, LLC, first
16 stage PUD modification of significance and second stage PUD at
17 Square 744S and 744SS, Lots 807 through 813, 802, and 805, date
18 again is December the 8th, 2022 and I'm enthusiastically making
19 that motion and ask for a second.

20 VICE CHAIR MILLER: Enthusiastically second.

21 CHAIRPERSON HOOD: It's been moved and properly second.
22 Any further discussion? Not hearing any, Ms. Schellin, would you
23 enthusiastically call for the vote?.

24 MS. SCHELLIN: Chairman Hood?

25 CHAIRPERSON HOOD: Yes.

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1 MS. SCHELLIN: Commissioner Miller?

2 VICE CHAIR MILLER: Yes.

3 MS. SCHELLIN: And Commissioner Imamura?

4 COMMISSIONER IMAMURA: Yes. And, Mr. Avitabile, I hope
5 you and your team celebrate.

6 MS. SCHELLIN: So the vote is three to zero to two to
7 approve final action Zoning Commission Case No. 13-05E, the minus
8 two being Commissioner May, not present not voting, and the third
9 mayoral appointee position which is still vacant. And I heard
10 Commissioner Hood, and I'm assuming the other Commissioners
11 agree, to a summary order.

12 COMMISSIONER IMAMURA: Yes, Ms. Schellin, I'm in
13 agreement.

14 MS. SCHELLIN: Thank you.

15 CHAIRPERSON HOOD: All right. So okay, before I close
16 this out, the Zoning Commission will meet again December the
17 12th, Ms. Schellin, make sure I get it right this time, December
18 the 12th and the case is 22-16 and it's the THOR, I'm not sure,
19 THOR 3000 M Street, LLC.

20 MS. SCHELLIN: Correct.

21 CHAIRPERSON HOOD: I'll be curious to know what THOR
22 means. But anyway. Okay, so with that, that's where we'll meet,
23 on these same platforms at 4 p.m., the same time, which is this
24 coming Monday. So I want to thank everyone for their
25 participation tonight, a job well done by all parties. Lah dee

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1 dah dee and everybody, we appreciate it. Great, great work done,
2 let's continue to do it, and let's get those 30 percent units up
3 and going. So with that, this hearing is adjourned. Goodnight.

4 (Whereupon, the above-entitled hearing was adjourned.)
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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 12-08-2022

Place: Teleconference

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

GARY EUELL

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