

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

+ + + + +

MONDAY

NOVEMBER 14, 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 November 14, 2022

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(4:00 p.m.)

**CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is November 14th, 2022. We are convening broadcasting this public hearing by video conferencing. My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner May, and Commissioner Imamura. 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; Office of Zoning legal division, Mr. Reddy.

I'll ask all others to introduce themselves at the appropriate time. The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by court reporter. 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 the name at the appropriate time. At the time of signup, all participants will complete the oath or affirmation required by Subtitle Z408.7. 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 testimony. When you are finished speaking, please mute your audio. If you experience

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1 difficulty accessing Webex or with your telephone call-in or have
2 not signed up, then please call our OZ hotline number, 202-727-
3 0789.

4 If you wish to file written testimony or additional
5 supporting documents during the hearing, then please be prepared
6 to describe and discuss it at the time of your testimony. The
7 hearing will be conducted in accordance with provisions of 11Z
8 DCMR Chapter 4 as follows: preliminary matters; applicant's
9 case, the applicant has up to 60 minutes, I believe we can do it
10 in 30, hit the highlights, hit the issues, and I think we can go
11 from there, and we will adjust at that point in time; report of
12 the Office of Planning and Department of Transportation; report
13 of other government agencies; report of the ANC; testimony of
14 organizations five minutes, and individuals three minutes; and
15 we will hear in the following order from those who are in support,
16 opposition, and undeclared; then we'll have rebuttal and closing
17 by the applicant. Again, the OZ hotline number is 202-727-0789.

18 The subject of this evening's hearing is Zoning
19 Commission case number 22-11, this is an MCRT Investment, LLC
20 Consolidated review and approval of a planned unit development
21 and zoning map amendment at square 439S, lot 15. Again, the
22 address is 807 Main Avenue, SW. And again, today's date is
23 November the 14th, 2022. And the ANC in this case is ANC 6D.

24 All right. I think I've covered all my opening remarks.
25 Ms. Schelling, do we have any preliminary matters?

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1 **MS. SCHELLIN: Yes, sir. The first thing is a party
2 status request from -- sorry, let me get the exact name, Town
3 Square Towers Condominium at Exhibit 71. The Applicant did file
4 opposition to this request at Exhibit 73.

5 CHAIRPERSON HOOD: Okay. I think as noted previously,
6 we've dealt with this previously. We ended up with a two-two
7 split, then they have refiled and some additional information.
8 So let me open it up and hear from others. I will tell you that
9 I am in support of giving them party status and I think I was
10 the first time, but I don't remember. But either way, let me
11 hear what others -- we've had a few cases since then. So let me
12 -- if I wasn't -- if I was the one that wasn't in support, it
13 won't be a two-two tie anymore. So anyway. All right. Let me
14 open it up and see what others have to say.

15 Commissioner May?

16 **COMMISSIONER MAY: Yeah, Mr. Chairman, you, you were
17 in support last time.

18 CHAIRPERSON HOOD: Oh, okay, so that was --

19 COMMISSIONER MAY: I was opposed last time, and I'm
20 still opposed. And I think that the, you know -- the major reason
21 why I was opposed last time is that the party status application
22 did not give any really concrete information about why that party
23 was more directly or uniquely affected by this. All of the
24 concerns were very general in nature, and they affected the
25 community as a whole. And so I just -- I did not see a compelling

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1 case that this group should have party status based on the
2 information that they had provided. And in the updated
3 application, I don't really see anything that's substantially
4 different. And furthermore, the Applicant, I think, has made
5 some good points in their opposition, including the fact that,
6 you know, the building itself is now located more than 200 feet
7 from the Town Square Towers because of changes that they've made
8 to the project. So yeah, I am not in favor of party status in
9 this circumstance.

10 CHAIRPERSON HOOD: Okay. Let's just go right on down.
11 Commissioner Imamura?

12 COMMISSIONER IMAMURA: Well, somehow Commissioner May
13 got ahold of my notes, so. That was one of my points was that
14 now, you know, they're more than 200 feet away, 220 feet, if not
15 a little bit more. And they just repackaged essentially their
16 letter. But I didn't notice anything substantially different,
17 so. And I'm not certain that they're more affected than the
18 general public, so.

19 CHAIRPERSON HOOD: Okay.

20 And Vice Chair Miller, any comments on this?

21 VICE CHAIR MILLER: Thank you, Mr. Chairman. I guess
22 we're all stuck in our ways. Commissioner May and Imamura make
23 some good points, as does the Applicant in opposition to the
24 party status request. But I did support, as you did, Mr.
25 Chairman, the party status request last time, mostly because of

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1 the adjacency, it's next door. It's next door. I think that's
2 unique and distinctive enough, even though I think there are
3 points, legitimate points, made in opposition to party status by
4 our fellow commissioners and by the Applicant. But I support the
5 party status request by Town Square Towers. Is it Towers?

6 CHAIRPERSON HOOD: Yeah. Town Square -- TST.

7 VICE CHAIR MILLER: Yeah. I always don't like the use
8 of the word towers in Washington where we only have a -- where
9 we have a height limit and we know where towers are -- anyway, I
10 support the party status request because the adjacency issue.
11 Thank you.

12 CHAIRPERSON HOOD: I too support it. I hear what -- I
13 don't know if anybody actually goes out and see how many feet,
14 and I know we look at plats and all that, but I think that they
15 would be -- they would bring up a lot of issues -- yeah, it may
16 be are necessarily germane to others, but I still support it. So
17 I will leave it at that. There's no sense in hashing it, I'm
18 sure that through the hearing process we will be able to pull
19 out what we need to pull out and we'll go from there. So it's
20 not -- I'm not going to spend a lot of time on it. So I always
21 get conflicted when I do this because it's two to two, haven't
22 had one in a while, but Mr. Ritting, do I need to do -- do we
23 need to do a motion because both of them are going to fail? So
24 it's not -- let's save time.

25 MR. RITTING: I don't see any reason you have to.

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1 CHAIRPERSON HOOD: Okay. So we will -- the party status
2 is going to -- I want to make sure that it's recorded correctly
3 -- party status -- I hate to say this -- denied -- because we
4 don't have a quorum because basically that's what it is. We
5 don't have a quorum to approve it or oppose it. And I'll just
6 leave it at that and the legalese can put that in the order. We
7 don't have a quorum to approve it or to oppose it for the reasons
8 stated.

9 All right. Anything else, Ms. Schellin?

10 MS. SCHELLIN: The Applicant will take 30 minutes to
11 do their presentation, hitting the outstanding issues since the
12 last hearing. At the last hearing, the Commission took up the
13 expert witnesses and granted expert status to those that the
14 Applicant asked for. You have Karen Thomas from the Office of
15 Planning, Emma Blondin from DDOT, and Alex Cain from OAG has
16 asked to testify for -- as a government agency. Other than that,
17 I think that's -- let me make sure that there are no other motions
18 very quickly.

19 Just to make sure, the proffered expert witnesses were
20 Christopher Huff (sic) in architecture, Robert Checil (phonetic)
21 in in transportation, Brad Glatfelter is an engineer with Bowman
22 Consulting, Matt Clark is the land design architect, and Shane
23 Dettman in Planning.

24 CHAIRPERSON HOOD: Okay. And we dealt with all that
25 last time, the experts.

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1 MS. SCHELLIN: That's my understanding is that we did
2 that last at the last meeting.

3 CHAIRPERSON HOOD: And who is -- is it Ms. Boonfield
4 (phonetic) or is it Mr. Freeman, who's going to be the counsel?

5 MS. SCHELLIN: Mr. Freeman.

6 CHAIRPERSON HOOD: Okay.

7 All right. Let's bring everybody up. And while -- I
8 want to state this, while I don't necessarily know how this is
9 going to -- I never know how anything's going to go, I used to
10 try to predict it, but I do want to thank Mr. Freeman and his
11 team, and I'll tell you why. This was more -- I was able to hash
12 through what possibly could go in the hearing as opposed to what
13 we had previously. So I -- you know, and I know everybody might
14 not all be on the same page, but Mr. Freeman did exactly what I
15 asked him to, and I appreciate him and all the ANC, the
16 conditional support. I'm not sure where we'll end up, but I
17 appreciate all you did to get us closer. This is much closer
18 than I believe than what we had previous. So hats off to you.
19 I appreciate it.

20 And with that, now I'm not saying no guarantees here,
21 but I just want you to know I appreciate -- this is something I
22 think I can deal -- I know personally I can deal with it. I'm
23 sure my other colleagues could as well.

24 So Mr. Freeman, with that, if nobody has anything else,
25 you may begin.

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1 **MR. FREEMAN: Thank you, Mr. Chairman. I guess the
2 only thing we can guarantee is who's going to win the football
3 game tonight. But other than that, thank you all for your time
4 today. I will try to keep us in the 30 minutes. And thank you,
5 Mr. Chairman, as you noted, since we were last here, we were
6 actually able to spend a lot of time converting what was
7 opposition at that point into support or conditional support. So
8 for the record now, Town Square Towers, Exhibit 76, they have a
9 letter in support of the project. And the ANC recently uploaded
10 a letter in support -- or conditional support as well. And I
11 think there are probably more coming in. Yes, sir?

12 CHAIRPERSON HOOD: Let me interrupt. Maybe I missed
13 it, I do miss stuff, I didn't see a letter in support.

14 MR. FREEMAN: Exhibit 76, letter in support.

15 CHAIRPERSON HOOD: You get over 50, I don't remember.

16 MR. FREEMAN: It is conditional support, but it's
17 Exhibit 76.

18 CHAIRPERSON HOOD: Oh, okay, it's conditional, okay.
19 Okay. All right. Well, that's better than where we were. I'm
20 sorry to interrupt, keep going.

21 MR. FREEMAN: Okay. So since we have 30 minutes, I'd
22 ask Mr. Young if he could please pull up our presentation, which
23 is included as Exhibit 81A and 81B. And for the purposes of
24 time, I will just hit the highlights, I'll take a minute. Then
25 we'll have a representative from DAV, which is technically the

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1 property owner, take a minute. And then we'll have Mr. Dettman,
2 our planning expert, go through the analysis of under the -- the
3 required analysis. So Mr. Young, if you could go to next slide,
4 I think it's page three of the PDF.

5 Again since we were last here, as a result of the
6 feedback we received, we've actually revised the project in great
7 ways. We've reduced the gross floor area, we reduced FAR, we've
8 reduced the number of units, and we've reduced the amount of lot
9 occupancy relief. As you can see, the project is now a little
10 over 9,000 square feet less. We're well under the 8.64 FAR
11 permitted. Our lot occupancy was originally 91 percent, we're
12 now down to 82 percent. And you'll see as we go through our
13 presentation, no single floor of the building is above 80 percent.
14 We're only at 82 percent because of how lot occupancy is measured.
15 And our number of units has gone down. Next slide, please?

16 We have, and you'll see this in much more detail as we
17 go through the presentation, we have what we think is robust
18 public benefits and amenities, IZ, we're making contributions to
19 a number of organizations, and certainly there are other -- many
20 other things that we're doing that would not be required for a
21 matter of right project. We have a slide in our presentation
22 that details that out in much more detail. Next slide, please?

23 And again, I think the record is clear. We've had
24 extensive community engagement and support, you will see since
25 September. And I think the ANC and even Town Square Towers will

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1 hopefully talk about the significant amount of engagement that
2 we've had with them throughout this entire process. We have many
3 letters of support, and the Office of Planning has also submitted
4 a supplemental report also recommending approval of the revised
5 design. Next slide, please? Next slide?

6 You've probably seen this in other cases. We're doing
7 the same thing here. We've had over 50 contacts, that's including
8 meetings, phone calls, Zooms, et cetera, with the ANC condo
9 association, school, PTO, and other stakeholders. Next slide?

10 And as a result of those, we've made specific changes
11 and commitments. Right? Again, we've revised the design, we've
12 increased the amount of landscaping on Main, and we now have this
13 open space at the corner on Seventh. We've increased some of
14 our proffers, for example, the contribution to the school was
15 initially at 100,000, it's now at 150,000. We've agreed to enter
16 a construction management plan. You'll even see as of Friday,
17 we've also agreed to do that with TST, the Town Square Tower. So
18 we've made additional specific changes to the project as a result
19 of this engagement. Next slide, please?

20 And we looked at everything through a racial equity
21 lens, so our project was fully, I think you'll hear from Mr.
22 Dettman, we're fully consistent with the general policy map, the
23 future land use map, the area elements, racial equity indicators,
24 the housing equity report, the Southwest neighborhood plan, and
25 a bunch of other plans and policies. And we review that --

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1 central to that analysis was reviewing these things through a
2 racial equity lens. So that that will wrap up my opening, and
3 next will be Randy Reese.

4 Mr. Young, if you could call up Randy Reese on behalf
5 of DAV, and that would be the next slide.

6 **MR. REESE: Chairman Hood, member of the Commission,
7 I want to thank you for the opportunity to address the Zoning
8 Commission regarding DAV's National Service and Legislative
9 Headquarters at 807 Main Avenue. My name is Randy Reese, I serve
10 as DAV's executive director, Disabled American Veterans, a
11 Congressionally chartered veterans service organization founded
12 over a century ago. With more than a million members, all of
13 whom are wartime service disabled, DAV provides life changing
14 services and support to hundreds of thousands of veterans, their
15 families, and survivors every year, all free of charge.

16 Whether working to secure their VA benefits,
17 transporting veterans to medical appointments, helping them find
18 meaningful employment, or assisting during times of crisis and
19 national disasters, DAV empowers our nation's heroes and their
20 families by helping to provide the resources they need and
21 ensuring our nation keeps its promises that have been made to
22 them. Based out of our headquarters here in Washington, D.C.,
23 DAV advocates before Congress and the Department of Veterans
24 Affairs to strengthen veterans programs and benefits,
25 particularly for disabled veterans. However, as DAV has grown

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1 over the 45 years we've been in this building, we've expanded our
2 services to more and more veterans. Unfortunately, our building
3 at 807 Main Avenue, and especially its core systems, have not
4 fared so well. Today this building is no longer capable of
5 meeting the needs of our charity, nor will it in the future. And
6 so over two years ago, we made the decision to relocate to a more
7 cost-efficient space as soon as possible. Mr. Chairman, DAV has
8 been a proud member of and a good neighbor to the southwest
9 waterfront community since our building first opened in 1975, and
10 we are committed to remaining in the District. However, to do
11 so we need to sell this property in order to relocate to a newer
12 facility with modern infrastructure and technology, and one
13 that's closer to the U.S. Department of Veterans Affairs in
14 downtown D.C. so that we can continue our mission of supporting
15 Americans veterans, their families, and survivors. I want to
16 thank you all again for your consideration of our application
17 today and hope that we can soon begin the next chapter in DAV's
18 legacy of service to the men and women who have served. I'm
19 available for any questions you may have.

20 MR. FREEMAN: Mr. Reese has to jump off, so I don't
21 know -- our next witness is Mr. Denman. But if you had --

22 CHAIRPERSON HOOD: Let's do this then, Mr. Reese, thank
23 you, Mr. Reese for your -- and (indiscernible) we can stop the
24 clock. Let's see if we have any questions of Mr. Reese.

25 Let me go to Commissioner May, any questions of Mr.

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1 Reese?

2 COMMISSIONER MAY: No, I do not have any questions.

3 Thank you.

4 CHAIRPERSON HOOD: Commissioner Imamura, any questions
5 of Mr. Reese?

6 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No
7 questions. I just want to say, Mr. Reese, thank you very much
8 for your service and the work you do on behalf of our veterans.
9 Thank you.

10 CHAIRPERSON HOOD: And Vice Chair Miller, any questions
11 of Mr. Reece?

12 VICE CHAIR MILLER: No questions, Mr. Chairman. I echo
13 Mr. Imamura's thanks for veteran service, especially this
14 Veterans Day weekend. Do you know, Mr. Reese, where you're going
15 yet? You said you want to be closer to the veterans headquarters,
16 which I guess is getting closer to the White House, do you know
17 yet where you're going? I guess you would have said it if you
18 did.

19 MR. REESE: We are in the process of negotiating a
20 lease on a I Street.

21 VICE CHAIR MILLER: Well, good luck with that. And we
22 appreciate your continued presence in the District of Columbia.

23 MR. REESE: Thank you, Mr. Miller.

24 CHAIRPERSON HOOD: A lot of echo going around because
25 I would echo what my colleagues said as well. I do -- when I

1 hear people say that they want to work hard to stay in the
2 District, then that's when I try to make sure I do all I can to
3 make sure they can stay in the District 'cause I think that's
4 very important. So thank you as well for all your service and
5 looking forward to you all continuing to stay in the city.

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

7 MS. SCHELLIN: Ms. Kramer.

8 CHAIRPERSON HOOD: Is Ms. Kramer -- does Ms. Kramer
9 have any cross-examination questions for Mr. Reese?

10 MS. KRAMER: I don't. Thank you very much. I don't
11 have questions, but I am here and thank you for the work that
12 the veterans do. Thanks very much.

13 CHAIRPERSON HOOD: All right. Thank you.

14 All right. Mr. Reese, whenever you, you know, I'm not
15 telling you you have to leave us, but I know you have to go, so
16 you're welcome to go at any time. We've done our due diligence
17 through the process. Okay?

18 MR. REESE: Thank you, Mr. Chairman.

19 CHAIRPERSON HOOD: Thank you.

20 All right. Mr. Freeman, let me turn it back over to
21 you.

22 MR. FREEMAN: Okay. Thank you. So I'm actually going
23 to turn it over to Mr. Dettman, who's going to walk us through
24 our evaluation of the PUD as it relates to the standards for
25 Zoning Commission review and approval. So that begins at slide

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1 -- this is a pretty picture. Our client is Mill Creek, this is
2 a image that shows some of their projects. The one on the upper
3 left, the Modern on M, is right down the street from here. That's
4 actually a project the Zoning Commission approved.

5 But Mr. Dettman we'll begin with Slide 11 of this of
6 the slide deck, Mr. Young. Thank you.

7 **MR. DETTMAN: Thanks, Kyrsus, and good evening,
8 Commissioners, it's good to see you. My testimony will summarize
9 the project's consistency with the relevant standard of review
10 under the zoning regulations. As you know, the standard of review
11 entails the Commission making a finding that the project is not
12 inconsistent with the comprehensive plan, making additional
13 findings that the project does not result in unacceptable
14 impacts, but rather that the impacts are favorable, capable of
15 being mitigated, or acceptable. And then finally, also that the
16 project includes specific public benefits and amenities that are
17 not inconsistent with the comprehensive plan.

18 In addition, the Commission has to judge, balance, and
19 reconcile three things: the relative value of the public benefits
20 and amenities, the degree of development incentives being
21 requested by the applicant, as well as any potential adverse
22 effects caused by the project. Next slide?

23 As Mr. Freeman already touched base, we approached this
24 project and specifically its consistency with the comprehensive
25 plan through a racial equity lens. The comprehensive plan

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1 framework element talks about equity as being a both an outcome
2 and a process. And as Mr. Freeman touched upon already about
3 the process that the Applicant undertook in order to engage with
4 those that are most meaningfully involved or impacted by the
5 project and having those entities, the ANC, other stakeholders,
6 TST, other organizations being meaningfully involved in the
7 development of this project, later on in the presentation, I'll
8 go over some of the outcomes that resulted from that meaningful
9 public engagement. Next slide?

10 In terms of the project's consistency with the future
11 land use map, currently the future land use map designates the
12 site as mixed use medium density commercial, medium density
13 residential. This slide kind of shows the evolution of the future
14 land use map related to the site, on the left showing the 2002
15 future land use map showing that the site was designated as low
16 density commercial. In 2006 that was the next comprehensive plan
17 amendment process that came about, there was no change made to
18 the site in the 2006 comprehensive plan Amendment cycle, the site
19 still being designated low density commercial. In 2001, when the
20 council adopted the most recent comprehensive plan, it adopted a
21 change to the future land use map for this specific site to change
22 it to mixed use medium commercial, medium residential. I think
23 along the timeline on the bottom shows some of the key milestones
24 or other plans and policies that were adopted or developed by the
25 District between the time the site was designated as low

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1 commercial and into its current future land use map designation.
2 And most notably in 2009 --or 2019, where the mayor issued her
3 order on housing, and then shortly after that, the 2019 housing
4 equity report, which not only placed an emphasis on housing, but
5 also affordable housing in the District, setting specific target
6 goals for each planning area; and then again in 2021, drawing
7 from the recommendations and the goals set forth by the mayor's
8 order on housing and the housing equity report, changing the
9 designation for this site to the mixed use designation. And so
10 the current FLUM identifies, or I guess signifies the District's
11 current land use policy goals, vision, objectives for this
12 particular site. Next slide?

13 And so looking at the mixed use designation for the
14 site, one would say that -- could say that the current MU-12
15 zoning for this site reflects the previous FLUM designation,
16 arguably that it's inconsistent with the newly adopted mixed use
17 designation for the site that stems from the 2021 amendment
18 process. A mixed use designation on the FLUM is a designated
19 unto itself, in that the density and intensity on areas that are
20 designated mixed use are determined by the specific use of -- mix
21 of uses shown in the designation itself, and additional guidance
22 is gleaned from the area elements and other small area plans.
23 And so the future land use map for this site envisions medium
24 density mixed use development. It doesn't convey any kind of
25 preference for whether it's commercial or residential. They're

1 both medium density. But again, if we look at some of the
2 additional policies and the area elements, we look at the housing
3 equity report, certainly the focus, the District's overall focus,
4 on housing, there would definitely be an emphasis on additional
5 housing for this site as opposed to commercial development. And
6 that's what the project is being -- is composed of right now.
7 Next slide.

8 The proposed MU-10 zone is expressly stated as being
9 consistent, expressly stated in the framework element as being
10 consistent with medium density commercial designation on the
11 FLUM. The proposed zoning MU-10 allows through a PUD up to a
12 maximum density of 8.64 and 110 feet. The proposed density, as
13 currently drawn up on the plans, is 8.21 FAR. So within the 8.64
14 that's permitted under a PUD in the MU-10 zone. And also the
15 proposed height is consistent with PUD permitted height. Next
16 slide?

17 Looking at the generalized policy map, this site is
18 designated as a neighborhood conservation area. The guiding
19 philosophy in neighborhood conservation areas is to conserve and
20 enhance established neighborhoods, but not to preclude
21 development, especially if it's going to advance citywide housing
22 needs. New development in a neighborhood enhancement area has
23 to be compatible with the existing scale, natural features, and
24 character of the surrounding area. Densities are guided by the
25 FLUM, as I just described, as well as comp plan policies. And

1 the future land use map -- or the framework element talks about
2 how approaches to context sensitive growth may vary based upon
3 the surrounding context of a project. Next slide?

4 And so if we look at the Southwest neighborhood plan,
5 we can get an idea of kind of what the scale and character of
6 the surrounding area is and how the project should relate to
7 that. The Southwest neighborhood plan talks about or kind of
8 highlights the area's high and low rise building heights. It
9 exemplifies a defining urban design feature of Southwest that
10 contributes to the neighborhood's physical character. It talks
11 a lot about the eclectic mix of high and low rise buildings,
12 specifically recommending against mid-rise building forms. And
13 again, it talks about the variety of high and low building heights
14 as unique to Southwest, and it's something that's really valued
15 by the community. And so I think that this relationship of high
16 and low rise buildings in relation to one another is something
17 that is the context that the -- that we're looking to respond to
18 when looking at consistency with the generalized policy map.
19 Next slide?

20 And you can see in this diagram, which is in the record,
21 how the project fits within and responds to the surrounding
22 context of the neighborhood. At 110 feet, not only is it
23 consistent with the future land use map, but it's also consistent
24 with the guidance of this high and low rise building form and
25 building pattern that exists throughout the southwest area.

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1 Looking at the context of the entire site, including the wharf
2 across the street where there's 130-foot buildings, 100-foot --
3 110 foot building that's proposed, the 90-foot buildings that
4 exist to the adjacent across Seventh Street, we believe that the
5 buildings fits comfortably within the surrounding context. Next
6 slide? Next slide, please?

7 Turning our attention to the Commission's published
8 racial equity lens, again that's a two-part test, the first being
9 a suggestion that the project provide a thorough discussion of
10 the citywide and applicable area elements. Next slide?

11 The Applicant's initial application statement, as well
12 as subsequent statements that supplemented the Applicant's
13 comprehensive plan analysis, provide that detailed discussion of
14 the relevant area elements -- next slide, please --

15 -- as well as a full discussion of the project's
16 consistency with the citywide elements. This is just a list of
17 the policies that are described in more detail in the record.
18 Next slide?

19 Part two of the Commission's racial equity tool looks
20 at specific indicators and ask specific questions relative to
21 displacement housing impacts, how the project has the potential
22 to advance access to opportunity. Next slide?

23 And so these -- so starting off with the goals of the
24 zoning action and the development program, just it's summarized
25 here in terms of how many additional new housing units will be

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1 provided, 15 percent affordable, broken down between 50 and 60
2 percent MFI, and some of the other benefits. And so we look at
3 the goal of the zoning action as well as the development program
4 and look at it in relation to a number of equitable development
5 indicators. Next slide?

6 This is -- the next few slides is an evaluation of the
7 project -- next slide, please, Mr. Young --

8 -- looking at some of those specific questions that are
9 included in the Commission's racial equity tool and expanded upon
10 a bit. So with respect to displacement, the racial equity tool
11 inquires about direct displacement. What our evaluation did is
12 take that a little bit further in terms of looking at the types
13 of displacement that are described in the comprehensive plan
14 about economic displacement, cultural displacement. And you can
15 see so in these next few slides, they're here in the record for
16 you to review. I won't go through them in detail, but what it
17 does is it looks at a range of equitable development indicators
18 and makes a determination whether or not the project has the
19 potential to advance racial equity, the potential to exacerbate
20 racial equity, or whether neither it advances or exacerbates
21 racial equity. You've seen this table before, Commissioners. It
22 sort of -- it continues to evolve in hopes that it actually
23 provides you the information for you to make your determination.
24 And this most recent iteration of this assessment is -- was
25 informed by some of the recent work that was done by the council's

1 core racial equity evaluations in that they sort of assign --
2 make a determination as to the potential outcome of a particular
3 racial or equitable development indicator. So I'll just go over
4 one here. So with respect to housing, housing burden, it looks
5 at households that may provide -- that may pay more than 30
6 percent of their income, which are housing burdened, or
7 households that pay more than 50 percent of their income towards
8 housing, severely burdened. So how does the project address the
9 housing burden issue? The project will be providing
10 approximately 195 new residential dwelling units that do not
11 currently exist on the site. Approximately 27 of those units
12 will be dedicated to affordable units for the lifetime of the
13 project at 60 and 50 percent MFIs. And also there's going to be
14 a \$100,000 contribution to D.C. Habitat for Humanity that will
15 help assist owner-occupied affordable housing at the 50 and 60
16 percent MFI levels. Next slide?

17 Next slide, Mr. Young?

18 And then we can go one more as well. Next slide?

19 Just looking at the housing program for the project,
20 we wanted to kind of put in front of the commission the goals
21 and objectives that are set forth currently in the housing equity
22 report, the comprehensive plan, as well as the Southwest
23 neighborhood plan. In terms of the equity report, the 195 new
24 housing units that are going to be provided in the project
25 represents 2.4 percent of the overall housing goal that's been

1 established for this particular planning area. In terms of the
2 affordable housing, this project represents approximately 3.1
3 percent of the affordable housing goal that's been established
4 for the planning area. The comprehensive plan sets a goal of 15
5 percent of all housing units in each planning area to be devoted
6 -- to be dedicated affordable housing. And according to the
7 information that's published in the housing elements, this
8 project will help with -- well, the planning area is currently
9 22 percent of affordable, and so this project is consistent with
10 that 15 percent goal that's set by the comprehensive plan. The
11 Southwest neighborhood plan also touches upon affordable housing
12 in that it recommends to retain the neighborhood's 19 percent
13 subsidized units by establishing targets that exceed IZ
14 thresholds. This project does exceed IZ thresholds. And finally,
15 it also talks about how, as part of the PUD process, to prioritize
16 affordable units that exceed IZ thresholds or provide fewer units
17 but in larger size. This project not only exceeds the IZ
18 thresholds, but it also provides three-bedroom units. Next
19 slide?

20 Next slide?

21 We've done a thorough analysis of the project's
22 consistency with the Southwest neighborhood plan, and of the
23 recommendations that are applicable to the project, we believe
24 that the project is consistent with all of them. That includes
25 the two recommendations that I just summarized in the model

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1 community concept related to retention of the neighborhood's
2 percentage of subsidized units in consistency with or exceeding
3 IZ thresholds. We also did a thorough analysis, which is in the
4 record of the project's consistency with the design guidelines
5 that are set forth in the Modernist Gem concept area of the small
6 area plan. And we believe that we're fully consistent with those
7 design guidelines, including the guidance about providing a
8 variety of heights throughout the southwest area. Next slide?

9 We know that there were some comments in the record
10 about the small area plan relative to height along Main Avenue,
11 and we've taken a look at that and we don't see any specific
12 guidance on height, just generally and specific to the site that's
13 in the Southwest neighborhood, just generally, but also specific
14 to Main Avenue. But what we were able to find is that if we look
15 at the 2003 AWI framework plan that looked at Main Avenue, you
16 can see that in this conceptual cross section, the AWI framework
17 plan does envision Main Avenue as being rebuilt as a great urban
18 boulevard, and it does contemplate height on the north side of
19 Main Avenue that would reflect the height of the work on the
20 other side, maybe not exactly 130 feet, but it does represent
21 -- it does reflect sort of a relationship between the height of
22 -- on the south side of Main Avenue to the north. For the
23 Southwest neighborhood plan, that also talks about Main Avenue
24 no longer being an edge roadway, but rather it would be a gateway
25 boulevard that unifies Southwest and the wharf. It'd be

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1 reconstructed and serve as more of a gateway and an urban
2 boulevard, not only for cars, but bicycles and pedestrians. And
3 that Main Avenue will provide an attractive transition between
4 Southwest and the wharf development. Next slide?

5 COMMISSIONER MAY: Hold on a second. Before you leave
6 this slide, I just had a quick question for Mr. Dettman. Did
7 that street section, does that reflect the relative proportions
8 of the street width and the building heights as it is being
9 realized?

10 MR. DETTMAN: If we could -- certainly -- Mr. Young,
11 could we go back a slide? One more, I think. There you go.

12 Yes, Commissioner May, if you -- this is just kind of
13 a snip from a larger page that's dedicated to Main Avenue and
14 the AWI framework plan. And it does reflect the proportions of
15 a 130-foot-wide rebuilt Main Avenue relative to the vertical
16 height of the of the wharf on one side and what's sort of
17 conceptually envisioned on the north side.

18 COMMISSIONER MAY: All right. Yeah. I mean, I think
19 the building heights -- if it's 130 feet of street right of way
20 there, the building heights are a little bit lower than that, but
21 yeah. Okay. Mostly I was concerned about the with the of the
22 boulevard. And you think that's 130 feet?

23 MR. DETTMAN: I do. Yeah, and if you look at -- it's
24 on the left side where the wharf is showing, I was -- there's a
25 plan that's sort of associated with this section and you try it

1 -- it doesn't identify where the section is taken, but from what
2 I can tell, it's taken through a wharf building that is taken
3 -- that sort of has variable height, has like a courtyard, and
4 the section is taken through the lower portion with the tower
5 beyond being the 130-foot portion of that particular building.

6 COMMISSIONER MAY: Yeah. Yeah, it's not 130 feet if
7 this is to scale. Okay. Thank you.

8 MR. DETTMAN: Next slide? In addition to evaluating
9 comp plan consistency, we also looked at potential comprehensive
10 plan inconsistencies. These are discussed in the record. But
11 we believe that what potential inconsistencies there may be
12 related to the re-use of the existing office building are far
13 outweighed by the housing goals set forth in the comp plan, the
14 housing equity report, the sustainability benefits of the
15 project, and its consistency with several other elements and
16 policies within those elements. Next slide?

17 We talked about -- we've -- so to move into the next
18 series of slides in terms of the balancing of benefits and
19 amenities with development incentives and potential impacts.
20 Next slide?

21 So this is just a slide summarizing all of the public
22 benefits and amenities that are being provided in the project.
23 And we look to balance those with development incentives and
24 impact. So let's take a look at that. Mr. Young, next slide,
25 please?

1 The development incentives being requested in the
2 project include a PUD-related zoning map amendment from MU-12 to
3 MU-10. That translates into an increase in density of
4 approximately 5.21 FAR, an increase in a height of 60 feet if
5 comparing to matter of right development standards of the MU-12.
6 In addition to that, the Applicant's requesting relatively minor
7 technical zoning flexibility in side yard, rear yard, as well as
8 lot occupancy. You can see in the chart on the right, this
9 relates to a comment that Mr. Freeman made that the -- after the
10 project was revised in response to comments from TST, we are now
11 looking at an overall lot occupancy of 82 percent. However,
12 because that's only because it's the way lot occupancy is
13 measured. If you measure the lot occupancy at every single floor
14 of the building, no floor is actually above the 80 percent lot
15 occupancy limit for residential uses in the MU-10, and in fact,
16 if you look at the ground floor where most people sort of
17 experience lot occupancy, the lot occupancy at the first two
18 levels of the building is only 63 percent. Next slide?

19 This is just an evaluation of potential impacts
20 categorized according to the elements of the comprehensive plan,
21 land use, transportation, just a way to maybe nicely organize the
22 potential impacts. We did not find that any impacts for the
23 project to be unacceptable for the most part, or in large part
24 we found that the potential impacts to be favorable with respect
25 to land use, transportation, especially housing, arts and culture

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1 with the public art that's being proffered. Next slide?

2 Again, we believe that the potential impacts of the
3 project with respect to these particular area elements to be
4 favorable or at least acceptable given the equality of the public
5 benefits being proffered. Next slide?

6 (Indiscernible) on community services and facilities,
7 education facilities infrastructure, we believe that the
8 improvements proffered by the project are going to be favorable
9 or capable of being mitigated. We have favorable recommendations
10 from OP, the Department of Transportation. We have no objections
11 received from any District agency or review entity. Next slide?

12 This is just kind of a wrap it up looking at the
13 balancing tests. On the left, you see a list of the benefits
14 and amenities being proffered by the project. We believe that
15 those benefits and amenities balance, if not far outweigh the
16 incentives and potential adverse effects of the project being
17 listed on the right. Next slide?

18 In conclusion, Commissioners, we've done a thorough
19 evaluation of the project against the standard of review. We
20 believe the project is fully not inconsistent with the
21 comprehensive plan, consistency with the FLUM, other competing
22 comp plan priorities relating to housing and environmental
23 protection and transportation far outweigh any potential comp
24 plan inconsistencies. Again, we didn't find any unacceptable
25 impacts related to the project, and that potential impacts to

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1 land use and housing, transportation, and other potential topics
2 are all favorable. And that we believe the proposed map amendment
3 to MU-10 and the minor technical flexibility and rear yard, side
4 yard and lot occupancy are balanced by the public benefits and
5 amenities being offered by the Applicant.

6 That concludes my presentation. Kyrus?

7 MR. FREEMAN: If I could just ask Mr. Dettmer three
8 quick clarification questions? He might have mentioned them, but
9 just really quickly, three questions. One, is there -- in your
10 evaluation of that small area plan, is there anything in the
11 small area plan that limits the height for this site?

12 MR. DETTMAN: No.

13 MR. FREEMAN: Is there anything in the small area plan
14 that this project violates?

15 MR. DETTMAN: No.

16 MR. FREEMAN: Last, have you seen anything -- in
17 preparing for this hearing and doing your analysis, have you seen
18 anything in the record identifying any specific or actual
19 inconsistency with the small area plan?

20 MR. DETTMAN: No, nothing specific.

21 MR. FREEMAN: Great. Thanks. That concludes -- thank
22 you, Mr. Dettman. That concludes my questions for Mr. Dettman.

23 We have available our architect, Mr. Chris Huffer; our
24 landscape architect, Mr. Matthew Clark; and our transportation
25 consultant, Mr. Daniel Solomon. But in order to stay within the

1 30 minutes, and I think this presentation covered kind of the
2 primary questions, we're happy to conclude with that and just
3 answer any questions that the Commission may have at this point,
4 unless you would like to hear from the architect, landscape
5 architect, or traffic consultant.

6 CHAIRPERSON HOOD: Well, why don't we just hear from
7 the architect briefly? And I would like to, because I also looked
8 at the OAG submission and my calculations. One of us is doing
9 the math wrong, and I don't know who it is. It may be me, but I
10 want to go back and verify some of this stuff. But why don't we
11 hear a brief -- something brief from the architect, hit the
12 highlights? And then I think we can ask our questions after
13 that. I think we will be in order in that -- it would be better
14 suited for us to do it that way.

15 MR. FREEMAN: Mr. Huffer will present. And we may have
16 some rebuttal and cross for OAG as well.

17 But Mr. Huffer, Chris, if you could go through your
18 facts, that'd be great. But short, not all of them.

19 CHAIRPERSON HOOD: But I'm just trying to figure out
20 the calculations. And I heard -- the reason I'm going there and
21 let me first before I do that, let me ask my colleagues what they
22 want. I'm pretty sure they'd like to hear from the architect,
23 but we'll -- let's see. But before I go there, the reason why
24 I'm asking you that is because you just asked Mr. Dettman a few
25 questions. And I know when I was looking through the materials

1 when I did my own calculations, it was like 20,000 off. And
2 maybe it's -- one of us is wrong, either OAG or myself. We'll
3 see.

4 Let me ask my colleagues first. Commissioner May,
5 would you like to -- would you like to hear from the architect
6 briefly?

7 COMMISSIONER MAY: Yes, briefly.

8 CHAIRPERSON HOOD: Okay. Okay. So all it takes is
9 one. So let's go right ahead. Anybody want to hear from the
10 landscape architect? I'm going to be like Fred, raise your hand.
11 All right. So --

12 COMMISSIONER MAY: Just briefly though, briefly
13 briefly.

14 CHAIRPERSON HOOD: Briefly from all of them. Briefly.
15 And briefly means briefly.

16 **MR. HUFFER: All right. Good evening, Commissioners.
17 My name's Chris Huffer with SK+I Architecture, and I will be
18 brief as possible. So kind of scan through these. So really,
19 we can spend most of our time quickly here at the previous/new
20 massing and kind of discussing all the highlights of the changes
21 since our last meeting here between the left and the right. As
22 you can see, we've made a significant design change to that
23 northeast corner of the building as well to the ground floor of
24 the building as well where we've replaced our ground floor retail
25 with residential units and residential amenity and lobby space,

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1 kind of quieting the Main Avenue facade. But on the upper floors
2 we have recessed and stepped back the building on that northeast
3 corner between 70 and 85 feet, as you can see, between the left
4 and the right side. And as Mr. Dettman has mentioned, each
5 individual floor itself is at 80 percent or less lot occupancy.
6 What this has allowed us to do is created a nice ground floor
7 parklet that our landscape architecture will talk a little bit
8 more in depth. But you know, setting the building back helps,
9 you know, create an opportunity for the northeast corner to open
10 up and walking into the Southwest plan. So next slide, please?

11 Here, you can see kind of the quick massing side by
12 side of that corner where we've reduced and pulled back the
13 building. We've also changed the articulation of the building
14 on this corner to set back at its farthest point that you can
15 see in that top right corner, so that the farthest projecting
16 point in our northeast corner is that 80 feet above grade. Next
17 slide?

18 Just showing you the existing conditions of the DAV.
19 Next slide?

20 Our site is located right at Main and Seventh Street,
21 just south of the Jefferson Middle School. A couple items of
22 the plan as you can kind of see, we have one curb cut that's
23 accessing or servicing our garage and loading. But we are also
24 on either the north side and on the west side compromised by a
25 WMATA substation on the north and the WMATA tunnel is coming

1 through about a third of our eastern side of the site on the
2 right, which you can see with those vertical plans. Next slide?

3 So I'll just quickly show you the architecture. You
4 know, our goal was to kind of reflect the existing context of
5 the wharf, the banks, our adjacent buildings, as well as the
6 Potomac River, creating this undulating, rippling facade that
7 kind of helps reduce the scale and bulk of the building, but also
8 helps, you know, bring down the scale of the building, and it
9 really enhance pedestrian experience. Next slide?

10 All right. Northeast corner. Again, next slide?

11 So this is a view right at the in-between phase one and
12 phase two of the wharf showing how that articulation and change
13 of materials and textures, you know, helps break down the scale
14 of this building. Next slide?

15 Just from the intersection at I -- or Seventh and Main.
16 Next slide?

17 And I think on these last two slides, you can really
18 see how the undulations of the building help really break down
19 that scale of the building and helped reduce the length, the
20 visual length, of the building. Next slide?

21 Just views around the building so everybody has an
22 understanding of what it looks like. This is coming down Seventh
23 Street, so this is where that parklet is viewed, and you can kind
24 of see past the parklet into that gap between the phase one and
25 phase two of the wharf, so it's really kind of bringing you into

1 the southwest neighborhood of here on Main Avenue. Next slide?

2 And then this is a view from I and Seventh Street. So
3 as you come down I Street, we have kind of a -- the parklet serves
4 as kind of the visual termination of I Street here, so you have
5 more of a glean visual impact here instead of a building. Next
6 slide?

7 On both Main Avenue and Seventh Street we are setting
8 the building back at those first two floors, additional 6 to 11
9 feet, 11 feet on Seventh Street here. The existing nature of
10 Seventh Street is very narrow, so we're looking at extending and
11 setting the building back there so that the street section's
12 greater than 20 feet. The sidewalk creating a visual, a better,
13 pedestrian experience. Next slide?

14 Looking at our main entrance corner, we're setting,
15 like I mentioned, setting back the building on both Seventh and
16 Main, really, you know, signifying where the entrance is, but
17 also really trying to enhance the public realm by creating more
18 public space. Next slide?

19 A view down Main Avenue where we're adding enhanced
20 greenery between the Main Avenue street section and our building.
21 Next slide?

22 And another view of the parklet here at the northeast
23 corner at that intersection of I and Seventh Street. I think
24 that kind of gives you a good broad overview of the architecture.
25 There's a few other plans in terms of relating to the actual

1 plans and IZ, but I think that about covers it. So we could jump
2 into the landscape with Mr. Clark. Thank you.

3 **MR. CLARK: Okay. Chris, can we advance through? I
4 think there's a there's a site plan here that will come up. There
5 you go. I think that's probably as good a place to start as any.
6 Thank you. For the record, my name is Matt Clark. I'm with
7 LandDesign --

8 MR. FREEMAN: Hold on a second.

9 I'm sorry, Mr. Young, if you could advance to Slide 60?
10 There you go. Okay. Go ahead.

11 MR. CLARK: I was going to work with that one. Yeah,
12 for the record, my name's Matt Clark, I'm a landscape architect
13 with LandDesign. I'll just talk briefly about the streetscape.
14 As Chris mentioned, with the change to the building on Seventh
15 Street, we had the opportunity to create an additional open space
16 kind of at the intersection of Seventh and I. If you could go
17 one slide ahead, please, we can zoom in on Seventh Street a little
18 bit? Yeah. Perfect.

19 As far as the streetscape itself within the public
20 right of way, all paving, tree wells, et cetera, will be DDOT
21 standards. We're introducing new street trees along Seventh
22 Street. But again, on this street, the real kind of bonus round
23 from the building coming back was the creation of the parklet,
24 which is page right. This is going to be a mix of traditional
25 landscape, but also bio planters that will help deal with

1 stormwater management. And it's all kind of wrapping an area
2 which on the plan there is identified as number four, which could
3 be a spot for potential public art. Again, kind of a nice little
4 micro parklet area. And then as we go around to Main Avenue --
5 next slide, please --

6 -- really the story here is again curb in. We are
7 proposing in large tree wells for the existing Willow Oaks, which
8 are fantastic out there. And I think, as Kyrus might have
9 mentioned earlier or someone did, we have significantly more
10 landscape added in at the building base, kind of roughly page
11 left on this one. As far as streetscape furnishings, there's
12 great opportunity for elements such as benches, bike racks, and
13 so forth to wrap around both streets and kind of knit it all
14 together. That's really the 30-second overview. And at this
15 point, I'll turn it over to Dan to kind of run through -- oh,
16 I'm sorry, there's two more slides. Yeah, go ahead please.

17 These are just comparisons of existing along Main and
18 proposed with a few shots, and you can see how the two compare.

19 Next slide is Seventh. And again, primarily, you can
20 really start to dial in here and you see where the existing curb
21 cut is and how we'll be changing that with the with the pocket
22 parklet area. And I think that is actually my last one. And
23 I'll turn it over to Daniel to talk about some of the traffic
24 and those things and circulation issues.

25 **MR. SOLOMON: Next slide, please? So good afternoon,

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1 Commissioners. For the record, I'm Daniel Solomon,
2 transportation planner and principle with Gorove Slade. I'll try
3 to keep this as brief as possible. Next slide, please?

4 So Chris covered most of this, but I'm just touching
5 on the highlights. Vehicular and loading access will be from an
6 improved and narrowed and reconfigured curb cut on Seventh
7 Street, which has been pulled back from the I and Seventh Street
8 intersection to increase the distance from that intersection as
9 we requested and coordinated with DDOT. All parking and loading
10 activity will be accommodated via that new private driveway,
11 minimizing any external impacts from loading activities as well
12 as meeting DDOT standards. Next slide, please?

13 Regarding parking, there'll be 78 vehicular parking
14 spaces, including eight spaces with electric vehicle charging
15 capabilities, meeting zoning requirements and DDOT standards for
16 vehicular parking. The eight electric vehicle charging spaces
17 exceed DDOT's recommended minimum of 1 per 50, which would equate
18 to two electric vehicle charging spaces. The project will include
19 84 long-term and 12 short-term bicycle parking spaces, exceeding
20 zoning and DCMR requirements. Additionally, the secure bike room
21 will include four cargo tandem bike spaces and at least nine
22 spaces will have access to electric outlets per DDOT guidelines.
23 DDOT is supportive of the amount of bicycle parking being provided
24 by the development. Next slide, please?

25 Loading will be accommodated by a 30-foot loading berth

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1 and two 20-foot service and delivery spaces internal to the site,
2 which are accessed from the private driveway, exceeding zoning
3 requirements for the size and number of loading facilities and
4 minimizing external impacts from those loading activities.
5 They're shown in purple on this slide. I will also add that the
6 updated development program results in a decrease in the total
7 number of deliveries that would be expected at this site as no
8 deliveries will be generated by a retail use. Next slide, please?

9 While a loading management plan is not required, since
10 the project is not requesting zoning relief, backend loading, or
11 curbside loading, a loading management plan is being proposed to
12 further ameliorate any potential impacts. Here we've listed the
13 highlights of those. It's consistent with DDOT guidelines, was
14 reviewed by DDOT and DDOT is supportive of the proposed loading
15 management plan. Next slide, please?

16 This slide shows vehicular peak trip generation of the
17 project, which was vetted and approved by DDOT. The proposed
18 project is expected to generate minimal peak hour vehicular trips
19 on the network. You'll see in red on this slide that the proposed
20 development is expected to generate a net decrease in vehicular
21 trips on the network during the morning and afternoon peak hours,
22 with a minimal increase in trips on the network during the
23 Saturday peak hour compared to existing uses on site. This is
24 consistent with office to residential conversion projects as
25 office land uses generate more trips than residential uses on a

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1 square foot basis. Additionally, the updated development program
2 results in further decrease in vehicular trips compared to the
3 previous development program that was included in the CTR. Next
4 slide, please?

5 Here are the highlights of the TDM plan. It includes
6 many of the typical components expected of such a package. We
7 believe this TDM package is appropriate for this type of project
8 to help encourage non-single occupancy vehicle usage. DDOT finds
9 the TDM plan to be sufficient. Next slide, please?

10 For this project, we performed a comprehensive
11 transportation review which was scoped and reviewed by DDOT. Our
12 study concluded that the development of the site will not have a
13 detrimental impact on the surrounding transportation network and
14 minimizes impacts by including a low parking supply, robust TDM
15 plan, a loading management plan, and high-quality pedestrian
16 realm design, meeting DDOT's goals of supporting adjacent transit
17 routes and minimizing impacts on the transportation network. We
18 coordinated extensively with DDOT during the review, including
19 the submittal of a supplemental memo to reflect the updated
20 development program and resulting reduced trip generation. We're
21 pleased to have their support in the form of a no objection staff
22 report. DDOT's report did include two conditions, which the
23 Applicant has agreed to. This information was provided to DDOT
24 in a separate memo, so I'll just go over them quickly. The first
25 required the Applicant to update the TDM plan in the final order

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1 to state the specific minimum number of long-term bicycle parking
2 spaces to be provided as horizontal on the floor, cargo tandem
3 sized, and served by electrical outlets, which were cited as
4 percentages in the CTR. The Applicant agrees to this and will
5 maintain the number of bicycle parking spaces committed to in the
6 CTR, even though the development program has been reduced. The
7 second condition asked the Applicant to design, fund, and
8 construct a protected bike lane on the west side of Seventh Street
9 between I and Main Avenue, with any infrastructure deemed
10 necessary by DDOT to manage bus-bike conflicts prior to issuance
11 of the certificate of occupancy. The Applicant had already
12 proposed this improvement, but agrees that it be included as a
13 condition of approval. At this time we believe we have addressed
14 all DDOT's concerns. That concludes my testimony and I will be
15 available for any questions. Thank you.

16 MR. FREEMAN: Thank you, Daniel.

17 Mr. Chairman, that concludes our presentation. We're
18 happy to answer any questions.

19 CHAIRPERSON HOOD: All right. Well, thank you all for
20 your presentation. And we will see what questions we have.

21 To start off, Commissioner May? Oh, my.

22 **COMMISSIONER MAY: Sure. So (indiscernible)
23 organized here. So the project has changed pretty significantly
24 and I think addresses some of my major concerns about how the
25 building itself would be consistent with the intentions of this

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1 -- of the small area plan. So I appreciate the changes that have
2 been made and the you know, particularly at that intersection,
3 the corner that is reduced -- where the building has been reduced
4 in size and the parklet was introduced. I'm really curious about
5 that though, because that, as I recall, the original design you
6 were spanning over the WMATA tunnel. And now instead you have a
7 very, very big cantilever. So exactly how are you going to do
8 that? Because it looks like it's a pretty light structure and
9 I'm not seeing big trusses and -- or other kinds of structural
10 methods to hang that building that far out. I mean, that's got
11 to be like 50 feet or more, right? How are you doing that?

12 MR. SOLOMON: So from the ground floor currently we
13 have I guess at are max cantilever about 22 feet, they stop at
14 where the columns in the ground floor are. But you know, we're
15 still working through the structure of it, but one of our
16 solutions is just to lay back thicker slab on the floors above,
17 but another is utilizing, you know, between three- and five-foot
18 deep transfer beams, which we've allotted for in this current
19 design, as our previous design actually had seven-foot deep
20 transfer beams. So I think a lot of that's been taken in that
21 lower portion of the soffit of that third floor.

22 COMMISSIONER MAY: The third floor. Okay. Not sure I
23 fully understand that. Is that -- is any of this, the sort of
24 the difference in thicknesses, show up in the section drawings?

25 MR. SOLOMON: I believe on the -- I mean, I don't

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1 believe the thickness of the structure is represented yet on that
2 section drawing. No, I don't think we're cutting through that
3 beam.

4 COMMISSIONER MAY: Okay. I mean, the reason why I'm
5 asking these questions is that I get a little bit concerned about
6 whether the ultimate structural design will wind up affecting the
7 appearance of the building, right? If we wind up with -- because
8 it's a very light and glassy building, and then if you wind up
9 with more solid structure or with, you know, trusses or something
10 like that showing up behind the glass, it changes the look of
11 the building. And so I just was curious to -- I just was hoping
12 to know a little bit more about that and to be sure that we're
13 not going to wind up -- I mean, the building has to be, I don't
14 know, it's going to wind up being different from what we were
15 seeing. But I trust that you're figuring that out, I guess,
16 because I'm not going to figure it out for you.

17 All right. The building, the renderings themselves are
18 a little confusing to me because when I look at the materials
19 that are shown in the submission, I mean, I understand it's all
20 basically metal panel and glass, that's the -- those are the
21 primary materials for the majority of the building. The colors
22 are darker than are in those samplings and what I'm seeing in
23 the renderings. Is that right or is it really -- well, I guess
24 it is -- you've got several different metal panel colors. It's
25 not I'm not totally sure where I'm seeing them all. Is it just

1 the metal panel in the penthouse level that's the darker color
2 and everything else is that very -- those shades of very light
3 colors?

4 MR. SOLOMON: Yeah, so at the at the penthouse level
5 actually we're proposing like a high density equitone panel,
6 which is darker and it has like a smaller, I guess, not according
7 to panel size, I'm sorry, than the metal panel below, so it's
8 the light, you know, whitish gray and, kind of a medium gray, on
9 the core of the building. And I think before our last -- I think
10 in the record we've submitted a materials board of the actual
11 metal panel samples that's in the record. But at the core of
12 the building is that white and light gray, which, you know, we're
13 putting in there because we think it replies to the context of
14 the canopy at Hilton and the banks adjacent to it. So it all
15 kind of, in terms of materiality and color, fits in with the
16 neighborhood.

17 COMMISSIONER MAY: Uh-huh. Okay.

18 MR. SOLOMON: (Indiscernible) to your question.

19 COMMISSIONER MAY: It's not -- probably not surprising
20 if you've -- if you're familiar with some of the past concerns
21 of the Zoning Commission that the very light colored buildings,
22 especially metal panel buildings, are a concern for how they're
23 going to hold up over time and whether the, you know, whether
24 they're going to wind up looking basically looking dirty because
25 of the, you know, what's also in the air, what comes down in the

1 rain, how it flows over the course of the building, and metal
2 panels are very unforgiving material when it comes to that kind
3 of an effect. So maybe you want to talk about that a little bit
4 and reassure us that it's not going to wind up looking dirty like
5 some do.

6 MR. SOLOMON: Yeah, I mean, I think what we are showing
7 here is not a bright white panel. It's kind of more of an off-
8 white light peanut. Sorry, I don't have the actual material that
9 we sent to you guys in the material, the name of it, but ,you
10 know --

11 COMMISSIONER MAY: Sir, I'm looking at it. I mean, I'm
12 looking at the sample board that was in the submission.

13 MR. SOLOMON: Uh-huh, okay. Yeah. And I believe --
14 you know, we've designed several buildings in the District and
15 around the District with white or even brighter over the last 10,
16 15 years. And I think with constant, you know, upkeep of window
17 washing, which we'll be providing window washing (indiscernible)
18 in the cleanliness of the building through that, you know,
19 management of the building, they've all held up very well, I
20 think. You know, you can even look at the canopy by Hilton, our
21 neighbors, and the banks, I don't see any large issues with
22 staining or coloring. And their materials, I believe, are a much
23 brighter white than what we are producing. I think the grays
24 that, you know, the tone-on-tone gray and white that we're using
25 will kind of help mitigate any potential possible dirt that would

1 get on there. But I think through routine window washing and
2 rain and cleanliness, that can be mitigated.

3 COMMISSIONER MAY: Uh-huh. Yeah, I see -- I know what
4 you mean about the canopy at Hilton. That's a pretty bright
5 white building. Okay. It might be helpful if you have examples
6 of other buildings that you've built in the District that are of
7 the white metal panel, just to be somewhat reassured about that,
8 I think that would be -- that could be helpful.

9 MR. SOLOMON: Yeah.

10 COMMISSIONER MAY: The -- now, if I understand
11 correctly, I mean, you're not proposing any ground floor retail
12 in this building, it's all just amenity space or lobby space or
13 actual residential units?

14 MR. SOLOMON: It is going to be -- on the ground floor
15 now is lobby and amenities space at that corner of Main and
16 Seventh. And then we have ground floor units at that northwest
17 corner now.

18 COMMISSIONER MAY: Right. So what I don't really
19 understand is the relationship between those units and the
20 street. Is there a -- I looked quickly through all the renderings
21 that I've seen, and I didn't see anything that really kind of
22 captured that. I mean, it's one thing to be in a very glassy
23 building on the second, third, fourth, tenth floor than it is to
24 be on the ground floor. And so I'm wondering what that -- what
25 those units will -- how they will be perceived and what kind of

1 privacy those units will have.

2 MR. SOLOMON: Yeah, so those units, and I think Matt
3 touched it a little bit, and I think we do have a rendering
4 showing the sidewalk on Main that kind of you'll see the units
5 on the left. I think it's slide 53 in our proposal here and that
6 additional larger greenspace on Main Avenue that we're designing
7 in between the standard street section and the building, I think
8 it's about -- I think, Matt, you'll correct me if I'm wrong, but
9 at least it's between 15 and 20 feet, depending on the undulation
10 where we're placing our transformers and a --

11 MR. CLARK: Yeah, Chris, it's anywhere from 14 to
12 probably even 16 feet with some of the deflections in the
13 building, but 14 feet's a good average, just to --

14 MR. SOLOMON: Yeah, so in between there, you know, we
15 have levels of planting and seeding, but we also think that that
16 setback of 15 feet provides some additional privacy. And I think
17 those windows at the lower level are set up a couple feet from
18 the actual finished floor in there to give some additional privacy
19 as well. But between that and additional shading within the
20 unit, we believe that's adequate distance to provide any sort of
21 privacy. We're not anticipating having any accessible entrances
22 at grade, so we don't have any places for people to walk up and
23 get close to the windows. It's all going to be planting area
24 around those units.

25 MR. CLARK: That's correct.

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1 COMMISSIONER MAY: Yeah. Yeah, I did see the rendering
2 on slide 53. I'd seen that in the prior submissions too I think.
3 That -- 15 feet is not very far, and especially when you've got
4 almost floor to ceiling glass. And you're talking about shading.
5 So I mean, you know what I -- the outcome that I'm concerned
6 about is that we have sort of wildly inconsistent interior shading
7 systems or shades that people put up or that they have, you know,
8 junk piled up against the windows. I mean, this is always a fear
9 with big glassy buildings and it's been a fear of mine with, you
10 know, even like office space downtown where you wind up with
11 people's desks up against the glass and then they drop stuff
12 behind the desk and you just see this collection of junk. So I
13 think -- and I think this can be mitigated. I think it's in the
14 plantings. I if there's -- I mean, if there are vaults there,
15 that's a real limitation. But maybe there's more that can be
16 done to ensure that there is -- there's more of a visual buffer
17 between those dwelling units and the places where people are
18 walking.

19 MR. CLARK: I think we have an opportunity there between
20 the kind of call it the back of sidewalk and the actual -- the
21 transformer vaults, where of course, you know, we do have the
22 landscape, but we do have a spot where it can push grade up a
23 little bit. I'm not saying, you know, tons of grade, but it will
24 allow us to elevate the plantings up a little bit and I think
25 get to where you're going with that in terms of giving a little

1 bit more of a substantive buffer between the units.

2 MR. SOLOMON: Yeah, I think in relation to that and
3 depending what we can do with the, say, raised planters and
4 plantings, depending on what plantings we can fit in there, you
5 know, we can also look up at raising the sill height of some of
6 those windows a little bit to reduce the height of those ground
7 floor windows if possible.

8 COMMISSIONER MAY: Yeah, I think something would be
9 worthwhile. Again, it's -- I mean, it's partially the privacy
10 for the people who are inside and -- but it's also partially,
11 you know, what people are going to see walking down the street
12 and that and you don't want the, you know, the beauty of the
13 building and the landscape so on to be marred by, you know,
14 careless placement of stuff inside. So it kind of -- it's a two-
15 way street, as it were.

16 Last thing is that I found the IZ plans in your
17 submission to be confusing because it's -- I mean, just as an
18 example, it's a little hard to tell where the three-bedroom units
19 are going to be because you're showing two floors that are
20 identical, right? I forget which ones they were, but two floors
21 that were going to be identical they had three-bedroom units, IZ
22 units, in them, but you only show that plan once, but somehow
23 there are three. So is it on one floor or both floors? I mean,
24 it just -- it would be easiest if you just did smaller plans that
25 showed each floor one by one, and then we could also -- we could

1 not only see where the units are on each individual floor, we
2 can look at questions like, you know, are they -- are a lot of
3 them stacked in the same locations and things like that. I don't
4 have a big concern about the stacking, but it's just it's a little
5 bit confusing, so it would be helpful if you could submit a plan
6 that goes floor by floor.

7 MR. SOLOMON: Okay. And maybe this helps, maybe it
8 doesn't, but I understand it's always kind of difficult to show
9 it all. But on the bottom left corner of our sheet, we have a
10 little chart that shows the floors and it highlights where the
11 related -- especially, I mean, it's easy for the three bedrooms
12 because there's only two locations and we're showing that they're
13 located at the sixth floor and the eighth floor in those
14 locations. But again, it's not clear on each floor, which one
15 it is.

16 COMMISSIONER MAY: All right. So you have two units
17 on the six -- two three-bedroom units on the sixth floor and two
18 three-bedroom --

19 MR. SOLOMON: Yes.

20 COMMISSIONER MAY: -- units on the eighth floor?

21 MR. SOLOMON: No, only one. And so if you look at the
22 small plan number five, there is a little text on there that says
23 which one is on the sixth and which one's on the sixth and the
24 eighth.

25 COMMISSIONER MAY: Ha, you expect us to see that? No.

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1 Just do it floor by floor.

2 MR. SOLOMON All right.

3 COMMISSIONER MAY: Floor by floor, that's -- I
4 understand trying to keep it simple in terms of the number of
5 them, but there's nothing simpler than just having it one floor
6 at a time.

7 MR. SOLOMON: Sure.

8 MR. FREEMAN: Commissioner May, can you hear me?

9 COMMISSIONER MAY: Yeah.

10 MR. FREEMAN: Sorry. I was trying to take notes, and
11 I just want to make sure we're submitting the things you ask for.
12 So I heard, one, it would be helpful to submit examples of white
13 metal panels on other buildings. I just heard you say the IZ
14 plan. But I wasn't -- I got a little distracted. What did you
15 want to see submitted as it relates to the ground floor plan and
16 the units?

17 COMMISSIONER MAY: Yes. Some effort through
18 manipulation of grade or the planting plan to demonstrate that
19 there'll -- there's some buffering between those ground floor
20 units and the sidewalk, both for the privacy of the people inside,
21 but also for the appearance from the exterior.

22 MR. FREEMAN: Thank you.

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

24 Oh, no, actually, I do have another question. I mean,
25 just to be clear, you're still proposing 15 percent IZ. And the

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1 conditional letters of support that came from Town Square Towers
2 and from the ANC are conditioned on 21 percent. But that's not
3 what you're proposing, right?

4 MR. FREEMAN: It is not.

5 COMMISSIONER MAY: Okay. So I mean, I guess we can
6 hear why those folks think that that 21 percent is necessary.
7 But that seems to be the big difference between you and the folks
8 who had some opposition to this. You want to explain that?

9 MR. FREEMAN: Well, we will -- we -- the ANC, if you
10 read what it says, they say 21 percent because that's what OAG
11 recommends. And then the TST picks up 21 percent from the ANC.
12 So in our view, it's all coming from the OAG report, which we
13 believe their math is erroneous, which we'll present in rebuttal.
14 But that's what -- you will see that number.

15 COMMISSIONER MAY: All right. Good. Well, let's --
16 we'll deal with it then, thank you.

17 CHAIRPERSON HOOD: Let me just say on that note, I'm
18 starting to hear a lot -- you know, mathematics is a science, so
19 we all know it's an actual science. So the problem is it depends
20 on what you plug into it. So what I'm going to start doing is
21 what my math teacher used to ask me, show me your work. That's
22 what I want. I want everybody from now on when they submit stuff
23 to us, show me your work because I've been playing with these
24 numbers myself, trying to -- and I'm trying to figure out I'm
25 going to ask OP, I think OP has sent us, you know, some

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1 calculations, and I know the Applicant -- and I'm not sure if
2 yours line up with OAG. But anyway, I want OAG from now on --
3 and I'll wait for Ms. Cain, who I think is going to represent, I
4 want you to start showing me your work. Show me what you plugged
5 in. I want to see what we're doing here.

6 So Commissioner Imamura?

7 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

8 As always, I'll try to build off of Commissioner May
9 and kind of work my way backwards from his comments to some other
10 notes that I've taken. So with that, my only comment about the
11 IZ plan is I do appreciate the color coding, but I think you
12 certainly have enough real estate these days, it's all digital
13 anyway. So it's not like you don't have enough real estate on
14 the page and you just need to cram it on one sheet.

15 Let's see, the other question -- oh, this is for both
16 you, Mr. Huffer and Mr. Clark. Regarding Slide 53, about the
17 ground floor units and what that sort of effect is, can you, Mr.
18 Clark, describe a little bit about the plant palette and the
19 density at that particular location as well as throughout, I
20 guess even more specifically maybe the micro parklet and also
21 address sort of your seasonal approach to in terms of your plant
22 palette and ideas?

23 MR. CLARK: Yeah, I think as a kind of a I guess a
24 starting point. One of the things we would -- we'd like to do
25 -- I'll talk about the Main Avenue site first -- is that, you

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1 know, because of the proximity of the ground floor units to the
2 sidewalk and streetscape and everything, I think we from a
3 planting approach, I think we'd kind of like to use a predominant
4 amount of evergreens, you know, to ensure that we kind of keep
5 the greenery there all year long. And I think we'd also like to
6 work in kind of a mix of some grasses and elements of that nature
7 that kind of give us a little bit of the change of seasons things.
8 But really it's kind of having that that backbone of evergreen
9 and so forth.

10 And as far as on the Seventh Street side, we've kind
11 of got two different plant bed conditions there. There's one in
12 the, I'll call it the, far back, which is closer to the service
13 and loading area, that's actually the bio planter. So we would,
14 of course, want to use the plants that are going to be used to
15 getting their feet wet, I mean, in that area. And that's actually
16 going to have a probably a raised wall around it as well. So
17 it's going to be elevated a little bit. But again, in front of
18 that, I'm really a big believer in the use of kind of these
19 framework plants. I think we also want to be really smart about
20 using, to the extent possible, drought tolerant and native
21 species. I mean, it's something that we've come across probably
22 over the last ten years and it's really kind of taken root. That
23 was a not even an intended joke there. But I think that's kind
24 of the basic approach to it is to have this kind of -- this
25 framework and then have the moments of kind of visual interest.

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1 We also have to be cognizant, I think it's more on Main
2 Avenue than maybe Seventh Street, just because there's more
3 landscape there, of the notion that people are going to be walking
4 right by this and trash and litter and all those kinds of things
5 that kind of get stuck in there. That's kind of the basic
6 approach. I don't know if that really answer your question, but
7 I'm trying to paint a picture in my head here of what it could
8 be.

9 COMMISSIONER IMAMURA: Any species that come to mind,
10 Mr. Clark?

11 MR. CLARK: You know, one of the things that we really
12 like a lot of is using things such as Bayberry. They're kind of
13 a midsized plant. Certainly when the grasses and stuff, you get
14 some of the lower ones, pennisetums, things of that nature. But
15 I don't want to have like, you know, massive planting in there.
16 I think when you combine it with the ability to maybe mound some
17 topography up in there, we can have a landscape that's, you know,
18 a variety of height, but probably you're looking at three, maybe
19 four feet in height at the extreme end of things, and then having
20 smaller stuff taper down to the front. And it might be a little
21 bit different, honestly, back at the at the Seventh Street area,
22 because if we do have a little bit of a wall behind us there, I
23 think it gives us a little more license to have kind of a bigger
24 vertical statement there. In fact, we even showed some small
25 ornamental trees in that area back there. So I think those could

1 be a little bit more substantial.

2 But you know, Main Avenue we kind of have to play
3 between windowsill heights and all that.

4 COMMISSIONER IMAMURA: All right. Thank you, Mr.
5 Clark. It sounds like you're still sort of formulating your
6 ideas for that.

7 MR. CLARK: Yeah, we're working through it. As you
8 know, and as Chris, like, even mentioned with like, say, the sill
9 heights, you know, we want to be very smart about how all that
10 works. I've been -- plenty of times where I put a tree in front
11 of a window, you know, through the years. And we want to be
12 smart in that regard.

13 COMMISSIONER IMAMURA: Sure. And I'm glad that -- you
14 did -- you didn't quite mention it, but you touched on it just
15 to think through, you know, the maintenance regimen too as well.
16 And you had touched on a little bit of -- you had mentioned trash
17 as people, especially on Main Avenue there, and evergreens, those
18 can be great trash collectors oftentimes and great hiding places
19 for little critters, so.

20 MR. CLARK: You actually -- you just raised a really
21 good point there as well, is just the, you know, let's face it,
22 rodents and everything else. You know, one of the things I think
23 if we use some grasses and so forth, I mean, they do get cut
24 back, you know, at the end of the year. So it kind of removes
25 habitat in that regard, at least for some period of time. So

1 we're going to have to work through all that in detail. Like I
2 say, I don't have a fully formed thought in my head at this point,
3 but that's kind of the direction I'd like to head in.

4 COMMISSIONER IMAMURA: Okay. I appreciate that. The
5 other thing that I appreciate too is that at least the design
6 vocabulary for the site plan certainly matches the design
7 vocabulary for the architecture I think, which leads me to
8 questions for Mr. Huffer in terms of -- and none of my comments
9 will really shape or change anything that you've already laid out
10 in terms of the architecture of it, but I am a little curious
11 about the composition where shape, space, and form and where that
12 came from. It looks awfully similar to your Ninth and W project.

13 MR. HUFFER: I think some of the details that we've
14 learned will be similar in terms of the construction of it, but
15 in terms of its placement and composition, I don't think it's
16 similar only because Ninth and W's very rigid, right, we start
17 up and it is back and forth all the way down and it's, you know,
18 kind of a singular language.

19 COMMISSIONER IMAMURA: I think I'm talking in terms of
20 the wave of the -- yeah, the wave of your wall, where that came
21 from, just sort of curious in how you -- what part of sort of
22 the urban design element did you pick up on and where did that
23 come from?

24 MR. HUFFER: Well, I think, you know, one of the things
25 we -- when we started looking at this site was just the unique

1 shape and nature of the site, how do we design a building on this
2 triangular site that has, you know, all these restrictions on,
3 say, with the WMATA tunnels and on the site itself and just trying
4 to get a usable product in there. So it's like really we're
5 looking at the site, it's a triangle, so how do we make (audio
6 interference) relation to a building that, you know, doesn't lay
7 out naturally to that because it's not a rectangular site. And
8 we also kind of looked at the context (audio interference) within
9 that motion and giving some context can kind of really draw your
10 eye in different ways as you walk down the buildings. But I
11 think, you know, to your (audio interference) --

12 CHAIRPERSON HOOD: Let me ask, let me ask -- I think
13 you're breaking up. I think you're breaking up. So if you can
14 turn your -- unless nobody else is having that problem. If you
15 can turn your camera off --

16 COMMISSIONER IMAMURA: Same problem.

17 CHAIRPERSON HOOD: Yeah, if you can turn your camera
18 off that'll help probably with the sound issue. There we go.

19 MR. HUFFER: All right. Is that better?

20 CHAIRPERSON HOOD: Yeah.

21 COMMISSIONER IMAMURA: That is better.

22 MR. HUFFER: Okay. So what was that last thing you
23 heard me say?

24 COMMISSIONER IMAMURA: Well, it was almost from the
25 beginning, but if you can summarize, that -- the wave of that

1 wall, the articulation of it, just and --

2 MR. HUFFER: I gotcha. I mean, so we look at the unique
3 shape of the triangular site and looking at, you know, triangular
4 motion in the building as well as its relation to the context of
5 the of the Potomac River, right, right across the street. You
6 know, with the ever-changing motion of water, we're looking at,
7 you know, what does a rippling facade look like in terms of how
8 do we integrate that in the building. I think really the shape
9 of the site really kind of pushes you to, you know, look at
10 something. How do we create depth and articulation when it just
11 doesn't lay out naturally with the rectangular shape of a site,
12 right, it doesn't -- it's not the most natural of a building
13 shape. So kind of taking that and running with it.

14 In relation to where, say, these projections occur, you
15 know, we were kind of looking at how do the pieces interlock with
16 each other. It wasn't kind of a rigid formula around the
17 building. It's more hey, how does this work within the units,
18 within the plans, within the context to really help break up the
19 facade. So it's not saying one thing repeated over and over,
20 but having an experience as you walk down and drive down past
21 the building. That kind of helps limit the size of the building,
22 but also draws your eyes in specific areas.

23 COMMISSIONER IMAMURA: To that point, Mr. Huffer, I
24 think it was the image on Slide 49, the perspective there of
25 Seventh and I, you describe how, you know, your comment -- well,

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1 first of all, let me compliment you that, you know, for thinking
2 quick on your feet in terms of describing it, in terms of how
3 does water ripple. I still see that this sort of mirrors your
4 Ninth and W project that sort of reflects sort of -- I think
5 there's music, right, the notes on a page and how music just sort
6 of plays, the sheets on a page -- or the notes on a page. But
7 on the Slide 49, Seventh and I, perspective on the backside of
8 the building for the school though -- so it looks like that kind
9 of fell apart, that concept of breaking up the facade. So I'm
10 curious why that reads more as a mass or just did we run out of
11 momentum there?

12 MR. HUFFER: I think it's, you know, one of the things
13 around on the back side of the building here facing the WMATA
14 substation, we didn't have the opportunity to really project over
15 in any areas there. We're trying to, you know, make the plans
16 work. And because of the shape of the site, you know, we're
17 struggling from, you know, getting pushed from the left and the
18 right everywhere on this triangle. I think the idea was it would
19 -- the undulations would wrap the corner and kind of integrate
20 and spread out, and then you'd have the usefulness of that kind
21 of difference of color and texture of the light grays and the
22 tone on tones of the grays and the whites, you know, kind of have
23 the same effect as you go down because if you look at it, right,
24 it kind of helps break up that facade a decent amount with how
25 the color and the material changes.

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1 COMMISSIONER IMAMURA: All right. Well, I think your
2 best gesture here, design move, was pulling back that northeast
3 corner. I don't have as much of a heartburn in terms of the
4 color palette, but I'm still not on board with the general form
5 of it. But I understand your approach, your design approach, for
6 this. I still think that you guys ran out of momentum there on
7 the backside of the school there, but.

8 And then I guess one more comment about the
9 architecture. Originally, I thought you might have a two-way
10 flat plate system, but with the long overhang there that
11 Commissioner May had pointed out, what is it, that structural
12 system there?

13 MR. HUFFER: We're going with post sectioned concrete
14 slab for the levels two and above, below in the garage it's a
15 conventional concrete system.

16 COMMISSIONER IMAMURA: Okay. All right. Just want to
17 make one more comment. I guess this is more from Mr. Dettman.
18 These sort of presentations always really challenge my left brain
19 and right brain here. But I just want to compliment Mr. Dettman
20 on his surgical approach to how he always demonstrates how the
21 project is not inconsistent with the comp plan, the use of the
22 color coding for the equitable development indicator, and how to
23 organize potential impacts of the area element, so I appreciate
24 that in terms of laying out that explanation, although it seems
25 like everything was color coded green and could be mitigated. So

1 I'm curious if there was anything that came back as maybe
2 challenging to mitigate at all or otherwise it's painted as a
3 perfect project, it's the perfect project. So was there anything
4 in particular, Mr. Dettman?

5 MR. DETTMAN: Yeah, I don't think so. I think the
6 standard is that we didn't identify any impacts that would be
7 unacceptable. Right? And so just as a way to organize the
8 impacts analysis, we used the city-wide elements. You know, I
9 think with respect to land use, it's an underutilized site. We're
10 going to better utilize it for housing that addresses the city's
11 housing needs. Yeah, I think that if we were to look at potential
12 impacts that had to be mitigated, like that maybe that were the
13 most challenging to mitigate, I would say that maybe that falls
14 within the realm of the urban design impacts, shadowing. We took
15 a very close look at shadowing on the school and where those,
16 sort of the extent of those impacts and where they fell relative
17 to the school, the recreation courts to the west, to the north,
18 the loading and parking area that's right behind the school. We
19 looked at shadow impacts on the TST and then certainly the
20 refinements that were made to the building by taking off the
21 corner of the building and increasing the distance that changed
22 the potential impacts of shadowing. So yeah, I think when it
23 comes to the impacts that were looked at most closely in terms
24 of whether they were favorable, capable of being mitigated,
25 unacceptable, it was they fell within the areas of urban design.

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1 COMMISSIONER IMAMURA: Very good. I would think the
2 same, and I think the shadow study was very helpful. TST's
3 concern without merit, the impact of that. But I would agree
4 that the urban design would probably be one of the biggest
5 challenge here. All right. Well, Mr. Dettman, thank you.
6 Appreciate it.

7 Mr. Freeman, thank you for you and your team for putting
8 this together.

9 And Mr. Chairman, that concludes all of my questions.

10 CHAIRPERSON HOOD: Okay. Thank you.

11 Vice Chair, you have any questions or comments?

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

13 And thank you, Kyrus Freeman, and your team for your
14 responsiveness, as the Chairman said at the beginning of the
15 hearing, to our request that you be responsive to the communities
16 and our own comments at the last abbreviated hearing in September
17 and the comments that have been made in the record on this case,
18 including reducing the density, increasing the contributions to
19 the community and directly making them to the community as opposed
20 to through the Southwest bid and working with -- all the community
21 engagement that you did do, and complimenting -- I also want to
22 compliment the ANC and the party in opposition for working -- for
23 engaging with you during this period of time that we've had
24 between our last public hearing on this and September. And now
25 there's been a lot of work and that -- the project clearly has

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1 been improved. And we appreciate all of those efforts and I
2 appreciate the presentation tonight in the record and at the
3 hearing.

4 Mr. Dettman, I think the comprehensive plan and racial
5 equity analysis was very, you know, it's an evolving process, as
6 you've said and we've said, it is, but you presented it in a way
7 that it would made it understandable. I thought, for myself at
8 least, and I think the public, as to how you're trying to address
9 the equitable development impacts. I think it probably could use
10 more racial equity statistics in that analysis, and I think our
11 evolving racial equity tool will fall for that because that's
12 what the council called on us to develop that racial equity lens,
13 so. But the charts that you presented were very helpful and all
14 of the -- I appreciate all of that work that that went into this
15 presentation in response to our concerns, Office of Planning
16 concerns, and the community's concerns. I think it might be
17 helpful if you just reiterate -- I mean, you have reduced the
18 density, especially closer to the party in opp -- the party that
19 requested opposition that didn't get opposition status, party
20 status, the adjacent Town Square Towers, you reduced the density
21 closest to them, which is appreciate -- we appreciate.

22 Can you just reiterate maybe -- and you got the lot
23 occupancy down from I think it was 91 percent in the original
24 proposal, you can correct me if I'm wrong on the numbers, to now
25 82 percent where maximum lot occupancy is 80 percent, so that's

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1 a flexibility you're requesting. It's two percent, which is, in
2 my view, de minimis. But ANC is still expressing concern about
3 that. Can you get to 80 percent lot occupancy? And what would
4 we lose if we got to that? But more importantly, could you
5 reiterate why you believe that the higher density in this project
6 is not only -- not inconsistent with the future land use map,
7 which I think it is not inconsistent with the future land use
8 map, the change was made by the council and mayor just a year
9 ago to medium density mixed use from low density, probably to
10 facilitate this type of project. But could you just maybe
11 reiterate -- I think it's in the record, I think you alluded to
12 it -- why this project with its density and its height at 110 in
13 some areas, even though you've scaled it back, you know, the
14 neighborhood to the north, where it's -- where there are 90 feet
15 heights, could you just reiterate why you think it's not -- why
16 there's a consistency -- how it is not inconsistent with the com
17 plan for this project with all the benefits that you, you know
18 --

19 MR. FREEMAN: So let me try to take a stab at it. Not
20 inconsistent with the comp plan, future land use map, our proposal
21 is specifically indicated as a zone that is consistent with our
22 future land use map that's --

23 VICE CHAIR MILLER: That's what I said. Can you --
24 maybe can you talk about the project --

25 MR. FREEMAN: Sure. Right.

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1 So then if -- Mr. Young, if you could pull up Slide 38?
2 And this is I think the best summary of it. Right? I
3 don't know if you're seeing Slide 38.

4 VICE CHAIR MILLER: I'm not right now, but I -- I've
5 reviewed all the slides, so --

6 MR. FREEMAN: So this is the --

7 VICE CHAIR MILLER: -- I think I'll remember.

8 MR. FREEMAN: So this is the standard for PUD, right?
9 The Zoning Commission shall judge, balance, and reconcile the
10 relative value of public benefits and project amenities offered,
11 the degree of development incentives requested, and any potential
12 adverse effects of the project. So it kind of summarizes a lot
13 of what we've just spent a lot of time talking about. When you
14 look at all of our public benefits and amenities, even if you
15 have a question about the urban design and architecture, 7,000
16 square feet of landscape valued at -- and by the way, these are
17 all things that we would not be doing for a matter of right
18 project. Right? So that's the comparison. We have listed things
19 that would not happen for a matter of right project. So over
20 7,000 square feet of landscape, 195 new housing units, the zoning
21 regulations specifically indicate that housing is an amenity.
22 Fifteen percent affordable housing, three-bedroom units, again,
23 the zoning regulations specifically indicate that three-bedroom
24 units are amenities. So we have three-bedroom market rate and
25 three-bedroom IZ. Sustainable design, again all of the things

1 above and beyond what would be required. LEED Gold, which is
2 specifically listed in the regulations as an amenity. Solar, EV
3 charging stations, a hundred percent electrical appliances, EV
4 bike charging, public art, 75,000 to an artist to install public
5 art along Main Avenue, loading management plan, not required, but
6 we're doing, RPP restriction, not required but we're doing,
7 \$150,000 to Jefferson PTO, \$100,000 to D.C. Habitat for Humanity.
8 And that's important because that is actually supporting home
9 ownership opportunities in Ward 6. Right? This is a rental
10 project, so that that is helping them deliver affordable units
11 in Ward 6. And there's a letter in the record to that effect.

12 So you weigh all of that against what we're getting,
13 we're getting two percent lot occupancy relief, we're getting
14 some rear yard relief that's kind of at the -- it's a triangular-
15 shaped site, so it's nowhere near anyone, and we're getting side
16 yard relief. Our side yards are actually facing the street, so
17 it's not in any way impacting anyone. So when you weigh all of
18 that, we think we meet what the regulations require in terms of
19 the balance and such for a PUD.

20 And the only other thing I would add, and I don't know
21 if this goes to your question, Commissioner May -- I'm sorry,
22 Commissioner Miller, in the record, Exhibit 83, there was a
23 question about shadows and impacts on the potential -- on the
24 school. The only potential person that could be impacted by
25 shadows, if you wanted to have that conversation, would be the

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1 school, and at Exhibit No. 83 there's a letter in support of the
2 project from the school saying the PTO has taken seriously its
3 interest in ensuring that those impacts can be mitigated and they
4 ultimately reach an agreement with us, construction management,
5 et cetera, and they support the project. So any potential impacts
6 are mitigated. I don't know if that answers your question,
7 Commissioner Miller.

8 VICE CHAIR MILLER: No, it does. And I just wanted,
9 frankly, for it to be reiterated on the public record. I was
10 aware of most of that and am glad to be reminded of the parts
11 that I didn't remember. So thank you for your response.

12 Can you respond to the height compatibility issue in
13 the neighborhood? I mean, I know it's allowed for by the future
14 land use map and the zoning, but could you just respond -- and I
15 know you've lowered the height near the lower scale neighborhood
16 versus the Main Avenue side, just if you could put that on the
17 public record here too?

18 MR. FREEMAN: Sure. And I'll let Mr. Dettman address
19 it, but it's really -- if you could pull up, Mr. Young, Slide
20 18? Just to be clear, we've chopped off a portion of the
21 building, the building's still 110 feet, but we've removed a
22 portion of the building at the northeast corner.

23 But Mr. Dettman, if you could -- Mr. Young, if you
24 could pull up our Slide 18?

25 And Mr. Dettman, if you could talk a little bit about

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1 compatibility?

2 VICE CHAIR MILLER: And you do have the penthouse twenty
3 feet above that, but that's set back as we know, so that --

4 MR. FREEMAN: Right. Well, penthouse does not count
5 in height, but yeah, the penthouse is not part of that 130 --

6 VICE CHAIR MILLER: Right.

7 MR. FREEMAN: -- it's not part of the 11, I'm sorry
8 --

9 VICE CHAIR MILLER: I just wanted to make sure people
10 understand that.

11 MR. FREEMAN: But the penthouse, which is separate, is
12 set back one to one from the edge of -- each edge of the roof
13 upon which it's located.

14 So Mr. Dettman, if you could maybe walk us through the
15 page -- Slide 18 of the presentation?

16 MR. DETTMAN: Sure. Slide's not up yet, right?

17 MR. FREEMAN: Mr. Young, if you could pull up -- it was
18 Sheet No. 18 of our -- of the Applicant's presentation?

19 MR. DETTMAN: Okay. Thank you.

20 So I would only add to what Kyrus already talked about,
21 starting with the future land use map, obviously MU-10 is a zone
22 that's expressly stated as being consistent, and that a PUD allows
23 for additional height and density, and under a PUD the MU-10 zone
24 allows 110 feet. That's what we're proposing. The generalized
25 policy map talks about neighborhood conservation area, talks

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1 about having to relate and be compatible in scale and character
2 to the surrounding context. And that's why we went ahead and
3 prepared this diagram. I think if you look at the context around
4 the entire site with a high-density development like the wharf
5 at 130 feet on the other side of Main Avenue, the developments
6 on the other side of Seventh Street being the banks' development,
7 which is 90 feet, which was approved as a PUD under a very
8 different comprehensive plan future land use map designation
9 there. That's only a moderate-density development. But that's
10 a 90-foot development. TST is 90 feet and you have Jefferson
11 off to the north. I think if you look at the context that
12 surrounds, immediately surrounds, the site, 110 feet fits
13 comfortably within that surrounding context. It responds to the
14 variety of heights that happen around the immediate site.

15 And I mentioned in my testimony the small area plan
16 that talks about and supports the sort of the high scale and low
17 scale development pattern in the southwest neighborhood and
18 specifically recommends against mid-rise building forms, talking
19 about how buildings in Southwest are generally less than four
20 stories and greater than eight stories. And so again, trying to
21 also respond to other competing comprehensive plan interests,
22 particularly in related to housing and transportation oriented
23 development, we think that through this PUD process, that 110
24 feet, setting aside the fact that from a technical perspective
25 we're consistent with the future land use map and the framework

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1 element, we believe that 110 feet, given the surrounding context,
2 is an appropriate height for this particular site through the PUD
3 process, so that we can -- because we're taking a look at the
4 specific impacts that a height like that potentially could have,
5 and we think that, especially with the recent modification to
6 take off that corner, the small area plan talks about Main Avenue
7 and Main Avenue being a transition between the wharf and the
8 southwest neighborhood, you may recall in the PUD that is down
9 the street, that's a much longer site, and so that transition is
10 accomplished through, Commissioner Miller, I think you're
11 referring maybe to that project where it was the stepping down
12 to 90 feet in response to the 50-foot context that's on that
13 site. In this site, it's a very different site. It's not as
14 long, it's smaller, and so you can you can accomplish transition
15 in a couple ways. You can do step downs. In this case, we
16 accomplish that transition by taking off a substantial piece of
17 the building in order to pull the building further away from the
18 90-foot buildings to the -- on the other side of Seventh Street.
19 And so again, that sort of goes to the 110-foot height of the
20 building being concentrated to Main Avenue, and then opening up
21 to additional open space that's on the site as you move towards
22 the east and to the north and the 90-foot buildings that are over
23 there.

24 VICE CHAIR MILLER: Well, thank you for that response.
25 What would be the -- so thank you for reminding me that I was

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1 -- I was thinking about a different nearby project where you --
2 anyway -- where the height was offset and -- but what would be
3 the effect of -- on the -- for the provision of affordable housing
4 housing and on the project generally of having a 90-foot height
5 limit versus -- height versus the 110 that's proposed in this
6 application?

7 MR. FREEMAN: So there are about 22 units per floor for
8 taking -- so taking two floors off would result in a loss of 44
9 units and a proportionate reduction in the amount of IZ units as
10 well.

11 VICE CHAIR MILLER: And I appreciate that you're
12 providing more IZ units than is required under our regulations
13 and at larger sizes than is -- than are currently required in
14 our regulations, the three-bedroom and two-bedroom units. I
15 don't know if we have any particular size requirements in our
16 current IZ regulations; that's something we're looking at. But
17 you are providing one-third of those three-bedroom units at the
18 affordable levels, and I, and I think the community, appreciates
19 that provision.

20 On the lot occupancy, this is just -- it's a minor
21 issue because, you know, you're down to 82 percent from 91 percent
22 originally proposed, which was a bit -- which was very responsive
23 to concerns raised about density in the original application.
24 But -- and I think it's de minimis at this point, but you made
25 the statement, and maybe I just need a primer offline, you said

1 that every floor is less than 80 percent lot occupancy. Is there
2 something in our regulations that needs to be changed that -- how
3 the calculation is getting at 82 percent when you're saying that
4 every floor is at less than 80 percent? I don't really understand
5 what's happening here.

6 MR. FREEMAN: So I wonder -- and I think the best way
7 to do this is, Mr. Young --

8 VICE CHAIR MILLER: And I don't need a big thing on
9 this but because we don't want --

10 MR. FREEMAN: No, no, no, we have a sheet that shows
11 exactly where the overage occur if you're -- if you want to see
12 it. It's our Sheet -- so because of -- in short, because of the
13 articulation of the design was built, parts going in and out,
14 there are parts that overlap other parts, and because of that
15 overlap, the portion beyond the overlap (indiscernible), not that
16 individual floor, but it's technically where the overlap occurs.
17 I think the best way to see it is on page 41.

18 VICE CHAIR MILLER: Do you think we need to change our
19 regulation to address that? I mean, we don't need to have this
20 issue coming up if it's not an issue really.

21 MR. FREEMAN: Well, I'll leave that for Mr. Dettman,
22 he's the planning expert. I would say if this were an office
23 building, we could have 100 percent lot occupancy.

24 VICE CHAIR MILLER: It used to be an office building.
25 I mean, it used to be an office building.

1 MR. FREEMAN: Technically, it still is an office
2 building. They're no longer there, but structurally it's still
3 an office building. But Exhibit 69A2.

4 VICE CHAIR MILLER: I think I'll look at that -- send
5 me that -- or I'll look at that. What was the sheet that explains
6 it? I don't want to waste every- -- I want to get to the public
7 testimony. So I don't want to waste everybody's time with this
8 issue, but I think it may be something we need to address.

9 MR. FREEMAN: Exhibit 69 -- I'm sorry, I didn't mean
10 to talk over you. It's Exhibit 69A2.

11 VICE CHAIR MILLER: Okay.

12 MR. FREEMAN: Page 41.

13 VICE CHAIR MILLER: Okay. Thank you. Thank you. I
14 don't think I need more on that right now, so. I generally like
15 the design of the building. I generally concur with the design
16 -- critiques of my design experts on this fellow -- amongst my
17 fellow commissioners, Commissioners Imamura and May, but I
18 generally like the design except for one thing, which, you know,
19 I think -- are there any balconies on this 200-unit residential
20 building?

21 MR. FREEMAN: So that did come up in the -- and I think
22 Mr. Chris, Chris Huffer, can talk about that.

23 VICE CHAIR MILLER: Yeah, I can see why it's a pretty
24 design. And when you don't have balconies, it doesn't -- you
25 can do a lot more with the design and the undulation and the lack

1 of --

2 MR. FREEMAN: Well, one --

3 VICE CHAIR MILLER: -- but residential buildings, I
4 really, as you know, and I'm just one commissioner, that's what
5 I want on a residential building. And where's the private --
6 just -- and in response to that question, if you could just maybe
7 reiterate where is the private -- not the private -- the
8 recreational open space for the residents of this building, is
9 there rooftop space, is there ground level space?

10 MR. HUFFER: Yes. So there is a ground floor amenity
11 space, as well as amenity space in the penthouse. So I think we
12 have indoor and outdoor amenity space on the penthouse and a pool
13 terrace up there as well for residents to use. In relation to
14 your question about the balconies, you know, we've seriously
15 looked at it. It's just the nature of the site. You know,
16 previously, you know, we have restrictions on -- previous
17 restriction on the property that was owned on Main Avenue that's
18 still kind of being deeded to DDOT. I mean, Mr. Freeman can
19 clarify that if it's necessary, but that didn't really allow us
20 to do projections on Main Avenue. We didn't feel that balconies
21 looking over the school on the north side were necessarily a good
22 idea either, in terms of conversations we'd had previously with
23 the neighbors in terms of privacy and their thoughts on open
24 spaces around the area. And then so that kind of only allowed
25 us to have a little bit of room on Seventh Street. And for the

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1 integrity of the design we felt it was a better idea to kind of
2 keep the consistency and nature of our, you know, singular idea
3 and wrap that around the building just for a more cohesive, you
4 know, and successful design.

5 In terms of other ways we could look at it, it is, you
6 know, we opted for deeper and larger units in the floor plate,
7 that is, I think, not seen around in this area. I think our
8 average unit size is much larger than some of our neighbors. So
9 we opted for swapping that indoor space -- or outdoor space for
10 indoor space, which allows us to provide those three-bedroom
11 units.

12 VICE CHAIR MILLER: Yes. That's a very reasonable
13 design explanation. And I -- but on the point about the
14 projections into public space and whether it affects your lot
15 occupancy, I've asked, and I don't know if I've ever really gotten
16 a full response from the Office of Planning or the Office of
17 Zoning staff or anybody as to why we -- how we should not be
18 including balcony space, whatever's in the zoning regulations, I
19 know there are construction code regulations which we have no
20 control over, but whatever's in the zoning regulations that is
21 preventing or creating a disincentive to balconies, I want to get
22 rid of them. I don't want it to be included in lot occupancy, I
23 don't want it being included in -- I don't want it to be a
24 barrier. So that's not a message to you, the Applicant who I'm
25 talking to, but to the Office of Planning and our own staff and

1 ourselves. Just wanted to reiterate that which I've said
2 previously. Thank you.

3 So thank you for your presentation. I appreciate all
4 of the responsiveness that you've done and the community
5 engagement that you've done since we last met a couple months
6 ago. And I think we've made some real progress, and I hope we
7 can get to the finish line here.

8 CHAIRPERSON HOOD: Okay. Thank you.

9 I have a few questions and I am going to -- some of
10 them may be redundant, but I'm going to ask it in a way that I
11 can understand it. It's only been a -- we've only been on here
12 for two hours, and I go last. So if you have to repeat yourself,
13 I'm sorry.

14 So I think I heard the architect, I think it was Mr.
15 Huffer, I believe, was not Mr. Clark, but Mr. Huffer, you
16 mentioned how you were trying to break up the, I'm going to call
17 it the, angled floor levels, you know, the design, you know, the
18 in and out, and I think -- I actually think I like it, but I'm
19 trying to remember again, why is it -- why did you do that, to
20 break up the massing, to make it look smaller, or -- tell me what
21 was the intention on that type of design?

22 MR. HUFFER: All of the above of what you just said.
23 So I think, you know, we wanted to kind of create some movement,
24 especially on Seventh Street and Main Avenue, for whoever's
25 driving by or walking by and kind of help reduce the apparent

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1 length of the building. So any time you create recesses or
2 projections, right, it helps, you know, limit how long or how big
3 the building looks. And so, you know, utilizing the shape in
4 our design concept, we felt that, you know, utilizing that helps
5 break down the building, creates some visual interest and draws
6 you down the street. So you know, combining that with a different
7 use of material and color, you know, really helps kind of create
8 a dynamic elevation and dynamic building that, you know, would,
9 you know, activate the area and, you know, enhance the pedestrian
10 experience.

11 CHAIRPERSON HOOD: I will tell you that I think you've
12 accomplished it from looking at it. Now, you know, depending
13 upon how this moves off, if it's built, I'll think about this
14 conversation I'm having with you now, but I can tell you that I
15 think that you've accomplished that. I really like the dynamic
16 of it. I don't know what others -- I can't remember what all of
17 others, my other colleagues think, but I think this is very --
18 it's a very interesting build, and I think it's a very interesting
19 spot if everything else falls in place.

20 But let me ask you the view from Main Street, and it
21 was one of the slides, I can't remember now, but it looks like I
22 had an optical illusion. I know one side is flat, and it was
23 like, I guess the angle and the way it was taken, it looked like
24 it was -- I could see -- I could not see any part of the building
25 looking up the street. And I can't remember -- I don't know what

1 exhibit, let me see, did I write it down? No. But is that an
2 optical illusion or was that set up to be that way? It did say
3 that it was not -- it was for -- it was not for necessarily
4 positioning. I think it was for positioning purposes if I recall.
5 Do you know which slide I'm talking about right off?

6 MR. HUFFER: I'm trying to figure that out.

7 CHAIRPERSON HOOD: You'll have to look for it. I've
8 got too many files open, so let me see if I can find it. Now
9 it's telling me I need to refresh. So I got too many files --
10 but it's in one of the -- I think it's in the PowerPoint, but I
11 will find it.

12 MR. FREEMAN: Is it slide 47?

13 CHAIRPERSON HOOD: Is that the one showing the Main
14 Street area -- I mean, showing Main Street, the view from Main
15 Street -- Main Avenue?

16 MR. FREEMAN: Yeah. I would ask Mr. Young it's either
17 47 or 48 --

18 CHAIRPERSON HOOD: Okay.

19 MR. FREEMAN: -- of our presentation set.

20 CHAIRPERSON HOOD: That's all -- we can come back to
21 that. I mean, that was important to me, but I wanted to -- let
22 me see if I can get it. Anyway, I'm not going to hold up the
23 time.

24 Also, Mr. Freeman, when we started talking about, you
25 know, the sliding scale, you know, and what I'm starting to notice

1 is, you know, OAG, the Applicant, OP, I want to start seeing the
2 forms, I want to see the work. We started talking about how much
3 of IZ we use and what numbers we're using, I want to start seeing
4 the -- what's being plugged in because everybody talks about it
5 and it's all over the place, but unless you can point me to it,
6 I want to see the Applicant, OP, as well as OAG, and whoever else
7 wants to say oh, well, this is how this should be because math
8 should not be that far off. You know, it's -- I think it would
9 help this Commission to have the math in one place. And then
10 that way, you know, see, okay, maybe I'm putting in the wrong
11 -- maybe I'm putting in 7.2 and it should be 7.7. I think --
12 yeah, that's the -- that's the presentation, but I think it's
13 further down.

14 MR. FREEMAN: I think it's the next slide, 48.

15 CHAIRPERSON HOOD: Yeah, it was -- yeah, that's it. Is
16 that an optical illusion that I'm having when I'm looking on the
17 west side of that, is that an optical illusion or is that actually
18 what I'm going to see?

19 MR. HUFFER: I think so. I think it is exaggerated
20 because of the camera angle for the perspective.

21 CHAIRPERSON HOOD: Okay.

22 MR. HUFFER: One thing that I think kind of makes it
23 stand out a little bit more dramatically is that those middle
24 three floors are actually recessed, so you -- but -- and it's
25 kind of hiding kind of everything below there. So I think it's

1 really kind of exaggerating what that top corner will look like.

2 CHAIRPERSON HOOD: Okay. All right. And I was just
3 curious, because I've actually looked at that picture a couple
4 times trying to figure out what I was looking at. But anyway.
5 And it says that down at the bottom, I can't see it now, public
6 as shown in these renderings with the proposal Seventh Street.
7 But either way so that's more or less an optical illusion. That's
8 not how I would really see it if that's ever built; is that a
9 correct statement?

10 MR. HUFFER: I think at that corner, you know, it is
11 an acute corner, so, you know, depending on the angle, it will
12 probably seem sharp. But I think this is an exaggerated form of
13 what you standing in the same position may see.

14 CHAIRPERSON HOOD: Okay. All right. What else do I
15 have? Again, I've asked you, Mr. Freeman, I want to show the
16 work, I know you're going to do some rebuttal at the end. What
17 -- and another thing that's very helpful, the conditional -- and
18 I know I heard the one issue with you and Commissioner May where
19 you still differ with the ANC, but as far as everything else is
20 asked for from ANC in their letter, are you all agreeing with it
21 because I didn't hear that mentioned as well?

22 MR. FREEMAN: So we're -- so today we saw it in writing.
23 I think there's some things, yes, we do agree with if I'm looking
24 at it, right, like -- but it says, for example, reduce the lot
25 of occupancy to 80 percent. Well, we've kind of went through

1 that already, and while we're at --

2 CHAIRPERSON HOOD: Right, right, okay.

3 MR. FREEMAN: -- 82 percent, we've agreed to make this
4 contribution to an artist, no problem with that. They -- and I
5 talk about this important contribution that we're making for
6 \$100,000 to Habitat for Humanity. They've asked us to, instead
7 of giving it to Habitat for Humanity, give it to these schools,
8 which we've heard of, but they have not indicated any impacts,
9 so we actually think our proffer to Habitat Humanity is actually
10 more consistent with the regulations and more impactful.

11 And then the last thing they had in there was the 21
12 percent and obviously we're at 15 percent. So I think generally
13 we agree to a lot of it, but not everything, as currently.

14 CHAIRPERSON HOOD: Okay. Well, let's kind of nail that
15 down as we move forward so we know what's agreeable, what's not.
16 And I did hear my colleague talk to Mr. Dettman about the racial
17 equity lens. I think we can go a lot further. I appreciate
18 responding to our tool. I think our tool, as we are working on
19 it, is evolving because no physical displacement of existing
20 residents, we understand that -- I mean, to me we're going to
21 start going further and are not going to just pick on this
22 particular application. But we need to go a lot further than
23 displacement due to housing cost increase. I need to know why,
24 and then what are the remedies. And then if we get the remedies,
25 then I personally -- we need to also understand well, what are

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1 the corrections, what needs to be done, is that a case to vote
2 against a case, so those are some of the things that I'm starting
3 -- that I want to put out there, and I know we haven't all agreed
4 on it yet, but we got to really get to the nuts and bolts of
5 what's being asked of us in this racial equity lens.

6 I think that's all I have right now. It's quite a bit.
7 But what I will say though, we've come a lot closer -- again, as
8 I started off, I'm going to end it, Mr. Freeman, and to the team,
9 thank you for coming closer to where we can even at least have a
10 hearing. I think this is very important.

11 And the only other note I will say is, Mr. Freeman, if
12 the Washington football team was my team, this would not be a
13 good hearing for you. But they're not. So I heard your earlier
14 comment. It did not go lost on me, but. So I'll leave it at
15 that. But I think -- I appreciate all the work that's been done.
16 I know Commissioner Kramer and others still probably have some
17 concerns, but I appreciate their work as well. So let's see if,
18 Ms. Kramer, do you have any cross-examination?

19 MS. KRAMER: I do have several questions, one of which
20 is just -- the first is just the clarification. We heard, I
21 think it was Mr. Dettman initially, say that we were we were
22 supporting the proposal. And I want to be clear for the record
23 or have him be clear for the record that we have several
24 conditions that we've specified in the report and that they --
25 about which we would not be approving the -- or would not be

1 supporting the application without those -- meeting those
2 conditions. So it's just a question to to. Mr. Dettman about
3 whether he recognizes that.

4 MR. FREEMAN: I don't think --

5 MS. KRAMER: It's a set of strong conditions. Sorry?

6 MR. FREEMAN: I don't think Mr. Dettman said it. I
7 think I said it. And what I said was --

8 MS. KRAMER: You said it, okay.

9 MR. FREEMAN: -- initially oppose, but now support with
10 conditions.

11 MS. KRAMER: With conditions. Okay. I appreciate
12 that. Thank you.

13 The other thing -- and I'm going to keep saying you
14 because then I won't remember who said what -- who said what at
15 one point, it's been a long evening. But the small area plan
16 does talk about the transition from Main Avenue into Southwest.
17 Wouldn't that suggest that it should -- that the transition should
18 be transitioning significantly down to the rest of Southwest
19 rather than echoing the wharf? The question is, again, please
20 clarify, this is outside -- the north side of Main Avenue is
21 outside of the wharf, it's independent of the wharf, and it needs
22 to conform to the dictates of the -- or the guidelines of the
23 small area plan.

24 MR. FREEMAN: So I think that would be a question for.
25 Mr. Dettman.

1 MR. DETTMAN: Sure. The -- let me turn my camera on.
2 So to be clear -- and we've looked at the Southwest small area
3 plan numerous times, there is no dictates that are specific about
4 height. The only thing in the small area plan that talks about
5 is the juxtaposition between high rise and low rise. And that's
6 sort of the prevailing development pattern of Southwest, not on
7 a specific site, just sort of generally where you have high rise
8 towers across the street from moderate density, four-story,
9 three-story, two-story townhomes. That is the extent of what the
10 small area plan says about height, unless, of course, we've missed
11 it.

12 We don't believe that the building replicates the
13 wharf. We do think that the 110-foot height with the open space
14 on the north side of the site closest to TST and the banks, we
15 do believe that that's consistent with the small area plan
16 recommendation about transition. There are different ways you
17 can transition, you can do height step downs, but given the small
18 size of the site, we think that the appropriate way to transition
19 in response to that recommendation is the additional open space
20 on the north side of the site. And generally, looking at the
21 development pattern of the entire context of the site, the
22 comprehensive plan, in talking about the generalized policy map,
23 talks about looking at the context of the entire site. We've
24 never said that we're part of the wharf, but you can't ignore
25 that the wharf is part of the context of the site and that's what

1 makes good planning. You can't ignore the wharf just because
2 it's outside of the small area plan. It is part of the context
3 of the entire site. And we believe that the transition from 130
4 feet at the wharf, 130 foot wide Main Avenue, to 110 foot on our
5 site, and then you've got the open space on the north side of
6 the site, and then you've got Seventh Street and then down to
7 the 90-foot buildings at TST and the banks, and then beyond that,
8 you get down to the lower scale townhomes, we believe that that
9 is fully consistent with the smaller plan.

10 MR. FREEMAN: Commissioner Kramer, you're on mute.

11 CHAIRPERSON HOOD: Commissioner Kramer, you're on mute.
12 We can't hear you.

13 MS. KRAMER: So sorry. You did -- it's a good point
14 to transition to what you've discussed in the open space on the
15 east side of the site where the building has been now pulled
16 back, and there've been several reference references to this area
17 as a parklet. Didn't the residents raise concerns that that not
18 -- explicitly not be a what is thought of as a parklet and that
19 no benches would be there? And the point was that they did not,
20 as I recall, that they did not want to encourage spillover or
21 sort of hanging out from the wharf, particularly late at night.
22 Could you address that, why people keep referring to this as a
23 parklet as opposed to some landscaped area?

24 MR. FREEMAN: I think Mr. Dettman did not testify to
25 that. So I think, if anything, it would be Mr. Clarke (phonetic).

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1 But what I would say is, if you look at Exhibit 76, what we agreed
2 to do with the neighbors is to manage that area to ensure that
3 it doesn't become a nuisance to neighbors, i.e. loitering, trash,
4 Uber/Lyft space, has 24 hour monitoring, and three, that any
5 benches installed are designed to discourage long term loitering
6 or sleeping. So neighbors identified that as a concern and a
7 condition in Exhibit 76, which we'd previously agreed to with
8 those neighbors, is their -- how they assess and mitigate those
9 concerns, which is something we said we would.

10 MS. KRAMER: Okay. So I mean, I guess we hope that
11 that will be clarified so that that objection is not -- does not
12 carry through when the final order is created.

13 You also talked about the several discussions tonight
14 about the protections of the ground floor residents to the street
15 and on the other side, the protections of the street, if you
16 will, from the use of the -- what's going on inside those units.
17 Do those windows open?

18 MR. FREEMAN: That would be a --

19 MS. KRAMER: And what's the consequence of that?

20 MR. HUFFER: Yes, so they'll open the required amount
21 for the required venting for the units or code.

22 MS. KRAMER: Okay. So I guess we'd want to look for
23 something in the --

24 MR. HUFFER: Yeah, the --

25 MS. KRAMER: -- final order that clarified how the use

1 of those units would be protected from the street.

2 MR. HUFFER: Yeah. Right now those units, or the
3 windows, are designed as awning windows. So they'll only pop out
4 about four inches from the wall.

5 MS. KRAMER: There's a noise issue as well. But again,
6 we'll see what you come up with. On the shadow study, which I
7 didn't get a copy of it until today, so it was a little hard to
8 read, could you describe the -- someone describe the worst town
9 -- the worst times for shadowing that would affect the school or
10 the playing fields? I think what I'm -- like the root of my
11 question, I guess, is whether there are times when it could shadow
12 on the classrooms, and that's kind of controlled by lighting.
13 But in terms of the use of the fields, could you just describe
14 what the -- sort of what the worst times for shadowing are from
15 your study?

16 MR. FREEMAN: I think then, Chris --

17 MR. HUFFER: Yeah.

18 MR. FREEMAN: -- that would be a question for you.

19 MR. HUFFER: Yes. I --

20 MR. FREEMAN: The shadow studies, they've been in the
21 record, I don't know, since June. I know I sent them to you
22 before, but we could go through them right now.

23 MS. KRAMER: I apologize if it's my dereliction.

24 MR. HUFFER: The worst time of the year for the shadows
25 would be the winter equinox, December 21st at, I think probably

1 noon or nine a.m., which when it would pretty much be dark anyway.
2 There's no shadow impacts on the north playing fields at all. I
3 think most of our shadow impacts are related to the southern
4 portion of the building where they currently have a gym and
5 parking. I think if we want, you can -- we can scroll through
6 at the end of our presentation.

7 MS. KRAMER: What about the -- I get very confused
8 about what's called north, south, east, west -- but what about
9 the area where there are not the big playing fields, but the
10 basketball courts and there's a -- there are a lot of sort of
11 court areas?

12 MR. HUFFER: Yeah. So on that -- I guess I think it's
13 the southeast or southwest corner west of the gym.

14 MS. KRAMER: West, yeah, right.

15 MR. HUFFER: Yes. So again, the only impacts on that
16 area look to be, if I'm looking at it correctly, in December at
17 nine a.m., so when --

18 MS. KRAMER: So nothing in the after- -- nothing -- so
19 just to clarify for everybody, nothing significant in the
20 afternoon times when you would expect the most use of any of the
21 outside areas for the school?

22 MR. HUFFER: Yes, correct.

23 MR. FREEMAN: Could I just ask Mr. Young?

24 MS. KRAMER: Sure.

25 MR. FREEMAN: In our presentation set, Mr. Young,

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1 slides 74, 75, 76, 77, 78, 79 are our shadow studies, so if
2 Commissioner Kramer or zoning commission, that's what we're
3 pulling from. Again they're substantially similar to what we've
4 had in the record for quite a while. The only update is the
5 update as a result of reducing the footprint of the building.
6 But when you look at page -- slide 79, Mr. Young, those are what
7 we would call the "worst case scenario." There you go. And
8 again, this is December when it's dark everyplace, it's cold,
9 kids typically are not going to be out at 9:00 playing basketball.
10 There are few, if any, (indiscernible) sports during this time
11 of the year. But this is the image I believe Mr. Huffer was
12 discussing.

13 MR. HUFFER: Yes.

14 MR. FREEMAN: And I think what's important is we
15 compared the shadows to -- we've heard a lot about the building
16 should be 90 feet instead of 110 feet. And what the top shows
17 is that the shadows cast are essentially the same between a 90-
18 foot building and a 110-foot building.

19 MS. KRAMER: My problem is I don't have a color printer
20 and I don't -- I have this in black and white and it's very, very
21 difficult to read. So I'm asking you to summarize for everybody's
22 benefit exactly when the effect will be shown.

23 MR. FREEMAN: So it's in color -- it's in color on the
24 screen. It's in color on the screen, and the yellow is the
25 visible shadow.

1 MS. KRAMER: Right. I got it. I appreciate that.
2 Okay. The other -- my last question is, how will we -- this
3 question is rooted in concerns of the ANC that have been evidenced
4 in other projects prior to actually my tenure -- but how do we
5 clarify exactly what colors will be used and where we would find
6 that? I mean, one of the things that's been raised is -- there
7 was a discussion a little earlier about whether the lightness of
8 the panels would create a dirt problem, you know, over time. But
9 it's very -- it's difficult to know where to look for exactly
10 when you -- when we will see exactly what colors you will promise
11 that'll be used on the building. How do we -- how do I deal with
12 that?

13 MR. FREEMAN: So in our -- in the record, there's a
14 materials board, which is at Exhibit 53A, photos of materials is
15 in Exhibit 53A.

16 MS. KRAMER: Okay.

17 MR. FREEMAN: It states colors. In the presentation
18 that we did today, if I could find the sheet, the presentation
19 that we did today included a sheet that had all of our materials
20 and the colors called out. And that's page 55 of the Applicant's
21 presentation.

22 MS. KRAMER: And those are the colors that you're
23 committing -- that's exactly the color of the materials that
24 you're committing to?

25 MR. FREEMAN: Yes, ma'am.

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1 MS. KRAMER: Okay.

2 MR. FREEMAN: That's correct.

3 MS. KRAMER: All right. All right. Thank you. That's
4 -- I have no further questions. Thank you, Mr. Chairman.

5 CHAIRPERSON HOOD: Thank you, Commissioner Kramer.
6 Let's go to the office of Planning and DDOT. Sharon, if we can
7 bring everyone up? Ms. Thomas, I believe, and I think Ms.
8 Blondin.

9 MS. SCHELLIN: Yes, Ms. Thomas, Mr. Lawson, and Ms.
10 Blondin.

11 CHAIRPERSON HOOD: Oh, okay.

12 **MS. THOMAS: Yes. Good afternoon -- good evening
13 actually, Mr. Chair --

14 CHAIRPERSON HOOD: Good evening.

15 MS. THOMAS: -- and Commission members. Karen Thomas
16 with the Office of Planning for OP's recommendation for Zoning
17 Commission case 22-11, presented this evening by the Applicant.
18 Next slide.

19 The redevelopment project at 807 Main Avenue includes
20 a related map amendment of the site from MU-12 to MU-10 with a
21 revised design, as requested by the Commission, to reduce the
22 bulk of the building, which is now proposed as an all residential
23 building at 110 feet with 195 units, where 15 percent of the
24 residential GFA would be dedicated to IZ units, primarily at 60
25 percent MFI. There would be three three-bedroom family sized

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1 units at 60 percent MFA. The OP Supplemental Report of Exhibit
2 74 highlights OP's comments in support of the changes and
3 clarifications the Applicant provided. The Office of Planning
4 continues its recommendation that this application be approved
5 as the flexibility requested and the potential impacts could be
6 adequately mitigated and outweighed when balanced against the
7 potential benefits of the project overall. Next slide.

8 The property proposed to be rezoned to MU-10 is
9 designated on the future land use map for medium density
10 residential and medium density commercial. The proposed MU-10
11 zone is an appropriate option consistent with this com plan
12 direction and is supported by OP to allow for housing and
13 affordable housing which are high priority themes of the com
14 plan. The OP reports further describe how the proposal would
15 generally fill the direction of the policy map and the com plan
16 written elements, including the southwest area element and the
17 southwest small area plan, where there are inconsistencies,
18 including the policy to retain and remodel existing development
19 rather than demolition and for small office uses. In this
20 instance, remodeling would not be a preferred alternative, since
21 the current structure does not provide the height and density
22 anticipated by the FLUM and as supported in the area element and
23 the southwest area plan. These are outweighed against other com
24 plan policies and the merits of the project as a whole. In this
25 case, bringing new market rate housing, affordable housing, to

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1 an underutilized and an incumbent site through this com plan
2 policy direction. Next slide.

3 With regards to analysis through a racial equity lens,
4 the OP's set down (phonetic) report includes a full analysis of
5 the com plan through an equity lens, as does the Applicant's
6 submissions and presentation here tonight, which was detailed.
7 It also satisfies the Commission's guidelines regarding the
8 potential impacts of the zoning action proposed under this part,
9 including housing displacement, there is none; physical changes,
10 including improvements to public space, impacts to the culture
11 of the neighborhood through its proposed arts installation; and
12 infrastructure improvements through working with DDOT to enhance
13 the bike safety in the immediate vicinity of the site, relocation
14 of the existing curb cut along Seventh Street SW, renewal of the
15 renewal of the streetscape adjacent to the site, improved
16 landscaping, and the provision of seating for neighborhood use.
17 One of the main ways the com plan seeks to address equity is by
18 supporting additional housing, particularly family size
19 affordable units. Three-bedroom units would benefit lower income
20 families, locating in a neighborhood with schools, a library,
21 recreation areas, and easy access to transportation for many
22 services and to employment that would not be typically available
23 to lower income residents. Next slide.

24 The proffered benefits and amenities package for this
25 part includes the production of 195 new residential units on a

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1 site that currently contains no housing. This would include 27
2 units at 15 percent of the residential square footage at 50 to
3 60 percent of MFI, and this would exceed the number of units that
4 could be provided under the site's existing MU-12 zoning, both
5 as a matter of right or through a PUD. And this is highlighted
6 in our set down report. I'd just like to interject here and just
7 talk about OP's position on IZ Plus and PUDs. OP's set down
8 report of 2002 stated intent to bring standalone map amendments
9 under the IZ umbrella to be able to add more housing units as
10 required through the housing equity report, after the up FLUMing
11 actions of the com plan. The initial OP reports states, and I
12 will quote here, "While many of these areas may be developed
13 through a planned unit development, it is anticipated that
14 requests for zoning map amendments may also increase at
15 properties where the draft FLUM increases the land use
16 designation to a higher category. This specifically separates a
17 PUD from a standalone map amendment. Further, the intent was to
18 bring map amendments into the IZ program to ensure that a map
19 amendment at a higher density without a PUD would provide IZ
20 units beyond a minimum of IZ required under existing regulations,
21 as there will be no PUD benefits to be derived from a more than
22 likely matter of right development. And that would mean no
23 benefit and amenities package. So IZ Plus was never intended to
24 be the beginning minimum point for a PUD." So jumping back to
25 this case, before the (audio interference) scale would be an 18

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1 percent set aside (audio interference). Our advice to this
2 applicant at the early stage of this PUD was that the MU-10 zoning
3 would not be supported without a PUD on the site. And this is
4 consistent with our general position that when applicants seek
5 the highest zone listed in a framework element, a PUD is typically
6 appropriate.

7 So going back to the other benefits, we have up to 7000
8 square feet of public and private space combined at grade, which
9 would be landscape with seating to provide the desired open space
10 consistent with the southwest plan. There would be 7,500 square
11 feet of (indiscernible) where now none exists, 75,00 for art on
12 Main and Seventh Street, including for the provision of unknown
13 artists of southwest installation. The proposal for landscape
14 and the art infused open space for residents and neighbors would
15 enhance the pedestrian experience along the street frontages of
16 Seventh Street and Main Avenue. The contribution to Jefferson
17 Middle School Parent Teachers Organization of \$150,000 is a
18 considerable benefit to the school and its programing, which
19 would extend to lower income children of the neighborhood
20 attending this school and the district-wide kids who may attend
21 Jefferson.

22 With respect to the building, which the Applicant
23 revised according to comments at a previous public hearing, it
24 is better designed to respond to comments and to reflect the
25 nature of the site and its surrounding development as it is

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1 desired by the southwest plan and generally use good quality
2 materials and detailing will be supports it proposes in attempts
3 to adhere to the southwest design guidelines, including the
4 varied projections on the site to break and focus amassing away
5 from the rear towards Main Avenue, where it is more consistent
6 with the other buildings in Southwest and with on-site open space
7 features particularly to the north end. The material use are
8 consistent with the development patterns of newer buildings, and
9 the project would be LEED Gold. The Applicant has proposed to
10 provide up to 100,000 to habitat for the provision of two three-
11 bedroom units in Ward 6. And while we may believe that some of
12 these may not meet the requirements for being considered as part
13 of a benefits and amenities proffer, they are all commendable.
14 Next slide.

15 Overall, OP supports the proposed development as it
16 generally aligns with the spirit of the regulations, including
17 satisfying the southwest small area plan's design and
18 affordability guidelines. The project site is a transit-oriented
19 development where loading circulation is contained within the
20 site. It is near many neighborhood amenities, including schools,
21 a library, the waterfront, and other recreational and employment
22 opportunities. This project would ensure housing where there is
23 none and advances diversity and equity in this high-cost
24 neighborhood through the long-term affordability of IZ. OP feels
25 that the proposed map amendment and its benefits and amenities

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1 package intended to be read as a whole are commensurate with the
2 flexibility gained through this PUD and would benefit future
3 residents and the city as a whole. Thank you.

4 **CHAIRPERSON HOOD: Thank you very much, Ms. Thomas.
5 I really appreciate the report. And I also appreciate you
6 correcting some of the policy functions and issues of the record.
7 So thank you very much. I do have two quick questions. My first
8 question, Ms. Thomas, is -- let me change this -- my first
9 question is on the benefits -- and I'm not necessarily pointing
10 at just this project, I'm trying to figure out, in our analyzation
11 of this, and I think you mentioned the racial equity lens. One
12 of the benefits was employment/federal employment. I'm not going
13 to ask you -- I don't want to put that slide back up, I'm just
14 saying it said employment/federal employment. I think that was
15 in tune to the racial equity lens. So if I don't have a job,
16 how does that -- this may sound crazy, but I'm going to ask it,
17 if I don't have a job, how does that benefit me? How do I
18 accomplish that? That doesn't do me any good, correct? I mean,
19 if I don't have a job, I don't have a job.

20 MS. THOMAS: With respect to -- well, we look at it
21 with respect to location, ease of access. So okay, let's start.
22 We have most of the affordable housing in -- concentrated in one
23 part of the District, Ward 7 and 8 particularly.

24 CHAIRPERSON HOOD: Right.

25 MS. THOMAS: It takes a very long time to get from one

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1 side of town to the next and mostly by busses. At this location,
2 particularly at a transit accessible site, you have access. A
3 lot of the problems with equity is access. You don't have access.
4 And then in such a rich amenity area, you're able to access, you
5 know, employment in terms of being able to go look for a job or
6 find employment, walk to a job, look around and see. But when
7 you -- in a neighborhood where there's not that high capacity for
8 employment and a more urban center, it is more difficult to be
9 employed.

10 CHAIRPERSON HOOD: Okay. So basically --

11 MS. THOMAS: Actually going to a job is a problem.

12 CHAIRPERSON HOOD: So I got you, I got you. I just
13 wondered and I appreciate that. So from a planning perspective,
14 planners, you're the experts, not Anthony Hood, so you all look
15 at access or access to it.

16 MS. THOMAS: Access.

17 CHAIRPERSON HOOD: And that'll -- okay. All right.
18 That actually was very helpful, not just in this case, but in
19 some other things that I'm looking at. But let me just say this
20 to you, Ms. Thomas, I'm going to start asking the Office of
21 Planning and everyone to start plugging in numbers, I think you
22 all have done some of it, but plugging in numbers, how do we get
23 to these numbers, where did they come from to get to this FAR or
24 IZ, what numbers we using, are we using the sliding scale. So
25 I'm going to start doing that because we can't always be this

1 far off, 10 plus 10 is 20. So that's kind of why I'm so -- so
2 stay tuned for that. At least that'll help this commissioner
3 out, I don't know, others may not need all that. That'll help
4 me out. And I need that to come from everybody who's responding
5 to that because we should not be -- it shouldn't be that hard on
6 the Commission, we have a lot of other things that we have to
7 kind of grapple with. But thank you for your report and thank
8 you for helping me through that. Let me see if we have additional
9 questions. I actually went first, so I'm going to ask Vice Chair
10 Miller to go next.

11 VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank
12 you, Mr. Thomas, for your report. I have no questions. And I
13 appreciate your testimony.

14 CHAIRPERSON HOOD: Commissioner Imamura?

15 COMMISSIONER IMAMURA: No questions, Mr. Chairman. Ms.
16 Thomas, as always, thank you for your thorough detailed report.

17 CHAIRPERSON HOOD: And Commissioner May?

18 COMMISSIONER MAY: I do have a question. Ms. Thomas,
19 I think you made a very important point when you mentioned that
20 in the earliest conversations with the Applicant that you would
21 not consider the MU-10 zone designation without a PUD. So in
22 other words, if it were just a straight up map amendment with IZ
23 Plus, we would be talking about a lower density zone. Can you
24 --

25 MS. THOMAS: That's correct.

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1 COMMISSIONER MAY: Yeah. Can you tell us what kind of
2 density or what zone might -- you would've -- you might have
3 considered if it was just a map amendment? I'm not saying that
4 you would have really considered a map amendment because I know
5 there are other considerations that go into whether it's just a
6 straight up map amendment versus a PUD, and there might have been
7 good reasons to do a PUD here no matter what. But if it were
8 just, you know, in the abstract, just a map amendment with IZ
9 Plus, I mean, are we talking about five, six, seven --

10 MS. THOMAS: MU-8

11 COMMISSIONER MAY: Yeah, MU-8?

12 MS. THOMAS: Yeah.

13 COMMISSIONER MAY: Which is 5.00 and 70 feet?

14 MS. THOMAS: Which is 6 FAR.

15 COMMISSIONER MAY: 6 FAR?

16 MS. THOMAS: Uh-huh.

17 COMMISSIONER MAY: Okay. All right. That's helpful
18 to know.

19 MS. THOMAS: With IZ, yeah, uh-huh.

20 COMMISSIONER MAY: Yeah, oh yeah, 6 with IZ. But still
21 only 70 feet, right?

22 MS. THOMAS: Yeah, I believe 70, 75. I think -- yes,
23 70 feet, yeah.

24 COMMISSIONER MAY: Yeah, okay. Thank you, that's
25 helpful to know.

1 MS. THOMAS: Okay.

2 CHAIRPERSON HOOD: So Ms. Thomas, if you can hold tight,
3 I made a mistake, I meant to go to Ms. Blondin first. That's
4 the only mistake I've made today. Ms. Blondin, then we'll go
5 -- continue in that fashion. So hold tight, Ms. Thomas.

6 Ms. Blondin, I'm sorry?

7 **MS. BLONDIN: No worries. Good evening, Chairman
8 Hood and the Commission. For the record, I'm Emma Blondin with
9 the District Department of Transportation. DDOT has no
10 objections to the approval of this application with the agreed-
11 to transportation demand management plan and the conditions in
12 DDOT's report, which is Exhibit 34 for the design, funding, and
13 construction of a protected bike lane adjacent to the development
14 on Seventh Street SW included in the final zoning order. I did
15 want to make two additional notes that have come about since we
16 wrote our report. One is that we've continued coordinating with
17 WMATA's southeast bus stop on Seventh Street and we will not need
18 the Applicant to create a shared bus/bike platform, it's just
19 going to be a protected bike lane.

20 And the second thing is that we have reviewed the
21 Applicant's supplemental memo regarding the reduction in trip
22 generations, and we support -- continue supporting the project
23 with those changes. That's all I have. And I'm here for
24 questions.

25 **CHAIRPERSON HOOD: Thank you very much, Mr. Blondin,

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1 for your report and the updates.

2 Commissioner May, you have any questions of Ms.
3 Blondin?

4 Commissioner Imamura, any questions of Ms. Blondin?

5 COMMISSIONER IMAMURA: I do not, Ms. Blondin, thank you
6 for your report. Please return home safely tonight. It looks
7 like you're in the office.

8 CHAIRPERSON HOOD: Okay.

9 And Vice Chair Miller, you have any questions of Ms.
10 Blondin?

11 VICE CHAIR MILLER: No.

12 Thank you, Ms. Blondin.

13 CHAIRPERSON HOOD: I too want to thank you, Ms. Blondin,
14 for your report. Let's go to the app.

15 Do you have any questions, Mr. Freeman, of either Ms.
16 Thomas or Ms. Blondin?

17 MR. FREEMAN: I do not, Mr. Chairman.

18 CHAIRPERSON HOOD: Okay.

19 And Ms. -- Commissioner Kramer, you have any questions
20 of either Ms. Thomas and OP or Ms. Blondin and DDOT?

21 MS. KRAMER: No questions. Thank you.

22 CHAIRPERSON HOOD: Okay. Great reports. Thank you
23 very -- thank you both.

24 All right. Let's go to the ANC's report.

25 MS. SCHELLIN: We have the OAG.

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1 UNIDENTIFIED SPEAKER: Commissioner Hood?

2 CHAIRPERSON HOOD: Oh, please don't let me forget that
3 again. I got to get accustomed to them. All right. Let's go
4 to the Office of attorney General, Ms. Cain.

5 MS. CAIN: And Ms. Bullet.

6 CHAIRPERSON HOOD: Let me -- Mr. -- okay. Let me think,
7 hold on, let me think before I ask this question. Okay, I got
8 it. I got it, so okay. We're good.

9 COMMISSIONER MAY: Do we need ANC cross on OP and DDOT
10 first?

11 CHAIRPERSON HOOD: Oh, she said no. I asked Ms. Kramer.

12 COMMISSIONER MAY: Okay. Sorry I missed that.

13 CHAIRPERSON HOOD: Unless I'm mistaken, Ms. Kramer, but
14 I thought she came up and said no, she didn't have any questions.

15 COMMISSIONER MAY: Okay.

16 MS. KRAMER: You're not mistaken. I said I have no
17 questions. Thank you. Thanks for remembering us.

18 COMMISSIONER MAY: Sorry about that.

19 CHAIRPERSON HOOD: Thank you, Commissioner May, but I'm
20 confused and my mind was playing with me. Thank you though.

21 Okay, Ms. Cain, you may begin.

22 **MS. CAIN: Okay. Good evening, Commissioner Hood,
23 members of the Commission, Alexandra Cain here tonight on behalf
24 of the Office of Attorney General's equitable land use section.
25 Our presentation is in the record at Exhibit 75A. Thank you for

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1 putting that up, Mr. Young. If you can go to the next slide,
2 please?

3 So to start off with, OAG would like to make clear from
4 the outset that we are not opposed to this project as a whole.
5 Our opposition is on the very limited basis of the Applicant's
6 affordable housing proffer, which we believe is insufficient and
7 should be increased. Now, this is the position that OAG has
8 taken on several recent PUD cases, and while each has been
9 slightly different, we think ultimately they all boil down to the
10 same sort of essential simple issue, which is the District is in
11 the middle of an affordable housing crisis and PUDs represent one
12 of the best tools for generating housing that is both affordable
13 and inclusive. However, there is no clear or explicit guidance
14 in the regulations determining what the affordable housing set
15 aside should be for a PUD. It is left up to the determination
16 of the applicants. As we'll see, lately applicants have been
17 providing 15 percent across the board, but without providing any
18 sort of explanation as to why that 15 percent proffer is
19 appropriate given the scale of the specific PUD. So what OAG is
20 attempting to provide is an alternative means of assessing a PUD
21 and what the affordable housing proffers should be.

22 So in the specific case, we believe that the proffer
23 fails to provide the same ratio of affordable housing that would
24 be required for a matter of right project of the same density,
25 and therefore it fails to satisfy the PUD balancing test to

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1 balance the PUD's -- or the PUD's requested development
2 incentives, specifically height and density, and to outweigh the
3 potential adverse impacts resulting from the height and density
4 and the exacerbation of economic and cultural displacement
5 pressures. Next slide, please?

6 So OAG is recommending that the PUD provide at least
7 the equivalent to the IZ Plus formula which we believe would
8 result in a 21 percent I set aside. It's approximately 42
9 affordable units, which is 12 more units than would be provided
10 under the Applicant's current 15 percent proffer. Next slide,
11 please? Next slide, please?

12 So just to recap, a PUD has to be better or superior
13 to a matter of right development. And what determines that
14 superiority is the provision of public benefits or superior
15 features of the PUD. PUDs are able to build beyond the matter
16 of right limitations and therefore have to give back an equivalent
17 benefit to the District. Next slide, please?

18 So a key PUD incentive, as we've heard tonight, is a
19 PUD-related map amendment. So that allows the application to
20 increase the baseline height and density that they are allowed
21 to build from. It is, however, part and parcel of the overall
22 PUD application. It is evaluated as part of a unified whole.
23 There is no breakout of the PUD density versus the map amendment
24 density; it is all considered as one per the regulations. Next
25 slide, please?

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1 Now, having touched briefly on the PUD incentives,
2 wanted to turn briefly to the PUD benefits. The 2020 updates to
3 the comprehensive plan added the new Section 224, which clarified
4 the relationship between the comprehensive plan and zoning
5 actions with a specific eye to PUDs. Now, Section 224 identified
6 two categories of PUD benefits. These are the only categories
7 identified in the entire comprehensive plan. They are the
8 creation and preservation of affordable housing and anti-
9 displacement measures. Next slide, please?

10 So these two benefit categories were not only
11 identified, but they were specifically prioritized by the
12 comprehensive plan, who has designated them as high priority
13 public benefits. This prioritization is a response to the
14 District's ongoing housing crisis. Next slide, please? Our next
15 slide, Mr. Young?

16 So despite this focus on the increased creation of
17 affordable housing, there still remains no clear and systematic
18 way of assessing the suitability of a PUD's affordable housing
19 proffer. So as you can see here, these are five PUDs that are
20 all been filed since the beginning of 2022, all with map
21 amendments, all proposing projects of mixed income, so not all
22 affordable. And you can see that there is a wide range in the
23 amount of development incentives that are being requested. In
24 terms of density and height, you see it goes from as low as 62,000
25 square feet up to an additional 286,000 square feet. This is

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1 additional square footage over what could be constructed as a
2 maximum in the existing zone. There's additional relief in terms
3 of the development standard, so some PUDs are seeking it only
4 from one area, say yards, while others are seeking it from
5 multiple ones. And all of these PUDs are located in different
6 areas of the city, use different planning areas that all have
7 their individual planning goals. Despite that vast variety, all
8 of them are proffering 15 percent as their affordable housing set
9 aside. And there has not been any detailed explanation in these
10 cases as to why that 15 percent is appropriate given the number
11 or a quantity of the development incentives being requested by
12 the PUD. At this point this is just what the applicants are
13 bringing forward, it has not been formally adopted through any
14 rulemaking process or any action of the Commission or the Office
15 of Planning, it is just what the applicants have been bringing
16 forward in recent cases. Next slide, please?

17 So OAG believes that there needs to be a more rational
18 justification for Applicant's IZ proffer, one that takes into
19 account not only the public benefit requirements of the zoning
20 regulations, but also the comprehensive plan, specifically
21 Section 224 and the prioritization of the creation of affordable
22 housing using PUDs, but also the IZ Plus program, which was
23 adopted in 2021, which we believes resets the baseline for an IZ
24 proffer in projects requesting a map amendment. Now, this need
25 for a rational justification, I will note, was recently upheld

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1 by the District Court of Appeals in a recent PUD case in which
2 they actually upheld the decision of the Commission not to require
3 a higher IZ set aside as recommended by the Office of Planning
4 on the basis that the Office of Planning had not provided a
5 justification in the record for that increased proffer. Next
6 slide, please?

7 So OAG is recommending that the IZ set aside be based
8 on the IZ Plus formula. So as we've noted, this was adopted
9 through a rulemaking in the 2021, with the idea being to recapture
10 some of the additional density being gained through map
11 amendments and use that for the creation of affordable housing.
12 Now, OAG believes that this is an analogous situation to what is
13 happening through a PUD. Next slide, please?

14 As I believe the Office of Planning noted, part of the
15 impetus for the IZ Plus program was to capture a portion of the
16 allowable density that was being generated from properties that
17 have been up-FLUMed and therefore eligible for considerably more
18 matter of right density through map amendments based on changes
19 to the comprehensive plan. In this particular case, the property
20 was up-FLUMed in 2021, as you've heard earlier, from low density
21 commercial to medium density commercial and residential. So
22 that's an immediate increase in the amount of allowable density
23 that is not permitted on the site. So this case, the Applicant
24 is seeking the map amendment to the MU-10, that is the source
25 for most of the additional height and density being achieved

1 through the application. And had the application been a
2 standalone map amendment, it would have required a higher IZ set
3 aside than is currently being proffered. Next slide, please?

4 So as we said, OAG is recommending that the proffer
5 should be increased to 21 percent of the residential GFA. That's
6 based on option one of the ways to calculate the IZ Plus formula.
7 Next slide, please?

8 And Chairman Hood, to respond to your question that we
9 show the work, show the math, that was our intent with providing
10 this slide. So there is a lot going on here. I will be the
11 first to admit that. All of these numbers, I will note, are
12 pulled from the Applicant's updated plan, as you can see at the
13 bottom. So that's where we're sourcing our numbers. And what
14 we wanted to do here is exactly that, we wanted to break
15 everything down, show our math, and -- both to respond to
16 arguments and issues that have been raised in prior cases, but
17 just to be clear as to where these numbers were coming from and
18 honestly sort of check ourselves and make sure that these things
19 are working out.

20 So what we have done is basically break the project
21 into layers. So the layer at the bottom is the matter of right
22 MU-12 zone, so the existing zone, and this represents the maximum
23 that could be built in that zone based on the lot size. So based
24 on that, you can see that the IZ proffer, based on 75 percent of
25 the bonus density, would come out to 8,874 square feet, which is

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1 approximately 12.5 percent of the maximum residential GFA that
2 could be constructed on the site in that zone. So already
3 starting out at 12.5 percent as that sort of baseline in the
4 matter of right existing zone.

5 Moving up to the map amendment to the MU-10, you can
6 see that the IZ Plus formula option two yields 30,669 square
7 feet, which if you calculate that against the density gained
8 solely through the map amendment, that's about 22 percent of that
9 additional density.

10 And then finally at the top, we have the PUD as
11 proposed, which as we said comes out to 42,735 square feet
12 dedicated to IZ or 21 percent of the residential GFA. And again,
13 these numbers are pulled from the Applicant's updated plans. And
14 as I said, I realize this is a lot. OAG would be happy to provide
15 additional explanation of this slide in writing if the Commission
16 would like that additional clarification. Next slide, please?

17 So one other thing I wanted to highlight, as these
18 noted. What the Applicant is currently providing through their
19 proffer of 15 percent or 30,455 square feet is actually less than
20 would have been required under a straight map amendment to the
21 MU-10, which yields at 30,669 square feet. That's despite the
22 Applicant gaining additional density through the PUD, which works
23 out to about 1.38 FAR or 32,653 square feet. Next slide, please?

24 Again -- sorry, next slide, Mr. Young. Thank you.

25 So again, to recap, we recommend that it be increased

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1 to twenty-one percent. That's about 12,000 square feet more than
2 the Applicant is currently proffering, or 12 additional units
3 that would be maintained as permanently affordable. Next slide,
4 please?

5 So we have been focusing on the affordable housing
6 proffer, given that that is the comprehensive plan's focus, but
7 we believe that the deficiency in this area is also highlighted
8 by other issues within the application's overall benefit package.
9 We think that many of the benefits that have been proffered by
10 the Applicant qualify as other mitigations with adverse impacts
11 and therefore cannot be double counted as benefits, they would
12 be required to satisfy other regulatory requirements, or there's
13 just not been enough information provided in the record to explain
14 how they exceed what the Applicant would do under a matter of
15 right project, the things like architectural features and things
16 like that.

17 Now, you will note these are all positive aspects of
18 the PUD, don't get me wrong, but the question is whether they
19 qualify as public benefits under the definition in the
20 regulations. Next slide, please?

21 And then just sort of to close, these are the
22 requirements for public benefits as contained in the regulations
23 as I believe the Applicant themselves noted, the charge to the
24 Commission is to judge, balance, and reconcile the relative value
25 of the public benefits against the degree of development

1 incentives requested and the potential adverse impacts. And it
2 also notes that the Commission shall deny a PUD application if
3 the public benefits are not sufficient to justify the degree of
4 incentives requested. And that includes a requested map
5 amendment. Next slide, please?

6 And so with that I will conclude and say that OAG stands
7 by our recommendation that the housing proffer be increased to
8 21 percent, the residential GFA. And with that, I will conclude
9 my testimony and take any questions. Thank you.

10 **CHAIRPERSON HOOD: Thank you, Ms. Cain. I appreciate
11 you all. I did see that you all showed work. I want others to
12 show the work as well. So keep showing the work, identify where
13 you're getting your numbers from so we can do our own analyzation
14 when we make our decisions. I don't think we need -- I would
15 not recommend we get any further information. What I would
16 recommend is that the Office of Planning and the Applicant respond
17 to that sheet that OAG sent us. But something you said, Ms.
18 Cain, and I'm trying to figure out, you said this started 2022,
19 but this -- these regulations were put in place for the most part
20 -- I think -- I can't remember when we did IZ, but we've been
21 working under ZR-16, as we called it, since 2016. So there --
22 these cases -- this didn't start looking like this in 2022;
23 they've been like this for a while. Is that a fair assessment?

24 MS. CAIN: The increase of the housing proffer to 15
25 percent did start at the beginning of 2022. We actually did look

1 at all of the PUDs I think that have been filed in the past three,
2 four years, and that 15 percent only begins starting in January
3 of 2022.

4 CHAIRPERSON HOOD: So I'm sure through that analysis
5 since 2016, there were still some things that needed to be
6 tightened up. And I know you all had a different role. But let
7 me let me go here first, this is actually going to be very helpful
8 now, since you all have a different role, what is affordable
9 housing as OAG sees it? What is the formal definition that OAG
10 has for affordable housing?

11 MS. CAIN: That is a good question. I think affordable
12 housing is as meets the definitions within other sections of the
13 District law, so -- and this is a little bit out of my wheelhouse
14 in terms of the specifics of housing law, but, you know, anything
15 below 80 percent, I believe, is affordable and then it breaks
16 into bands below there. So extremely affordable is under 30
17 percent. Very affordable, I think, is 30 to fifty percent. 50
18 to 80, I think is moderately affordable. I might be fudging some
19 of those definitions, but that would be what we're standing by,
20 that it's meeting the definitions as contained in other areas of
21 District law.

22 CHAIRPERSON HOOD: So I -- and I wasn't just picking
23 on you, but I do want to note I heard you say very affordable.
24 To me affordable housing is giving it to the people who most need
25 it. And that's where I think all of us are not getting it,

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1 including us. I don't think we're getting that. But anyway, I
2 just wanted to ask that since you all have become experts on
3 helping us to get some things done, I wanted to tap to you that
4 and hopefully at some point as the equitable land -- what do
5 y'all call that, equitable land section move?

6 MS. CAIN: Equitable land use section, yes.

7 CHAIRPERSON HOOD: I would like for the equitable land
8 use section, not in a specific case, but help us to get -- or
9 help to identify it. And I know they're out there. I know the
10 housing advocates are probably more excited with me for the most
11 part about affordable housing. So anyway, I'll leave that alone
12 for now. None of us are the experts, but we need to get there.
13 That's my whole thing.

14 Let me open it up, any questions or comments? And
15 thank you, Ms. Cain, appreciate your submission.

16 Commissioner May?

17 COMMISSIONER MAY: Yeah, I have a couple of questions.

18 So in your presentation, you said that the amount of
19 inclusionary zoning units is up to the applicant. I'm sure you
20 didn't really mean that, right? You don't mean to say that the
21 applicant simply decides how much IZA there's going to be, right?
22 I mean, they don't make the decision, right?

23 MS. CAIN: They don't make the final decision, but they
24 do come to the Commission with an initial proffer.

25 COMMISSIONER MAY: They make an application, right? Is

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1 there anything that dictates what's in the application?

2 MS. CAIN: No, that is the problem that we see, that
3 there is no guiding principle behind determining --

4 COMMISSIONER MAY: No, no, no, no. No, that's not what
5 I'm asking. You know, I'm going based on what you said. And I
6 think what you are minimizing by describing that way is the role
7 of other entities in the process of establishing what is
8 appropriate for a planned unit development. For example, there
9 are multiple meetings that they have with the Office of Planning
10 that helps them think what they're going to actually apply for.
11 And then, of course, there's the various steps in which the Zoning
12 Commission weighs in, such as set down and then eventually a
13 hearing. Now, I'm sure you're aware that the Zoning Commission
14 has not even set down certain cases because there was an
15 inadequate PUD IZ proffer, right?

16 MS. CAIN: Uh-huh.

17 COMMISSIONER MAY: Okay. I think you should bear that
18 in mind, because I think especially when you talk to people out
19 in the public you make it sound like the developer dictates how
20 much IZ there's going to be when, you know, if somebody just
21 heard your presentation tonight, they would just think it would
22 be up to them and that we would not have a role, that the Office
23 of Planning couldn't influence it. And I think that's a
24 misrepresentation. So I would be more careful about that. Did
25 you -- I appreciate the analysis that you provided with the

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1 different tiers of, you know, what -- when you were showing your
2 work, as it were, and showed the levels of the IZ proffer based
3 on the different ways of applying it, applying IZ Plus or the
4 matter of right units, did you happen to look at IZ Plus map
5 amendment with an MU-8 zone, which is what the Office of Planning
6 told us tonight would be the likely level of -- or zone they
7 would support for a straight up IZ Plus map amendment, did you
8 consider looking at something like that?

9 MS. CAIN: We would be happy to look at it. We did
10 not look at it prior to this because it was not anywhere in the
11 record I believe, but that would be all that the Office of
12 Planning would support. We're evaluating this based on what the
13 Applicant is requesting at this point.

14 COMMISSIONER MAY: Right. Yeah, I mean, I think that's
15 worthwhile to understand that sort of a question you might have
16 asked yourself, because you know that there's a difference
17 between IZ Plus map amendments versus a PUD in terms of the, you
18 know, what we're trying to address with those different tools.
19 So it would have been helpful to understand what it might have
20 been at some lower level zones. But that's okay. And you know,
21 I think it's up to you if you want to submit something like that.
22 I mean, I wouldn't mind seeing that from your perspective. I
23 expect to see the same thing from the Applicant. They'll probably
24 want to do the same thing.

25 When you showed us the cases, the list of cases, that

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1 all proffered 15 percent, those are all just applications, right?

2 MS. CAIN: I believe one of them has already been
3 approved. We wanted to take out the case numbers so that we
4 could have a layer of anonymity for each of the cases. But I
5 believe one of them has been approved already.

6 COMMISSIONER MAY: Okay. I appreciate you doing that.
7 Did you look back at cases that actually have been approved, what
8 level of IZ we have approved in other cases? I mean, the ones
9 that have actually been approved as opposed to what's been
10 proffered in the initial application.

11 MS. CAIN: We have looked back. There's been sort of
12 a slow increase over the past few years. It started out being
13 at around, I want to say, 10 or 11 percent and then moved slowly
14 up to 12. And as beginning in January 2022, we've seen this
15 increase to 15.

16 COMMISSIONER MAY: Right. So and the 15 as a, you
17 know, baseline may or may not be a bad place to start. Can you
18 unders- -- can you explain what might be the reasons for either
19 that consistent level or, I guess, the variability within PUDs
20 in terms of the proffered benefits, how much is for IZ, how much
21 is for other improvements that might happen, I mean, can you tell
22 us what you know from your past experience that might affect the
23 amount of IZ that's proffered on any individual case or what's
24 ultimately approved?

25 MS. CAIN: I really can't speak to what the individual

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1 applicants are weighing because there's not usually a great deal
2 of --

3 COMMISSIONER MAY: No, I'm not talking about what the
4 applicants are weighing, I'm talking about what we are weighing,
5 what we have to weigh, what's before us, the cases that have
6 happened where we've approved varying levels of affordable
7 housing. That's okay. You don't need to answer, I can tell you.
8 There are many, many other benefits that are associated with
9 PUDs. So sometimes applicants are doing things like building
10 streets or alleys that are public spaces. Sometimes they're
11 providing other public amenities like parks. Sometimes it just
12 goes to contributions, as it largely does here, contributions to
13 organizations in the area, a whole benefit package. So I think
14 that's the thing that seems to be missing from this. I understand
15 the desire to have a sliding scale of some sort for IZ proffers
16 when it comes to PUDs. And in fact, I pressed for that back when
17 we were considering IZ Plus in my discussions with the Office of
18 Planning and Public Hearings. And the -- what the Office of
19 Planning responded with and I ultimately agreed with, and the
20 Commission ultimately agreed with, is that there are many, many
21 other factors that go into a PUD and other benefits that may
22 accrue to the community that go beyond affordable housing. There
23 are probably certain minimum amounts that we'd want to achieve,
24 but even those minimum amounts can be quite variable depending
25 on the economics of a particular project, where it is, what it's

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1 doing for the neighborhood as a whole, what other factors it
2 might be mitigating? So anyway, that's the key difference. I
3 think that's what the Office of Planning was getting at as well.

4 One last question. On slide 15 it says the
5 application's current IZ proffer is less than what a map amendment
6 would require. Did you mean a map amendment with IZ Plus?

7 MS. CAIN: Yes.

8 COMMISSIONER MAY: Okay. Because that's not stated
9 anywhere on that slide, so it would --

10 MS. CAIN: I apologize, that's an oversight on my part,
11 and they were all --

12 COMMISSIONER MAY: Yeah. That would have been -- that
13 would have been less confusing. All right. Thank you.

14 MS. CAIN: Commissioner May, if I just may respond to
15 your second to last question, I guess. I think what we have also
16 been focused on is the change in the comprehensive plan, which
17 now designates affordable housing as a high priority public
18 benefit. So above and beyond the other benefits, we think that
19 that is the one that should be getting the most focus from the
20 Commission. And that, I think, coincides to a degree with the
21 increase that we've seen in 2022. But that is part of the
22 justification for our argument.

23 COMMISSIONER MAY: I appreciate that perspective, and
24 I don't completely disagree with it, but it's, you know, the fact
25 that something is a high priority doesn't mean that it's the only

1 thing that we should be taking into consideration. We -- maybe
2 what we should be doing is asking applicants to tell us well,
3 what would the IZ proffer be if you didn't do anything else?
4 Maybe that's a question worth asking. I don't know. Thank you.

5 CHAIRPERSON HOOD: Okay.

6 Commissioner Imamura?

7 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I will
8 let Commissioner May's comments percolate a bit more and yield
9 my time to Vice Chair Miller.

10 CHAIRPERSON HOOD: Vice Chair Miller?

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

12 And thank you, Ms. Cain, for your testimony and OAG's
13 testimony tonight. I too will associate myself with Commissioner
14 May's comments and my previous comments to you the last time you
15 appeared before us, which obviously had no effect. Thank you.

16 CHAIRPERSON HOOD: All right.

17 Well, thank you, Ms. Cain, we appreciate it.

18 All right. What I'll do next -- 'cause I don't know,
19 OAG does not have -- they don't get great weight. They don't
20 get cross-examined either, right?

21 MS. SCHELLIN: Oh, yes, they do.

22 CHAIRPERSON HOOD: Oh, they do?

23 MS. SCHELLIN: They get crossed, yes, their witness.

24 CHAIRPERSON HOOD: This thing is all fluttered. Okay.

25 So the Applicant, Mr. Freeman, you have any questions

1 of Ms. Cain?

2 MR. FREEMAN: I do, Mr. Chairman. Thank you. I'll try
3 to be quick.

4 Ms. Cain, could you pull up your IZ set aside by layer
5 slide?

6 MS. CAIN: Okay.

7 MR. FREEMAN: And it's really a general question, but
8 I'm not working on the other case, I guess your first case, where
9 you guys submitted a slide, you had a completely different
10 percentage. I think you were in like the 30 something percentage,
11 if I remember correctly. But I know it wasn't 21 percent. So
12 my question for you is where does the formula in this slide come
13 from?

14 MS. CAIN: The formula in the side is the IZ Plus
15 formula.

16 MR. FREEMAN: IZ Plus would never require 21 percent.

17 MS. CAIN: IZ Plus, if you do the 70 percent of the
18 bonus density gain, which we are calculating as the IZ and the
19 PUD bonus density, does yield that 42,000 number that we have,
20 which comes out to 21 percent.

21 MR. FREEMAN: Okay. We'll cover that in our cross --
22 in our rebuttal. So but did you recommend like 30-some percent
23 in the other case or am I misremembering?

24 MS. CAIN: The other case, I don't remember us at
25 recommending 30 percent anywhere in any of the cases. All the

1 cases we've done have been based on this formula, and I think
2 have been about this range.

3 MR. FREEMAN: Okay. Okay. Got it. You say had this
4 been a map amendment, we would have been required to provide more
5 IZ. And you base that on MU-10. You heard today that we would
6 not have been able to go to MU-10. So does that change your
7 conclusion?

8 MS. CAIN: So as I said to Commissioner May we're happy
9 to run those numbers if the Commission would like. However, I
10 would note that the Office of Planning ultimately does not have
11 the final determination in a map amendment. That is left up to
12 the Commission to decide. So whether OP would or would not have
13 supported the map amendment is, to our minds, somewhat
14 irrelevant. The Applicant, you, could have come forward with
15 that amendment and it would have been left for the Commission to
16 decide. The MU-10 is identified in the FLUM as a consistent
17 zone, so I think we're sort of questioning what basis OP would
18 have to recommend denial of that.

19 MR. FREEMAN: Fair enough. I will tell you if OP tells
20 an applicant they're not going to support a zone, we would not
21 file that as an application.

22 Next question for you is on your slide, they don't have
23 your number, but the Applicant proffered public benefits. You
24 say certain benefits are mitigation, which benefits specifically
25 are mitigations?

1 MS. CAIN: So in that we were looking at the
2 transportation mitigations, the office -- or sorry, DDOT was
3 requesting that -- or had it as a condition of their approval
4 adoption of the transportation demand management plan, which
5 included the loading plan, and I believe there was one other
6 issue there.

7 MR. FREEMAN: But you heard today that a loaded
8 management plan is not a mitigation if it's not required.

9 MS. CAIN: It was baked into the transportation demand
10 management plan, which was a condition of the DDOT report. And
11 there was not anything within the DDOT report that I recall that
12 separated that out. I may be mistaken.

13 MR. FREEMAN: Fair enough. So I'll ask DDOT if they
14 need to clarify that. Did you look at the Applicant's
15 presentation Slide 38 where we listed a bunch of other public
16 benefits and amenities?

17 MS. CAIN: Uh-huh.

18 MR. FREEMAN: Are you taking the position that those
19 should all be discounted?

20 MS. CAIN: The determination as to whether they're
21 discounted is ultimately up to the Commission as to whether the
22 Applicant has provided sufficient information for them to make
23 that determination.

24 MR. FREEMAN: Yeah, I'm asking you, because in your
25 slide you said that we provide a number of things that should

1 basically not be counted.

2 MS. CAIN: I would have to take another look at your
3 side.

4 MR. FREEMAN: Okay. Mr. Young, could you pull up Slide
5 30 up -- 38 up of the Applicant's presentation? So again, my
6 question is are those things that the Commission should, in your
7 view, discount or would otherwise be required as mitigations?

8 MS. CAIN: Mr. Freeman, I'm going to have to stand by
9 my former comment that I would leave that for the Commission to
10 decide, whether they qualify as benefits, whether they need more
11 information, whether they qualify as mitigations.

12 MR. FREEMAN: Fair enough. Fair enough. All right.
13 Last question. I'm just curious, our application was filed in
14 March 2022. At what point did OAG reach out to the Applicant to
15 identify your concerns here?

16 MS. CAIN: OAG is approaching this as trying to set a
17 baseline requirement for IZ for all PUDs. We think that that's
18 something that's sort of beyond negotiation with any particular
19 applicant. We think it's something that should be uniform across
20 the board.

21 MR. FREEMAN: Okay. So it's not specific to the facts
22 of this case, it's just your baseline?

23 MS. CAIN: It's a baseline that we think should be for
24 all PUDs but reflect the individuality of each PUD.

25 MR. FREEMAN: So how would you -- if you -- did you

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1 -- if you want it to reflect the individuality of each PUD, why
2 wouldn't you reach out to the applicant to talk to any of these
3 issues?

4 MS. CAIN: Because we want our recommendation to be
5 based on what is on the public record, and we are trying to keep
6 this all in public and above board.

7 MR. FREEMAN: Okay. We will -- we'll have some
8 rebuttal. Thank you, Ms. Cain.

9 MS. CAIN: Thank you.

10 MR. FREEMAN: Mr. Chairman?

11 CHAIRPERSON HOOD: Mr. Freeman? Mr. Freeman, let me
12 just say we don't need -- in rebuttal we don't need to hear a
13 lot about this. We want to hear more on the case and let us --
14 we'll make a decision. We're going to make a decision on what
15 they present just like we like we'll make position on what we're
16 going to take what they said just like when it was a position
17 what the Applicant presented. I don't want to get into a whole
18 lot of that. I want to just get into what we need to get into.

19 Commissioner May?

20 COMMISSIONER MAY: Yeah. Mr. Chairman, I just had a
21 couple follow-up questions for Ms. Cain based on responses to Mr.
22 Freeman.

23 The first one is if you are trying to establish a new
24 baseline for minimum IZ requirements for PUDs, are you
25 considering, or have you considered actually petitioning for a,

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1 I don't know what the right word is, probably for a text amendment
2 to reflect this rather than try to come out here on every single
3 case and try to establish a standard that doesn't really apply
4 the way you did tonight and have on other cases.

5 MS. CAIN: Pursuing a text amendment is something that
6 I think we would be interested in pursuing, yes.

7 COMMISSIONER MAY: Would be or are?

8 MS. CAIN: At this point, we're still trying to refine
9 that. So, yeah, I think it's in the future at this point.

10 COMMISSIONER MAY: Okay. All right. And the second
11 thing is so when you refer to the Office of Planning's
12 recommendations or their willingness to, you know, they're
13 working with an applicant on what they would support in terms of
14 a map amendment. I mean, when you said that -- what OP had to
15 say at that point would be irrelevant, surely you did not mean
16 that if the Office of Planning recommended against a particular
17 map amendment, that that would be irrelevant because we're
18 supposed to give them great weight, right?

19 MS. CAIN: No, you're absolutely correct. I think our
20 position in this case is if the Office of Planning was to
21 recommend in writing in a specific matter -- I mean, case against
22 a map amendment to the MU-10, we don't quite understand how that
23 could be justified, given that it is specifically called out in
24 the FLUM, and in evaluating a map amendment the only standards
25 for the Commission are consistency with the comprehensive plan,

1 which a map amendment really boils down to the maps since there's
2 not a specific project involved. So yes, OP's recommendation is
3 something that the Commission has to consider and give great
4 weight to, but that does not mean that they have to follow it.

5 COMMISSIONER MAY: Doesn't mean that who has to follow
6 it?

7 MS. CAIN: That the Commission has to follow it.

8 COMMISSIONER MAY: The applicant? Oh, the Commission.
9 Well, of course not. I mean, we can -- but you know, we have to
10 write a lot more and we have to talk a lot more if we're going
11 to go against the Office of Planning or the ANC. We have to
12 explain our reasons after giving great weight to that
13 recommendation. And of course, we heard Mr. Freeman say that
14 they wouldn't apply for a particular zone if the Office of
15 Planning isn't going to support it, which is, I think, the smart
16 thing, so. All right. Thank you very much.

17 CHAIRPERSON HOOD: All right. Thank you, Ms. Cain.

18 Ms. Kramer, you have any questions?

19 MS. KRAMER: No cross, thank you.

20 CHAIRPERSON HOOD: Okay.

21 Thank you, Ms. Cain, we appreciate it.

22 All right. Let's go now to the ANC, Ms. Kramer.

23 **MS. KRAMER: Thank you. And good evening, I'm
24 Fredrica Cramer, commissioner for ANC 6D05 and vice chair of ANC
25 6D. I'm testifying today on behalf of the full commission, ANC

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1 6D, on 22-11, the redevelopment of 807 Main Avenue as a PUD.
2 I've also been on the negotiating team for this case with
3 Commissioners Andy Litsky and Marjorie Lightman in whose SMD the
4 case lies. As you have recall tonight, ANC 6D voted to oppose
5 the application in September in anticipation of being heard on
6 October 3rd. Your Commission recessed the case in order for us
7 t, the ANC and the Applicant, to engage in further discussions
8 for a better outcome to present to you. And since that date, we
9 have had intensive discussions with the Applicant, and I'm here
10 to report a conditional approval, which reflects several areas
11 of improvement, but also several conditions without which ANC 6D
12 would not have voted for approval.

13 Several proffers and design changes, as we have
14 reported, will in fact benefit the community. Those include the
15 pullback of the corner on seventh and I; the \$75,000 for a public
16 arts project; a number of larger units, three of which will be
17 offered as IZ units; \$150,000 contribution to Jefferson Junior
18 High; and an additional \$100,000 for a local effort related to
19 racial equity. Of these proffers, ANC 6D added, as part of its
20 conditional approval, in our report a couple of -- three -- four
21 conditions, excuse me, as part of the pullback that the Applicant
22 find another 2 percent reduction in density to be fully within
23 the limits of the law, that the public art project be implemented
24 in consultation with the community group selected by the ANC,
25 that the additional \$100,000 contribution be deployed to our

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1 local schools and split evenly between Jefferson -- excuse me,
2 between the PTOs of Amidon-Bowen and Richard Wright Charter
3 School for Journalism and Media Arts, which by the way is our
4 only high school in Southwest, and that all three of those cash
5 contributions be made immediately upon approval of the PUD. We
6 also talked about the constitution -- the approval of a
7 construction management plan between the affected parties.

8 On the issue of redirecting the funds, which have been
9 talked about now, from Habitat to the schools, we have nothing
10 against Habitat for Humanity, which is a great organization, but
11 our racial equity concerns, which is what this is about, are
12 right here at home. And we can't -- while we feel that we can't
13 solve all the problems of Ward 6, we have a threat to racial
14 equity right here in Southwest, and the schools, which are
15 majority non-white, need to benefit from these funds, which is
16 why we have asked for those additional funds to be redirected.

17 The most substantial condition on which ANC 6D's
18 support rests concerns the provisions for creating and
19 maintaining affordability in the new units. ANC is being asked
20 to support through the PUD a building height of 110 feet for a
21 parcel that lies within the boundaries and above the limits of
22 our community small area plan. While the bulk of the building
23 has been pared down so that it's less offensive than it might
24 have been to the palette of limited and varied height and density,
25 which (indiscernible) talked about in Southwest, the exceptions

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1 of small area plans we feel should be justified on two conditions.
2 First, the support must in no way alter the commitment to the
3 small area plan as the foundation of all future development in
4 Southwest, nor create a precedent that would put other projects
5 that now provide affordable housing at risk. We gave the example
6 in our report of the rent-controlled townhouses in the waterside
7 complex that back onto Main Avenue and are immediately next to
8 Arena Stage. The final order should include language to ensure
9 that any redevelopment of existing below market rate housing be
10 accompanied by equivalent housing within Southwest that no
11 current residents are displaced temporarily or permanently out
12 of Southwest as a result.

13 Second, the exception to the small area plan should
14 meet the high priority standard of an extraordinary and
15 indisputable benefit to the community; in this case, a proffer
16 of more and deeper affordability as recognized in the com plan
17 and should be maintained for the life of the building. We point
18 out that without substantial and lasting affordability well above
19 the IZ minimum requirements, new development would result --
20 would reduce the number of households who could continue to live
21 in Southwest to a thin sliver of the whole, and with that make a
22 mockery, we feel, of the commitment of the small area plan that's
23 in the comprehensive plan for Southwest to be an exemplar of
24 diversity and inclusion.

25 So we offer our support only on condition that the

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1 building offer at least the 21 percent of residential units that
2 you've just heard recommended by the Office of the Attorney
3 General, and at 60 to 80 percent of MFI. The higher threshold,
4 which is which is in our report, is intended to target what has
5 been described in recent discussions as the forgotten middle, the
6 teachers and police officers and firefighters as examples who are
7 frequently priced out of market rate units and over resourced for
8 subsidized rentals.

9 I want to note also that ANC 6D has requested more
10 guidance over several years on ways to increase affordable
11 housing from OP from all parties, as has the Zoning Commission.
12 So we're actually very grateful that we now have some guidance
13 and which is why we are embracing the OAG targets. I understand
14 from the discussion tonight that those are -- that that -- it
15 will remain an open question and we all need to understand a bit
16 more about it. But that's what we have now, and it comes closer
17 to what we've been trying to reach in all of our work of up to
18 that point.

19 We thank -- the ANC thanks the Zoning Commission for
20 its attention to the conditions that we've offered, and I look
21 forward to any questions. Thanks. That's my testimony.

22 **CHAIRPERSON HOOD: Thank you, Commissioner Kramer.
23 While we are not all a hundred percent on the same page, I want
24 to thank you for going back and being part of the committee that
25 we had at least get us to this point. This is something we can

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1 work with. While we all may not be happy, and I when I say we
2 all may not be happy, sometimes when I vote on cases, I'm not
3 all the way happy, so I understand. But I do know that we have
4 to try to coexist and make it work the best we can price-wise
5 for the city and for those who most need. That's kind of
6 unofficially I would put it. But I appreciate you all spending
7 your volunteer time. That does not go lost with me and I'm sure
8 my colleagues as well. So with that, let's see if we have any
9 questions or comments. I don't have any a lot. I just want to
10 see if I can try to help us get closer together, that's going to
11 be my -- achieving my goal. So I don't have any questions for
12 you Commissioner Kramer.

13 Let me see, Commissioner May?

14 COMMISSIONER MAY: I don't have any questions either.
15 I would just echo your comments, appreciation for the ANC's work
16 with the developer. I think that, you know, we have gotten
17 closer. Not everybody -- not everyone is completely onboard yet,
18 but it's always good to make progress and hopefully we can
19 continue to make progress. Thank you.

20 CHAIRPERSON HOOD: Commissioner Imamura?

21 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No
22 questions, but echo what you and Commissioner May have shared.
23 And I also want to say to Commissioner Kramer that she is a model
24 example of active citizen participation. So thank you. And your
25 testimony reflects thoughtful work and rework. And from one

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1 academic to another I know something Chairman Hood once said it's
2 just to hit the highlights, and so I think tonight you did just
3 that. So thank you so much. Thank you.

4 CHAIRPERSON HOOD: And Vice Chair Miller?

5 VICE CHAIR MILLER: Yeah, I would concur with my
6 colleagues in commending Commissioner Kramer and for your
7 outstanding work on this case and all of the other cases in your
8 neighborhood.

9 I don't know if you saw, but I saw just today the
10 Applicant's submission about what 60 percent AMI or median family
11 income provides in terms of those middle, those police officers,
12 those -- so you might -- I see you nodding your head, so maybe
13 you did see what I just saw today. It was revealing to me that
14 what -- the IZ levels, even the -- they're not the low income
15 levels, IZ was never designed to be a low income subsidized
16 affordable housing program, but it did show what it provided for
17 working people. I don't know if you saw that. But I can't point
18 to the exhibit, but I would encourage you to look at that exhibit
19 because I thought it was a very helpful exhibit that the Applicant
20 provided about what a school teacher or a nurse or a police
21 officer with kids at certain levels at the 60 percent AMI, what
22 that would help produce. So I'm not criticizing you in any way,
23 I just thought it was -- I don't know if it's accurate
24 information, but it was an interesting information that they
25 provided and I would just encourage all of us to look at it and

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1 then examine it and see if it's helpful.

2 MS. KRAMER: I can just respond briefly. We did spend
3 a fair amount of time figure -- playing with different
4 occupational levels and different family configurations and that
5 sort of thing to understand what it would do. We can submit more
6 information to you, which, you know -- after this hearing, if
7 that will be helpful. So it's not that we're not moving all of
8 the target up to 80 percent, we're just saying that we have to
9 have the spread more broader. I will say also that because of
10 the size of the units and also because of probable wage levels,
11 we are frequently looking at a single parent, maybe with a couple
12 of kids. And I mean, once you start combining a two-income
13 family, everything changes. So it's a very complicated -- very
14 complicated calculation.

15 VICE CHAIR MILLER: Yeah, I agree.

16 MS. KRAMER: And it's just -- we're setting crude
17 targets to try to make some things available to a broader
18 population, to keep -- what our target is is to keep the social
19 diversity in Southwest that we really cherish workable. And
20 we're not -- we didn't even talk about the deep affordability
21 here as other units -- other projects and PUDs have done for
22 different reasons and different calculus, so.

23 VICE CHAIR MILLER: I appreciate that, Commissioner
24 Kramer. Yeah, I just want to make sure you had seen that
25 information, which I thought was -- it was instructional to me.

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1 And --

2 MS. KRAMER: Okay. Well, if it would be helpful to the
3 Zoning Commission, we may -- we can --

4 VICE CHAIR MILLER: No, you don't have to. I'm not
5 putting anything on you to do anything else. Please.

6 MS. KRAMER: Okay.

7 VICE CHAIR MILLER: You've done so much. Please, I
8 don't want to put any more workload on you.

9 MS. KRAMER: Thank you.

10 CHAIRPERSON HOOD: All right. Let's take a two-minute
11 break, please. Two-minute break.

12 (Whereupon, there was a brief recess.)

13 CHAIRPERSON HOOD: Okay. I think it's exactly two
14 minutes. We can all come on back. Okay.

15 Mr. Freeman, did you have any questions of Commissioner
16 Kramer?

17 MR. FREEMAN: No questions, just wanted to thank her
18 on the record in front of the Commission for all of her work and
19 effort over, I don't know, the past year, plus, but it's
20 priceless.

21 MS. KRAMER: Thank you.

22 CHAIRPERSON HOOD: And we don't have any other parties,
23 I think we're good.

24 And Commissioner Kramer, make sure you let all your
25 colleagues know, Ron Collins, tell him I'm looking to see him one

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1 of these days, but all your colleagues that that we appreciate
2 all the work that they do.

3 MS. KRAMER: I will very much do that. And they are
4 meeting right now, so I'm missing that meeting to stay here.

5 CHAIRPERSON HOOD: Well, let -- okay, I gotcha. Okay.

6 MS. KRAMER: It's okay, no, no, I'm happy to to -- we
7 really have -- as everybody said we've been working for months
8 on this with the with the Applicant, so.

9 CHAIRPERSON HOOD: Okay. All right.

10 Ms. Schellin -- give me one second.

11 (Pause.)

12 CHAIRPERSON HOOD: All right. I'm sorry about that.
13 I will be calling -- let me pull up everything. Ms. Schellin
14 had something she needed to take care of, so I will be doing the
15 rest. So let me get the witness lists up. Second. So what I'm
16 going to do, bear with me, I'm going to be calling the witnesses,
17 these or those who are in support. If you've already -- I'm just
18 going to call the names, some of the names I already see, but I
19 won't call the names that testified with the Applicant. So we
20 didn't have any -- oh, I'm going to call the names. We don't
21 have any parties. ANC's already went.

22 So Bradley Glatfelter?

23 MR. FREEMAN: He's with the Applicant team.

24 CHAIRPERSON HOOD: Oh, he's with the Applicant? Okay,
25 thank you.

1 What about Peter Bronholder (phonetic)?

2 MR. FREEMAN: He's with the Applicant team.

3 CHAIRPERSON HOOD: Okay. Well, maybe that's the whole
4 Applicant list. All right. Let me just call the names and make
5 sure.

6 Mark Burgess? Mark Burgess?

7 Okay. Mr. Young, can you bring up Mark Burgess? I
8 believe he's --

9 MR. YOUNG: I do not see that name on.

10 CHAIRPERSON HOOD: Okay.

11 MR. FREEMAN: I just got a note, he's with DAV, so he
12 left.

13 CHAIRPERSON HOOD: Okay. So that list is gone. Okay.
14 Thank you.

15 Now let's go to those who I believe are in opposition.

16 Pamela McKinney, Gail, Fast, Coy McKinney, and I have
17 Fredrica Kramer, or Commissioner Kramer, she's already done in
18 this case, she's already done. So let's go to Pamela McKinney,
19 Gail Fast, and Coy McKinney. And that's all I have, Mr. Young,
20 unless you see someone else out there who is -- who wants to
21 testify.

22 MR. YOUNG: The only person I saw on from that list was
23 Gail Fast.

24 CHAIRPERSON HOOD: Okay. So no one -- so Pamela
25 McKinney, Coy McKinney are not attending. So hopefully -- I

1 guess they submitted something, I believe they did. But either
2 way, okay, so we will bring Ms. Fast up.

3 Ms. Fast, you're going to have the last word for
4 testimony and I believe you are in opposition or conditional, I
5 don't know, I get all that muddled. So anyway, Ms. Fast, you
6 may begin.

7 **MS. FAST: Okay. Thank you. Good evening, everyone,
8 my name is Gail Fast. I reside at 700 Seventh Street, SW, and I
9 am the current president of the Counsel of Co-owners of Townsquare
10 Towers, and I'm testifying on their behalf. We are providing
11 conditional support and it is based on the reasons that we
12 provided in our written testimony. We agree and applaud the
13 Applicant and we have been in negotiations with them as well on
14 the reduction in density to the lot occupancy of 82 percent, and
15 we agree with both the ANC that additional affordable housing
16 that is proposed or has been proposed by the Attorney -- Office
17 of the Attorney General's equitable land use office and the ANC
18 should be considered by the Commission.

19 The reasons why we are supporting this increase in
20 affordable housing:

21 For our constituents and residents, the project is
22 twice the current height of the MU-12 zone, which right now has
23 a maximum height of 65 feet. And we feel that that though the
24 decrease in lot occupancy is great, there was really no reduction
25 in the actual height. And we feel that the project still doesn't

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1 conform to really any of the design elements that we found in
2 the southwest small area plan which does describe median density
3 -- shows pictures of it, but calls for reducing of this urban
4 canyon along major corridors. And we believe 110 feet does create
5 that.

6 We also just want to put into the record that we do
7 believe that their current proffer does not really offer any
8 "community benefits." Examples of other projects that have
9 occurred in Southwest that have proffered what we determine and
10 we underline community is examples, the low project at the
11 historic Randall School, it has close to 20 percent affordable
12 units and provided the community and the District of Columbia
13 with a free state of the art museum. The Hoffman Project, which
14 is now almost ready to be topped out at the CVS lot, is a 30
15 percent affordable, and it will provide our community with a
16 diner for breakfast, lunch, and dinner, something we do not have
17 here in Southwest, a black box theater, and a school. And even
18 the Shakespeare project, of which at the time I was an ANC
19 commissioner at the former Southeast University, will provide the
20 community the opportunity for home ownership as it converted the
21 project to condominium and will have as well affordable three
22 bedrooms.

23 Also the -- finally the modification of significance
24 that was approved by the Zoning Commission for the parcels at 375
25 and 425 M Street will provide the community with a 6,000 square

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1 foot community center and pay costs -- and pay its costs for the
2 upkeep for 30 years. With no retail anymore, affordable housing
3 is the only really community benefit the neighborhood will get
4 from this project. And I know I'm not a party and cannot question
5 anyone; however, I would like clarification, if possible, in the
6 record from DDOT who just announced tonight that the decision
7 -- their decision with WMATA, I'm just wondering if it's WMATA's
8 intent to eliminate the bus stop at Seventh and Main and the plan
9 for the right-turn-only lane. Thank you very much for allowing
10 me to testify tonight.

11 CHAIRPERSON HOOD: Thank you, Ms. Fast. I would hope
12 that Ms. Blondin and you would have that conversation so you can
13 spread to the community what's exactly going on with that bus
14 stop. And I'll leave that, I'm not sure if she's still on. Give
15 me one second.

16 MS. FAST: Thank you. We'll reach out to DDOT.

17 CHAIRPERSON HOOD: Okay, yeah. Reach out to her 'cause
18 I don't think she's still on.

19 MS. FAST: I don't think she's still on. Not a problem.

20 CHAIRPERSON HOOD: All right. Thank you, Ms. Fast.

21 I see that we have Coy McKinney. Can we bring him up
22 so he can give his testimony.

23 And don't go anywhere, Ms. Fast, we may have some
24 questions for you.

25 MR. MCKINNEY: Hello, can you hear me?

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1 CHAIRPERSON HOOD: Yeah, we can hear you now. You may
2 begin.

3 MR. MCKINNEY: Yeah, so my main concern with the project
4 is --

5 CHAIRPERSON HOOD: First, you got to identify yourself.

6 MR. MCKINNEY: Sorry?

7 CHAIRPERSON HOOD: Identify yourself first.

8 MR. MCKINNEY: Oh, this is Coy McKinney, Southwest
9 resident since 2010. My main issues with the lack of affordable
10 housing in the project, we've seen project after project where a
11 developer will say that their project won't displace anybody,
12 they're adding to the supply, and so this is a benefit for the
13 neighborhood. But over 20 years, we've seen that the white
14 population has increased 157 percent and the black population has
15 gone down 21 percent. So the idea that, you know, displacement
16 is just physically moving someone because you build somewhere
17 where there currently wasn't a use for the land doesn't mean that
18 is not being displaced. And so what we really need is truly
19 deeply affordable housing.

20 And I was actually just over at King Greenleaf Rec
21 Center this evening because they're trying to turn that into a
22 emergency shelter. And that's right in the middle of several
23 public housing complexes. And they've had to do this year after
24 year after year. And now kids, you know, they just got the
25 program back up and running and now they're going to shut it down

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1 again because they're using it as an emergency center. And so
2 why are we asking those in society who have been historically
3 underserved to carry more burdens? Why can't this project have
4 a shelter in a high opportunity area? Why does it have to be
5 the public housing residents that always have to carry that
6 weight? And so I'm just, you know, hoping that the developer
7 will come back with actually truly deeply affordable housing. We
8 need 30 to 60 AMI, in my opinion, and a community benefit that
9 will actually benefit the community. So that's all I wanted to
10 say. Thank you.

11 CHAIRPERSON HOOD: Okay. Thank you, Mr. McKinney, I
12 would encourage you to also look -- I have one in my neighborhood
13 too, so we have to coexist. And I understand what you're saying;
14 I agree with you. I do not disagree with you, but we have to
15 keep working hard to get through exactly the asks that we're
16 talking about. Yeah, so either way. Let me see if any questions
17 or comments.

18 Commissioner May? You're on mute.

19 **COMMISSIONER MAY: That's good, because I was
20 stumbling over my words. Now that I have my microphone on I'm
21 going to be well composed.

22 So Ms. Fast, I just wanted to comment that I appreciate
23 your mentioning the other projects that are coming up. I think
24 that at least some of those were dispositions of district land
25 and so there are requirements under LDAs or higher than would be

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1 required under standard inclusionary zoning. But it's definitely
2 helpful context to understand those other projects and the
3 benefits that they that they bring. So I appreciate that.

4 And Mr. McKinney, I appreciate your fortitude in
5 continuing to come to us every time just to remind us of the
6 things that the city needs. I wish, you know, like the Chairman,
7 that we could do a lot more. And, you know, I think we are doing
8 more over time. But it's a real struggle to, you know, when we
9 rely on developers in their projects to provide these community
10 benefits, there's only so much that we can get out of them
11 sometimes. But we're trying to keep trying and it's good to be
12 reminded of what we need to do. That's it.

13 CHAIRPERSON HOOD: Okay.

14 Vice -- Commissioner Imamura?

15 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Just
16 want to thank Ms. Fast and Mr. McKinney both for participating
17 in the process, it's important, it's healthy and important for
18 us to have multiple points of view as we make our decision. So
19 with that I'll yield back to Vice Chair.

20 CHAIRPERSON HOOD: Vice Chair Miller?

21 VICE CHAIR MILLER: Thank you for your testimony and I
22 concur with all my fellow commissioners' comments. Thank you.

23 CHAIRPERSON HOOD: So I want to address Mr. McKinney
24 again. I do appreciate what he says, because I agree with a lot
25 of what he's said over the years, but I was telling somebody the

1 other day when they were asking me about something not germane
2 to case. I said, you know, sometimes if the regulations had a
3 statute that says whether or not Anthony Hood liked it, then I
4 would have a lot more to work with. But the regulations don't
5 say that. And they say something else. And I have to make sure,
6 first of all, that I operate within the legal bounds of the
7 regulations. And do they need to be changed? Probably so, some
8 of them, but we just changed some. But I want him to keep
9 continue. I know you don't necessarily like the outcomes. Some
10 -- like I said earlier, sometimes I don't like the outcomes and
11 I vote on it. But I also have to balance it and I also have to
12 make sure I'm prospectively correct with the regulations.

13 Ms. Fast, I'm hoping that you all will -- can continue
14 to have dialog. I understand what your points are, so I'm going
15 to continue to ask, I have some dates, I've been given dates that
16 we're going to ask for submissions.

17 I want to ask that the Applicant continues to work.
18 Even though we got to this point, Mr. Freeman, I'm going to ask
19 you continue to work with the party in opposition and see if we
20 can even get close. Okay?

21 All right. Does the Applicant have any questions of
22 either Ms. Fast or Mr. McKinney.

23 MR. FREEMAN: No, Mr. Chairman, no questions.

24 CHAIRPERSON HOOD: All right.

25 And Commissioner Kramer, do you have any questions of

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1 either Ms. Fast -- Ms. -- did I say commissioner, what did I say?
2 Commissioner Kramer, you have any questions of either Ms. Fast
3 or Mr. McKinney?

4 MS. KRAMER: No, thank you. I appreciate them both
5 testifying of the issues we need to be reminded of. Thank you.

6 CHAIRPERSON HOOD: Okay. Thank you both. We appreciate
7 you all taking your time and hang in there and keep on working
8 for the best interests of your neighborhood and the city. So
9 thank you both.

10 All right. Mr. Freeman, you have some -- you have
11 rebuttal I guess, and some cross, so we will -- do you need a
12 minute to get that ready or are you ready to go?

13 MR. FREEMAN: I think we're ready. I have -- we emailed
14 Mr. Young some rebuttal slides in response to the OAG
15 presentation. If Mr. Yong can pull those up (indiscernible) --

16 CHAIRPERSON HOOD: Go right ahead.

17 MR. FREEMAN: -- be our witness there. I do want to
18 clarify, I misstated in 22 -- Zoning Commission case 22-06, the
19 OAG recommendation was a 22 percent in that case. I think I said
20 30 something. I was incorrect in that and wanted to state for
21 the record, clarify that point.

22 So what we're going to do now, Mr. Chairman, show our
23 math, right, like you used that phrase a couple times, but not
24 only show our math, but indicate where there's some inaccurate
25 calculations. So our witness, if you could bring Mr. Dettman up

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1 please, he's going to walk us through these slides.

2 **MR. DETTMAN: Kyrus, before we go to our rebuttal
3 slide, Mr. Young, could you bring up OAG's -- that chart that
4 showed their math? I just have one comment to make on that.
5 Thank you. And while that's being pulled up, Commissioners, you
6 asked a couple questions when OAG was testifying, I know OAG made
7 comments about, you know, where the recent 15 percent PUD proffer
8 has come from. And that -- and it started in around 2020. It
9 came from the adoption of IZ Plus. When the Commission adopted
10 IZ Plus in 2020, the Office of Planning started to advise
11 applicants saying if you want a PUD the bar is now raised on the
12 expectation for affordable housing proffer to PUD because of IZ
13 Plus. You'll recall that prior to IZ Plus, if you were kind of
14 in the 8 percent set aside category for a PUD, the minimum
15 expectation was 10 percent. If you were in the 10 percent
16 category, you oftentimes saw proffers of 12 percent. Now, for a
17 zone that would fall within the typical 8 percent, you're getting
18 15 percent, and that's because of IZ Plus.

19 Mr. Young, it was the slide that's after this a couple
20 -- it's got all the math on there.

21 There was also a comment about, well, you know, OAG
22 questioned what OP's rationale was when they said they wouldn't
23 support an MU-10 standalone map amendment because MU-10 is
24 specifically stated as being consistent with medium density
25 commercial. And I would say that the basis is on sound planning

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1 principles. Right? The Office of Planning looking at a site,
2 would say okay, MU-8 seems fine with a map amendment, but not
3 MU-10. The comprehensive plan specifically says it too. And
4 this is important. The com plan specifically says the designation
5 of an area with a particular future land use map category does
6 not necessarily mean that the most intense zoning district
7 described in that category is automatically permitted. And even
8 if a zone is not identified in a category, it can be permitted
9 as described in 227.2, which talks about PUDs.

10 So just because a zone is identified as being
11 considered to be consistent with medium density commercial, it
12 does not necessarily mean that it's automatically permitted. The
13 PUD allows for a specific evaluation of a zone and its potential
14 impact. So let's get to that table -- Mr. Young, I think it's
15 Slide 14 of 20. Great.

16 So I just wanted one point on this: the math makes a
17 lot of assumptions, and includes a lot of things that should not
18 be included in this. And while the math goes through all these
19 machinations of matter of right and then map amendment and then
20 PUD density, all this math shows is exactly what this math shows
21 on this Post-it note. There's the math: a Post-it note. All
22 Office of Attorney General has done is taken the density that's
23 being proposed above what's permitted as a matter of right in the
24 MU-10, it was stated earlier that MU-10 matter of right is a 6.0
25 FAR. They're using 8.58, you can see that on the top line. So

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1 the difference between 8.58 and 6 is 2.58. You see the 2.58
2 there. And all the Office of Attorney General is doing is
3 applying the IZ Plus 70 percent of bonus density used to that
4 2.58. That's where you get the 42,738. We don't need this
5 complicated chart to show the math. It's mis -- and by the way,
6 the 2.58 FAR includes the projections and the penthouse habitable
7 space. They're treating that as bonus density that's gained
8 through a map amendment or a PUD when that is never the case.

9 So again, it's great that they went through this
10 effort, but there are so many assumptions built into this that
11 just don't apply. So what -- Mr. Young, can we bring up our
12 rebuttal slides now?

13 So what we want to do here is just show the math that
14 actually matters according to the PUD standard. And we can go
15 to the next slide.

16 The PUD regulations say that affordable housing shall
17 be considered a public benefit to the extent it exceeds what
18 would have been required through matter of right development
19 under existing, in this case, MU-12 zoning. So assuming an all
20 residential project and full utilization of the bonus density,
21 the set aside requirement under the existing MU-12 zoning would
22 be -- would range between 5,900 and 8,900 square feet depending
23 upon the construction type. We've provided both, type one and
24 type two. So that's a 8.3 percent or a 12.5 percent set aside.
25 That math is provided in the record at Exhibit 28, Page 5, very

1 detailed calculations. So the proposed PUD provides 29,226
2 square feet of affordable housing. That doesn't include the
3 penthouse in the projections, again because we're trying to
4 create an apples to apples comparison, and so it's 29,226, plus
5 15 percent of the penthouse and 15 percent of projections. So
6 we far exceed what would be otherwise required under existing
7 zoning. On top of that, there's \$100,000 contribution to D.C.
8 Habitat. So we far exceed the amount of affordable housing that
9 would otherwise be required under existing zoning. Next slide.

10 But what if we wanted to look at IZ Plus as a baseline?
11 That is not the standard, but let's take a look at what that math
12 would look at. We heard from the Office of Planning that they
13 would not support an MU-10 standalone IZ Plus map amendment.
14 Best you get MU-8. And so we did that math and applying the set
15 aside calculations depending upon the construction type the IZ
16 Plus set aside for an MU-8 map amendment would range between --
17 would either be 18 percent or 20 percent depending upon the
18 construction type. If you do that math, that translates to, if
19 you were doing type one construction, 25,557 square feet. If
20 you're doing non-type one construction, because you could in MU-
21 8 at 75 feet, 28,397 square feet. Again, this is not the standard
22 of review under the Commission of Zoning's regulations, but if
23 you wanted to do the math, the project is still exceeding what
24 reasonably could be expected to be achieved through an IZ Plus
25 map amendment to MU-8. Next slide.

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1 So again, bringing it back to the standard of review
2 under Subtitle X, the project benefits and amenities far outweigh
3 the degree of development incentives and technical zoning being
4 requested. The flexibility of the requested is 5.21 FAR and only
5 minor technical flexibility. And then there's the long list of
6 benefits that's being proposed. The most significant benefit
7 here is the proposed affordable housing, which again far exceeds
8 what would otherwise be required under existing zoning. It also
9 exceeds the hypothetical amount that might be required if the
10 applicant was to pursue an MU-8 map amendment under IZ Plus. So
11 -- and you can see the chart there, how the square footages stack
12 up. So again, I think if we just stick to Subtitle X, the
13 standard of review comparison to existing zoning, I think that's
14 where the real comparison is, and I think that's -- looking at
15 it that way in combination with all of the other public benefits
16 and amenities being proffered, which are in the list here on the
17 left, we believe that the standard of review is fully met in this
18 case. That's all I have, Kyrus.

19 MR. FREEMAN: All right. Thank you, Mr. Dettman.

20 Commissioners, that's our rebuttal. We're happy to
21 answer any additional questions about what we just presented.

22 CHAIRPERSON HOOD: Thank you both. I see you all
23 finished that because I have plenty of time this evening. I have
24 nothing to do. I see y'all finished it in a timely manner. I
25 should be ashamed of myself. All right. Well, so Commissioners,

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1 any cross on rebuttal?

2 Commissioner May?

3 COMMISSIONER MAY: No, I do not have any questions. I
4 appreciate the information that was provided. Thank you.

5 CHAIRPERSON HOOD: Commissioner Imamura, any cross on
6 rebuttal?

7 Vice Chair Miller, any cross on rebuttal?

8 VICE CHAIR MILLER: No.

9 Thank you, Mr. Freeman, for that rebuttal. That was
10 helpful.

11 CHAIRPERSON HOOD: And unfortunately, I don't have a
12 lot of -- a thousand questions. I don't have any actually. I
13 appreciate that as well, especially the analysis on the
14 calculations. I appreciate that and I'm glad I was told exactly
15 where to go now and review that and compare. So I appreciate
16 it. And it's about how we plug in the numbers. So thank you.

17 Commissioner Kramer, you have any cross on rebuttal?

18 MS. KRAMER: No. We'll look carefully at both versions.
19 Thank you.

20 CHAIRPERSON HOOD: Okay.

21 All right. So with that, Mr. Freeman, do you have your
22 closing.

23 **MR. FREEMAN: I do. I will be brief. Mr. Chairman,
24 again, thank you for giving us that two additional punts to our
25 goal and work with the community and return that opposition to

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1 support our conditional support. I think we've demonstrated
2 today that we meet every applicable standard necessary for
3 approval of this project. I've heard three asks -- three pieces
4 of information and there may be more, but I've heard three
5 specific pieces of information. One, Commissioner May, to
6 provide additional images of buildings, those with white panels.
7 Two our IZ by floor. And three, more information on the privacy
8 of the groundfloor units. And we can provide that no problem.

9 So I would ask that if the Commission is so inclined,
10 we would love for a proposed action, and there's a lot riding on
11 this. I think you heard from DAV at the beginning that they're
12 in the process of trying to figure out -- resolving their lease
13 issues, although we're not -- we're two months past where we were
14 we thought we would have been in September, and that was time
15 well spent, and I think that time helped us be in a position to
16 ask the Zoning Commission to take proposed action tonight. So
17 that concludes my conclusion. But thank you all for your time
18 this evening.

19 CHAIRPERSON HOOD: Okay. Thank you, Mr. Freeman and
20 team. Again, we appreciate you all getting us to where we are.
21 I'm not sure -- let me -- you heard the asks or the requests,
22 I'm not sure what others feel on that. I am not necessarily
23 inclined, I do have a schedule, but let's see, let me just --
24 you heard the ask of Mr. Freeman, which I think was a good try.
25 But I don't think it's going to work. There's some things I know

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1 I need to grapple with, but the schedule's not that bad. But
2 anyway, let me hear from others.

3 Commissioner May?

4 **COMMISSIONER MAY: Yeah, I'm with you, Mr. Chairman.
5 I appreciate the fact that the Applicant had to take an extra
6 couple months to get this project into a better place. That --
7 I mean, it certainly is much better for that. I don't know that
8 there, you know, we really heard a truly compelling reason to,
9 you know, move tonight and save, you know, just a few weeks. I
10 think we're better off -- besides I, you know, I do feel like
11 there was a lot to think about today and I don't feel like I'm
12 quite ready to make a decision. Not that the extra material that
13 has been requested is really going to affect the decision making
14 in the long run. I do -- I did also ask of the OAG if they would
15 provide their analysis of the MU-8 IZ Plus and so I think I would
16 like to see what they have to say about that before we make a
17 decision.

18 CHAIRPERSON HOOD: Okay.

19 Commissioner Imamura, any comments on that?

20 COMMISSIONER IMAMURA: I'm relatively optimistic and
21 glad that we're getting a bit closer to the finish line, but I
22 can certainly support your position and Commissioner May's, but
23 I'm encouraged, I think we're getting there.

24 CHAIRPERSON HOOD: Yeah.

25 All right. And Vice Chair Miller?

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1 VICE CHAIR MILLER: Well, yeah, this is a two-decision
2 case, right? Two vote case, right? So yeah, I think we could
3 get everything we needed to get if we could get it before we make
4 a final decision. It's already been delayed because we weren't
5 ready two months ago. So I -- but I see where my fellow
6 commissioners are. You know, I'm ready to go forward with
7 proposed action tonight and get whatever information we need to
8 see if we can get to a final decision later, but that's obviously
9 not where my fellow commissioners are. You know, I'm living for
10 today. I don't know what tomorrow will bring. So I'm ready to
11 go forward today, but obviously not my fellow commissioners, so.

12 CHAIRPERSON HOOD: Okay. I don't think I necessarily
13 have a showstopper. I just wanted to -- Commissioner May did
14 ask for something, I want to make sure that I'm understanding the
15 calculations for myself. So I don't see a showstopper here. I
16 do have a schedule, which I think is not that extravagant. I
17 don't like to rush. There may be some other things that may come
18 up that I may need to ask our counsel. That's kind of why I'm
19 kind of doing this.

20 So with that, we'll -- I think unless somebody
21 disagrees with what -- we're going to go ahead and set this for
22 a schedule. Mr. -- what Commissioner May asked for from OAG and
23 I hope they're listening, need that in two weeks on November the
24 28th, 2020.

25 Mr. Freeman, everything be in by November the 28th,

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1 2020.

2 Commissioner Kramer, the ANC can respond by December
3 the 5th to what's turned in on November 28th. And then we will
4 set this for decision, a first decision, on December the 15th at
5 our meeting.

6 Any questions about the schedule?

7 MR. FREEMAN: If I could just repeat. OAG two weeks
8 November 28, 2022, response from the Applicant and the ANC to the
9 OAG submission as well as the three additional things you asked
10 us for, right? So the response is just limited to the OAG
11 submission, plus the three things you asked us for, by December
12 5th, you said, did I hear you correctly?

13 CHAIRPERSON HOOD: So everything that comes in, Mr.
14 Freeman, you're going to have everything that come in on -- what
15 you're supposed to turn in and the OAG, November 28th. I think
16 that's a -- what day is that on? Hang on one second.

17 MR. YOUNG: It's a Monday.

18 CHAIRPERSON HOOD: Okay. Well, that's the day it's
19 coming in, that Monday, November the 28th. I can't take credit
20 for this, actually Sharon laid this out for me.

21 MS. KRAMER: Just to clarify, can anything from the ANC
22 is -- will not have a vote. We won't be meeting again until
23 after that, so I can't -- we can respond, but it won't be from
24 the full commission.

25 CHAIRPERSON HOOD: Okay. Well, I think -- I don't know

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1 how much more -- you know, you all have set your pattern, so we
2 just wanted -- if you wanted to say something, we understand that
3 you all don't meet until later, and it's getting around the
4 holiday time as well, so.

5 MS. KRAMER: Right.

6 CHAIRPERSON HOOD: We got that. We understand.

7 MS. KRAMER: Okay. Thank you.

8 CHAIRPERSON HOOD: All right. But still send us a
9 note even if it's a one-liner.

10 MS. KRAMER: Sure. Okay.

11 CHAIRPERSON HOOD: And then on December the 15th, Mr.
12 Freeman, we will take this up at our December the 15th meeting.

13 MR. FREEMAN: Okay. You mentioned a December 5th date,
14 is that when we get to respond to OAG's submission.

15 CHAIRPERSON HOOD: Yeah, you all get the last response
16 of anything. But I also said I wanted the ANC to have their
17 response by December the 5th as well.

18 VICE CHAIR MILLER: I do want to see that response to
19 the OAG (indiscernible - simultaneous talking).

20 CHAIRPERSON HOOD: Yeah. December the 5th, all the
21 responses. Yeah, and the Applicant as well, because the Applicant
22 has the last word.

23 Does that time schedule meet with everyone?

24 MR. FREEMAN: Yes, Mr. Chairman, thank you.

25 CHAIRPERSON HOOD: Okay. All right. So we will deal

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1 with that then.

2 Does anybody have anything else? It's funny how we
3 finish right on time for some people and then some people's claim
4 we don't finish on time. Interesting. I'll remember that. Okay.
5 So we're --

6 VICE CHAIR MILLER: So try and get your G-men over the
7 --

8 MS. KRAMER: (Indiscernible).

9 **CHAIRPERSON HOOD: (Indiscernible) Super Bowl. Okay.
10 So the Zoning Commission will meet again on November the 17th,
11 2022, and that's 1100 South Capital, LLC, Zoning Commission case
12 22-28. And that we're on these same platforms. I want to thank
13 everyone who's done all the work to get us to where we are here
14 today and let's continue to keep working forward even though we
15 won't be taking action until those dates, I still would suggest
16 that Ms. Fast and Mr. Freeman, you all still have those
17 conversations as much as you can. I know it's a big ask, but
18 -- and they're volunteers. So do what you can to see if we can
19 get even closer together, we would appreciate it.

20 So is there anything else? If not, I want to thank
21 everyone for their participation tonight, and this hearing is
22 adjourned, good night, everyone.

23 (Whereupon, the above-entitled matter went off the
24 record at 8:10 p.m.)

25

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: 11-14-2022

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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