

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

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MONDAY

JUNE 5, 2023

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, ESQUIRE

The transcript constitutes the minutes from the Public Hearing held on June 5, 2023.

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

Case No. 22-32

1232 Shift Cubed Partners, LLC 3

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon ladies and gentlemen. Today's date is June the 5th, 2023. We are convening and broadcasting this public meeting by videoconferencing. My name is Anthony Hood and I am joined by Vice Chair Miller and Commissioner May. We are also joined by the Office of Zoning's Staff Ms. Sharon Schellin and Mr. Paul Young who will be handling all of our virtual operations as well as our Office of Zoning Legal Division, Mr. Dennis Liu.

I will ask all others to introduce themselves at the appropriate time. The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter and the platforms used are Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign-up, all participants will complete the Oath of Affirmation required by Subtitle Z 408.7. Accordingly, all those listening by Webex or by phone will be muted during the hearing and only those who have signed up to participate or testify will be unmuted at the appropriate time. When called, please state your name before providing your testimony. When you are finished speaking, please mute your audio. If you experience difficulty accessing Webex

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

6 The hearing will be conducted in accordance with
7 provisions of 11 Z DCMR Chapter 4 as follows; preliminary matters,
8 the Applicant's case, the Applicant has up to 60 minutes. I
9 believe we can do it in 30; report of other government agencies;
10 report of the Department of Transportation and Office of
11 Planning; report of the ANC, in this case the ANC is 6C, and then
12 we'll have testimony or organizations five minutes, and
13 individuals three minutes, and we will hear in the following
14 order from those who are in support, opposition or undeclared.
15 Then we'll have rebuttal and closing by the Applicant.

16 The subject of this evening's hearing is Zoning
17 Commission Case No. 22-32, 1232 Shift Cubed Partners, LLC
18 consolidated PUD, consolidated planning and development, excuse
19 me, and zoning map amendment at Square 772, Lot 17. Again, the
20 address is 1232 4th Street, NE and today's date is June 5th,
21 2023.

22 Again, the Office of Zoning's hotline number is 202-
23 727-0789 for any concerns during this proceeding. At this time,
24 the Commission will consider any preliminary matters.

25 Does the Staff have any preliminary matters?

1 MS. SCHELLIN: Just briefly, there are two proffered
2 expert witness, Sean Pichon, an architect who's previously been
3 approved. His resume is at Exhibit 17D and William Zeid at
4 Exhibit 14B, and he has previously been accepted as a
5 transportation consultant and so we just ask the Commission to
6 accept them in this case also as experts.

7 CHAIRPERSON HOOD: Thank you, Ms. Schellin.
8 Colleagues, you've heard the report from Ms. Schellin. Any
9 objections? Not hearing or seeing any, Ms. Schellin, we will
10 continue their status. Anything else?

11 MS. SCHELLIN: Just very quickly. The Applicant is
12 being represented by Meridith Moldenhauer. The Office of
13 Planning is represented by Crystal Myers, DDOT by Noah Hagen and
14 the Office of the Attorney General by Noelle Wurst and the
15 Applicant will take no more than 30 minutes for their presentation
16 today. Those are the only preliminary matters that I see and I
17 believe this is ready for the Commission to move forward with the
18 Applicant's presentation.

19 CHAIRPERSON HOOD: Thank you very much, Ms. Schellin.
20 Good afternoon, Ms. Moldenhauer, and team. If everybody could
21 come on up and, Ms. Moldenhauer, with that I'll turn it over to
22 you and you may begin.

23 MS. MOLDENHAUER: Wonderful. Thank you. And if Mr.
24 Young could pull up Exhibit 24 which is our PowerPoint
25 presentation. I'll just ask all of our team members to turn your

1 cameras on and I'll get started as the PowerPoint is coming up.

2 Good afternoon, Commissioners. My name is Meridith
3 Moldenhauer, Land Use counsel from Cozen O'Connor on behalf of
4 the Applicant. We are pleased to present this application for
5 a planned unit development and related map amendment for 1232 4th
6 Street, NE, with the support of the ANC 6C, the Office of
7 Planning, the Office of the Attorney General and the Department
8 of Transportation.

9 As you will hear today, the Applicant and the
10 architectural team have worked hard to develop a new all
11 affordable residential building featuring 96 all affordable
12 dwelling units and ground level PDR training space located in the
13 City's NoMa and Union Market neighborhood.

14 As part of this application we are seeking to rezone
15 the property from the PDR-1 zone to the MU-9 zone. This site is
16 designated on the future land use map as high density residential
17 and high density commercial and PDR use. For these reasons and
18 that are outlined in the record, we believe the application can
19 be found to be not inconsistent with the comprehensive plan. The
20 project's proposed benefits and amenities are commensurate with
21 the zoning requests including flexibility from the rear yard,
22 side yard, vehicle parking, loading, and minimum area standards.

23 We have gone through community outreach and the
24 Applicant has worked to ensure that the project will not result
25 in unacceptable impacts that would otherwise be capable of being

1 mitigated.

2 Next slide, please. In support of the application,
3 we'll have testimony from Emmanuel Egoegonwa and the Applicant
4 team, Sean Pichon from Michael Graves Architects and Will Zeid
5 from Gorove Slade. As indicated by Ms. Sharon Schellin we are
6 asking that Mr. Pichon and Mr. Zeid are both identified as experts
7 and I'll now turn it over to the Applicant.

8 I believe that Manny needs access. I don't see him,
9 sorry, here on our team. If someone can admit him? Okay.
10 Wonderful. Manny, if you can turn your screen on and unmute
11 yourself.

12 MR. EGOEGONWA: Hello. Thanks for having me on. I
13 finally made it on. Okay. So, Emmanuel Egoegonwa and Meridith
14 has introduced the team here. We've got Sean Pichon, architect,
15 Will Zeid and of course Meridith, myself.

16 I'm here on behalf of 1232 Shift Cubed Partners. We
17 are a joint venture of two entities, Cubed Partners and Shift
18 Capital. Cubed Partners is a minority-led firm based in
19 Washington, D.C. I'm one of the partners and our goal here is
20 to create inclusive and equitable communities in the communities
21 that we invest in and Shift Capital sort takes a similar approach
22 with how they think about investments in communities as well, so
23 in job creation through affordable housing. So we are excited
24 to be presenting this to you all today.

25 Next slide, please. Thank you. And as Meridith

1 mentioned, here today in front of you is a ten story 96 unit
2 development consisting of 30 studios, 55 one bedroom and 11 two
3 bedroom units with a habitable penthouse. These are 100 percent
4 affordable, I think Meridith mentioned this, and we have
5 committed to making these affordable to income levels at 60
6 percent AMI and about 20 percent of them would be at 30 percent
7 AMI.

8 We also have set aside a 15 percent IZ portion for this
9 building beyond our public housing fund expiration 40 years out
10 so this would be like 50 percent of nine units that are set aside
11 for IZ here and 8 percent penthouse space. On the ground floor,
12 and you will hear from Andrea later in her testimony, we have
13 partnered with the United Planning Organization UPO to, you
14 know, for our maker space program which you'll hear more about
15 as we go down.

16 Next slide, please. So we've been very diligent with
17 our community outreach and we've been doing, you know, between
18 meeting with the ANCs and our neighbors around, you know,
19 colleagues within the same block as us. We've ensured everyone's
20 aware and we continue to do that even as beyond this hearing
21 today. But we've met with the ANC. We've gotten their approval.
22 We've, you know, touched base with Planned Parenthood across the
23 street. We've been having some preliminary conversations. We've
24 been in touch with the school and obviously followed that racial
25 equity process in conjunction with Meridith and co. We've been

1 working through getting that aligned with what the Commission has
2 outlined from a racial equity standpoint and continue to work
3 with the ANC to make sure that we are good neighbors and
4 delivering a development that, once again, is inclusive and
5 really taking into account the community that we find ourselves.
6 So we continue to prioritize our community outreach on this scale
7 (phonetic).

8 Next slide. And more importantly, the project
9 benefits; right? We've mentioned here between Meridith and I an
10 inclusive development. Housing, obviously one of the public
11 benefits here. We've mentioned 100 percent affordable units.
12 We've mentioned there's studios, one bedroom and two bedrooms
13 This is an all affordable deal, 100 percent, 60 percent AMI and
14 below and we will be maintaining the 50 percent set aside beyond
15 the 40 year restriction that we have through the Public Housing
16 Fund, and then we like to believe that we've created a development
17 that introduces some what we consider superior urban design and
18 sustainable design from inclusion of solar panels, introducing
19 some innovative ideas like sunlight reflectors to really light
20 up our courtyards, and then also from an entrepreneurial and job
21 creation perspective we've made and partnered with United
22 Planning Organization. Like I said, you'll hear more about with
23 the maker space and the job training programs that we're thinking
24 for this space. We've actually done -- we've worked with creating
25 a space within the building that we think would be worthwhile for

1 this venture, and then obviously this increases the affordability
2 in an area and community that is rich in transit and also, you
3 know, we're not going to (indiscernible) affordability right now,
4 so we can truly think of this as a public benefit. And then our
5 streetscape outside the building in the front. We've really
6 taken into consideration thoughts and ideas from our ANC, SMD and
7 making sure that we incorporate all those public comments and how
8 we treat the ground floor and the public space.

9 So with that, you know, we've been really responsive
10 and also I'd like to talk about our LEED commitment and the
11 sustainability aspect where this is actually -- this is an
12 Enterprise Green Communities Plus development which is akin to
13 the LEED goals set standards, so we are really looking at this
14 from several angles here from what is affordable but also long
15 term sustainability.

16 So next slide. I think that, Meridith, I'll turn that
17 to Andrea at UPO.

18 MS. THOMAS: Thank you. Thank you for this opportunity,
19 Commissioners. As noted, my name is Andrea Thomas and I serve
20 as president and CEO of the United Planning Organization and I'm
21 pleased to be here today and I'm excited to partner with 1232
22 Shift Cubed Partners, LLC.

23 This project presents a unique and amazing opportunity
24 to blend a mission of UPO with the goals and objectives envisioned
25 for this project. First, I'd like to share some background

1 information about the history of UPO and then I'll share why this
2 project is a great opportunity for UPO to help the Applicant
3 fulfill a need in the community.

4 UPO was founded as a 501(c)(3) non-profit organization
5 in 1962 and became the designated community action agency for the
6 District in 1964. As one of our nation's more than one
7 communication action agencies, UPO was dedicated to helping
8 Washington, D.C., residents with low incomes along their journeys
9 to becoming self-sufficient. For nearly 60, actually over 60
10 years, UPO has been at the forefront of the war on poverty and
11 as an advocate for economic security and growth for all
12 Washington, D.C., residents, UPO has laid the groundwork for
13 innovative social services programs and human services programs
14 such as workforce development training.

15 Pivotal to the securing self-sufficiency is earning a
16 living wage and a critical part of our customers achieving
17 financial stability is job training and placement through our
18 Workforce Institute and the Institute is composed of those two
19 parts, training and placement. UPO's portfolio of nationally
20 certified training, certified also by the Office of the State
21 Superintendent of Education are in high demand fields. So our
22 certifications for EMT, electrical, plumbing, cabling, CDL
23 drivers, IT help desk, again are all in high demand fields which
24 assures that our residents are equipped to pursue long term career
25 pathways.

1 You know, customers are also aided in securing
2 employment through our workforce placement. Resume writing,
3 interviewing skills, professional clothing, soft skills and
4 direct support from job developers guide our customers to a
5 sustainable career path and in addition to UPO training, the
6 agency also provides grant funding to other service providers for
7 career training and placement.

8 So we're excited to partner and occupy the ground floor
9 PDR space 1232 4th Street, NE and we envision using the ground
10 floor space as an information center for residents to learn about
11 UPO programs, enrolling classes, connect with peers and enroll
12 in training taught in our other facilities. Many of our job
13 training programs are geared towards positions and skills needed
14 in manufacturing, warehouse, distribution centers,
15 transportation services, food services, tourism, commercial,
16 utilities, activities spaces and career paths. The size of the
17 PDR will accommodate our needs for this purpose in bringing people
18 in and having them know about what we're doing and connecting
19 them to our various programs.

20 But what sets this project apart from our other
21 facilities is its location. The NoMa Union Market neighborhood
22 is a satellite program or satellite location where UPO can expand
23 its accessibility to help fulfill the needs for programming
24 services for residents. We anticipate primarily serving clients
25 with low incomes who meet the Federal poverty guidelines. That's

1 where our resources support, and in the past two years UPO and
2 our grantee network has collectively placed over 1,000 people in
3 jobs and with this location we want to bring our services to the
4 residents of this project, the public and the NoMa Union Market
5 neighborhood.

6 At UPO our vision is a city of thriving communities and
7 self-sufficient residents and our mission is uniting people with
8 opportunities. This project will provide a space in which we can
9 reach D.C., residents in the NoMa Union Market neighborhood and
10 connect them with life changing opportunities. Therefore, we
11 urge you to support this project.

12 Thank you for your time.

13 MS. MOLDENHAUER: Thank you so much. We can go to the
14 next slide and then Sean Pichon will present the project.

15 MR. PICHON: Thank you, Meridith. Go to the next slide.

16 Good afternoon, Commissioners. My name is Sean Pichon.
17 I'm a principal here with PGN Architects, now a Michael Graves
18 company. Just waiting for the slide change. Yes, there we go.

19 This project is, I'm going to try and make this -- just
20 hit highlights through this and I want to come back to questions
21 if there are afterwards. The project is located at 1232 4th
22 Street in a amenity-rich neighborhood that has benefited from
23 recent investments between the Union Market area and NoMa.

24 Next slide. The once largely PDR use area has been re-
25 imagined as a mixed use destination incorporating multi-family

1 residential and retail uses into the PDR zone.

2 Next slide. Our site is located mid-block along 4th
3 Street where an existing two story PDR use exists currently
4 sandwiched between the Two Rivers School and the new development
5 at 300 M Street. The PDR zone is right at the edge of a transition
6 to an RF-1 zone which consists of single family housing and we're
7 in the middle of a transition point from the large scale
8 developments along Union Market and NoMa that transitions down
9 into the residential zone along M Street and 4th Street.

10 Next slide, please. As I mentioned, our site is mid-
11 block. We are directly adjacent to 300 M Street development and
12 Two Rivers Public Charter School to the north, and 300 M Street
13 to the south and directly across the street from the Planned
14 Parenthood headquarters across the street. The site is serviced
15 by a 30 foot wide alleyway that is accessed both from 4th Street
16 and 3rd Street. This will be important as our entry point for
17 our services to the building that we will focus on later and one
18 other key aspect is we are adjacent to a very large courtyard
19 that surrounds and gives access to air and light to the
20 neighboring 300 M Street development. So we've taken that into
21 consideration as our development moves forward.

22 Next slide. Our ground floor is organized around a
23 central spine with the main entry off of 4th Street. Our main
24 entry lobby with offices to one side and mail boxes and other
25 mail services to the other side. There's also a PDR use which

1 you've heard mentioned from both Manny and UPO that has direct
2 access from 4th Street from the sidewalk (indiscernible) into the
3 PDR use as well as a secondary entry from the internal lobby
4 area.

5 There are three units on the ground floor surrounding
6 adjacent courtyards and the remainder of the floor is primarily
7 utility uses and bike parking. The bike parking has direct access
8 off of the alley as well as the trash and loading services will
9 be directly off of the alley with direct access to our vertical
10 transportation core. We also have worked with Pepco to locate
11 our preliminary vault locations in the alley and directly
12 adjacent to our internal electric room. So all of our utilities
13 are planned and located on the ground floor.

14 Next slide. Our typical floor consists of studios, one
15 bedroom and two bedroom units for a total of ten units across
16 the floor plate and that floor plate stacks up to the tenth floor.

17 Next slide. Again, this is our typical floor plate
18 which continues up the building.

19 Next slide. The last typical floors, the top level
20 before we get to the penthouse.

21 Next slide. Our penthouse level features one amenity
22 space with large public deck for residents' use as well as three
23 individual units on this level, all of which have individual
24 private outdoor space.

25 Next slide. The penthouse roof will house all the

1 mechanical units needed for the functioning of the building as
2 well as a solar array of solar panels and green roof on the top
3 of the penthouse.

4 Next slide. These are just examples of some of the
5 green roof that will occupy the rooftop areas as well as the deck
6 outside the private deck areas to the public deck areas.

7 Next slide. Similar, all of our penthouses are meeting
8 the penthouse regulations from setback requirements, set back
9 from the edges of the neighboring roof line and meeting all of
10 the necessary penthouse regulations.

11 Next slide. This is another sample deck showing all
12 the setback that's required in how the penthouse is meeting all
13 the regulations of the penthouse setbacks.

14 Next slide. I mentioned the bike room. This is a
15 blow-up detail that we're featuring, 67 bike parking spaces
16 within our bike room with some large cargo bike spaces, a fix-it
17 station, and several electric charging stations.

18 Next slide. They also are making use of the DDOT
19 approved multi-level bike rack system that allows for ease of
20 storage of bikes on two different levels.

21 Next slide. Our public realm consists of maintaining
22 or continuing the public street frontage which has a protected
23 bike lane and then car travel lanes one way along 4th Street, a
24 planning area with a sidewalk and then a parking lane is what
25 it's called, a green space and some paved areas, seating areas

1 adjacent to the building frontage.

2 Next slide. The signage, there'll be signage
3 identifying the main entry as well as the main entry to the PDR
4 use is a separate entry point for the front of the building.

5 Next slide. The PDR use, as I mentioned before, has
6 direct access off of 4th Street. We also are incorporating a
7 roll-up garage door-like store front which will allow for this
8 PDR use to take advantage of some of the public ground space and
9 some of their programming, as needed.

10 Next slide. So our main façade is focused in on a
11 transition. We are, as I mentioned before, we're in a mid-block
12 between some of the larger developments closer to M Street and
13 Florida Avenue and the lower scale developments, the R1-1 zone
14 is across M Street. The 300 M Street project PUD did a fantastic
15 job of transitioning that scale from the rowhouse two to three
16 story high scale up to a larger scale and we're continuing that
17 transition, as you can see, next to 300 M as we're stepping up
18 another two levels before we get over to the M Street where there
19 are some buildings that are going up to 12 stories on the Florida
20 Avenue corridor.

21 We are mixing in a blend of materials which I'll get
22 into a little bit after this. We have material details, but
23 we're taking cues from the existing conditions and blending in a
24 little bit of accent colors to help differentiate our building
25 from the others.

1 Next slide. The rear of the building will continue
2 those same material pallet around the rear so we're continuing a
3 similar high quality materials on both front and rear facades.

4 Next slide. This is the north façade facing the over
5 the top of the Two Rivers. We are understanding and respectful
6 of the large blank wall, a party wall, so we've added some
7 material there, texture that will give it life and some interest
8 for the view of the public and there's also some considerations
9 from the ANC's communication of some potential mural along these
10 facades on the north side.

11 If we can go to the next slide. This is our southern
12 façade and I mentioned this earlier. The main 300 M building,
13 you can see the outline of the front, the part that fronts 4th
14 Street and it drops down into an open courtyard. Our building
15 where we're facing the courtyard, we focused a maximum amount of
16 light, windows and to break up the massive blank wall we wanted
17 to have some communication with their courtyard that provided
18 something for them to look at that was not as drab as just a
19 blank wall. So we focused most of our fenestrations at this
20 location.

21 Next slide. One of the key features here is we're
22 looking to increase the amount of light that we're bringing down
23 into our courtyards by using the solar reflector technology that
24 takes the sunlight and reflects it through a couple of reflector
25 panels and brings that light down deeper into the courtyard

1 providing natural light further down than it would normally get
2 into a courtyard this scale.

3 Next slide. This slide is also focused on, we looked
4 at the arrangement of windows and windows that -- our focus was
5 not to have windows that look directly into other units so we
6 were very considerate about offsetting our window patterns across
7 our courtyard.

8 Next slide. As I mentioned, the material details, we
9 were focused on a chocolate brick base with a mixture of nichiha
10 and metal panels above the base with an accent of a vertical
11 stacked red brick as our main material compilation.

12 Next slide. As I mentioned, those same materials will
13 be carried around to the rear façade with the exception of the
14 base being a more rugged material, masonry material that can
15 handle the loading and trash pickup that's happening at that
16 base.

17 Next slide. And just to highlight, we are continuing
18 some of those same materials around to the party wall conditions
19 with the intricate pattern created there and then we wanted to
20 create a more reflective material so we used the lighter color
21 brick within the courtyards to help with the reflection of light
22 down into the courtyards.

23 Next slide. The same thing has been carried around to
24 the north courtyard as well.

25 Next slide. And these are just -- you can run through

1 these -- these are just images showing three dimensional views.

2 Next slide. The rear.

3 Next slide. And these are some of our more photo
4 realistic renderings showing the building in its context with its
5 neighbors and what it would look like at the end of construction.

6 Next slide. And with that, I will turn it over to
7 William.

8 MR. ZEID: Hello. Will Zeid with Gorove Slade, with
9 the traffic engineer for the project. If we can go to the next
10 slide.

11 I'll also try to keep it brief on traffic and happy to
12 answer any specific questions. So we prepared the Comprehensive
13 Transportation Review Statement for this project submitted to
14 DDOT. The key components of that study cover the Applicant's
15 request for parking relief as well as loading relief. Sixteen
16 spaces are required by zoning. We're not proposing any on-site
17 parking. The site is about a quarter mile from the metro station
18 and NoMa Gallaudet and loading is proposed to be provided within
19 the alley adjacent to the building. On the plans there's a set
20 of a east-west alley connection that goes between 3rd and 4th
21 Street, then there's a branch of the alley that goes behind the
22 building and we will be using that branch. So not in the direct
23 through-path of the alley, but off to the side.

24 Both of those requests are supported by DDOT which is
25 reflected in their report. They recommended support for the

1 project with two conditions, those conditions to implement the
2 proposed TDM plan and Loading Management Plan, both of which the
3 Applicant agrees to.

4 Another key feature that was previously discussed and
5 Sean touched on it, there's already a cycle track that runs along
6 the west side of 4th Street in front of the project. Today this
7 site has three curb cuts serving the site so that cycle track
8 sort of breaks up, if you will, on the buffer as you pass along
9 the site. So with this project we'll be removing all curb cuts
10 and completing that buffer along the site providing a better
11 bicycle facility on 4th Street.

12 IF we can go to the next slide. Here is an overview
13 of the loading that I was just describing. You can see the
14 through alley that runs between 3rd and 4th and off of that is
15 the branch that comes down next to the site. So we'd be proposing
16 to use that space in lieu of an internal loading facility. With
17 96 units we don't anticipate it and no, you know, heavy retail
18 use on the first load. We don't expect a lot of loading, up to
19 maybe three vehicles per day including delivery vans. So the
20 space behind the building should adequately provide that. We are
21 committing to a Loading Management Plan that's been reviewed by
22 DDOT.

23 If we can go to the next slide. Just to go over, you
24 can see here the cycle track along 4th Street. So for pick-
25 up/drop-off for this project along the east side of 4th Street

1 is no parking and we would be able to use that curbside space
2 for loading and unloading of vehicles. There's space for a
3 vehicle to be pulled over and for a vehicle to drive past them
4 along the road.

5 The bike room you can see on this graphic as well in
6 the purple on sort of the west side of the building. There will
7 be access to the bike room directly from the alley. Doors from
8 the front of the building connect back to that bike room as well.

9 We can go to the next slide. TDM Plan, one of the key
10 features. We have all of the baseline components for the TDM
11 Plan. The Applicant is proposing to provide about double the
12 zoning minimum long term bike parking within that bike room. As
13 Sean discussed, we're using the rack system. Along with that
14 there'll be commitments to do electric bike charging outlets as
15 well as cargo canon spaces for larger bikes.

16 And with that I will pass it back.

17 MS. MOLDENHAUER: Thank you. Next slide, please.

18 The Applicant is seeking flexibility from the standards
19 for rear yard, side yard, vehicular parking, loading and the
20 minimum land area as well as a map amendment from the PDR-1 to
21 the MU-9. We're happy to answer any questions about this.

22 Next slide. Next slide. The standard comprehensive
23 plan review as the Zoning Commission is familiar. The first part
24 of the review requires that we find that the PUD is not
25 inconsistent with the comprehensive plan. We have provided a

1 complete analysis of the PUD as it relates to the comprehensive
2 plan in the record at Exhibit 3 as well as our supplemental
3 statement at Exhibits 5 and 17.

4 Next slide. The property is designated in the general
5 policy map as the Central Washington area which encompasses the
6 general essential employment area and policies which are
7 consistent with the project as described herein today.

8 Nest slide. The future land use map is a policy of the
9 comprehensive plan. The project is consistent with the high
10 density residential and high density commercial.

11 I'll jump to a discussion quickly on the PDR
12 designation in the FLUM which is used to define the area
13 characterized by manufacturing, warehousing, wholesale,
14 distribution centers which may require a substantial buffering
15 from housing or other aspects that may need sensitivity for those
16 uses. The FLUM does recommend that an area striped with a PDR
17 development must include PDR space and on-sites containing PDR
18 space. The amount of PDR space on-site should be substantially
19 preserved.

20 While the project proposes to keep a PDR training space
21 on-site, as you heard discussed by UPO, the site is smaller than
22 the current glass company use, but the comprehensive plan's
23 strong recommendations for more affordable housing allow the
24 project to unbalance comply with the FLUM recommendations.

25 Next slide. Here we are showing that the project is

1 consistent with the high density residential, high density
2 commercial and PDR designations as discussed and incorporating
3 the ground level PDR job training space.

4 Next slide. Here we outlined the Zoning Commission's
5 racial equity tool to evaluate this PUD through a racial equity
6 lens to ensure that it is not inconsistent with the comprehensive
7 plan and we have provided a more in-depth analysis of this in
8 the record at Exhibit 5 and Exhibit 17.

9 Next slide. The racial equity tool requires a
10 discussion of how the project advances the policies of the
11 comprehensive plan through a racial equity lens. This table
12 shows the benefits of the PUD as it relates to the various
13 indicators and then it lists the comprehensive plan policies that
14 they advance. The project will not cause physical displacement
15 of residents as there are no residents currently living on the
16 property and as indicated, all units are affordable at or below
17 60 percent AMI with 20 percent of the units at or below 30 percent
18 AMI and 15 percent set aside when the building becomes market
19 rate after the 40 year housing period expires.

20 That 15 percent unit, the 15 units based on the 15
21 percent set-aside, is above a matter-of-right IZ requirement of
22 nine units based on a set-aside for 50 percent utilization of a
23 bonus density and eight percent for the habitable space.

24 Next slide. The PUD is consistent with the housing
25 equity report as outlined by the data seen here.

1 Next slide. In evaluating the equitable elements of
2 the development, the project will feature an activated ground
3 floor PDR space and penthouse amenities. Improvement to the
4 infrastructure include a more pedestrian oriented environment,
5 closing of three existing curb cuts. There will be open
6 circulation to the PDR space through a large overhead garage door
7 as well as designated space for public art at the entry on 4th
8 Street. The project will also host sustainability features
9 integrated into the project such as solar panels, easy bike
10 charging and parking and more as shown in our filings at Exhibit
11 17C which outlines that the project is Enterprise Green Community
12 certified.

13 Next slide. The racial equity plan includes a large
14 component related community outreach. We've identified the
15 community outreach that we've done for the project and included
16 here are elements of both discussions as well as consistencies
17 with the comprehensive plan.

18 Net slide. The area has experienced negative
19 conditions leading to concerns about displacement of Black and
20 African American residents as the population in the area has
21 steadily declined from 92 percent in 2000 to approximately 31
22 percent today. Regarding the community support and outreach
23 efforts, the Applicant had met with the Planned Parenthood as a
24 neighbor across the street as well as the ANC 6C Planning, Zoning
25 and Economic Development Committees on multiple occasions and the

1 full ANC. We have two letters of support in the record and last,
2 some of the community benefits and amenities provided to the
3 project include, as already indicated, the affordable housing,
4 job training, superior design, improved streetscapes and
5 amenities.

6 Next slide. As part of the comprehensive plan review,
7 we must address some inconsistencies of the PUD as they may be
8 evaluated through the comprehensive plan. We've already
9 addressed the inconsistency with the PDR stripe as a balance by
10 the high priority of affordable housing. Some of the
11 inconsistencies that we identified are also policies encouraging
12 the development of solutions to manage downtown parking demands.
13 This PUD will not provide any parking, however as previously
14 mentioned, it will provide 67 bicycle parking spaces where only
15 38 are required. This project will also be located in a transit-
16 rich neighborhood with various public transit options.

17 Another inconsistency is a policy which encourages
18 various office spaces and types to avoid displacement of local
19 businesses. Currently there is a commercial tenant at the
20 property, however this tenant was the owner/occupier who chose
21 to sell the property and thus is not being displaced by this PUD.
22 Furthermore, the great need for affordable housing outweighs
23 these inconsistencies.

24 Next slide. In summation, the project complies with
25 the racial equity requirement when viewed through the racial

1 equity lens. It is not inconsistent with the comprehensive plan.
2 The Applicant is engaged in meaningful discussion with the
3 community and this project is widely supported as it will feature
4 96 affordable units, job training on the ground floor and improved
5 streetscapes, sustainable design and high quality amenities.

6 Next slide. We thank you for presenting and that
7 completes our presentation for today but are available for
8 questions from the Commissioners. Thank you very much.

9 CHAIRPERSON HOOD: Thank you very much. I think it was
10 a very well done presentation despite some of the questions I'm
11 going to ask. I'm going to start first and then I'll go to
12 Commissioner May.

13 And Ms. Moldenhauer, I'm glad to hear you talk about
14 the parking and this is something that I was reading in the
15 record. I know there's a lot of emphasis put on bicycles and I
16 have to be very careful when I start talking about bikes because
17 I'm not against bikes at all, but I want to make sure we do
18 balance the mobile split in what different choices that people
19 make and have.

20 I notice a lot of emphasis, and I want to make sure,
21 Mr. Zeid -- I always get his name incorrect so I'm sure you'll
22 correct me again. I'm not sure if the assumption is everyone in
23 here, and this is something I missed, would be riding bikes
24 because I know there's a lot of emphasis on bicycles and I think
25 that's to offset the no parking issue, I get that. But is that

1 the assumption? Some people may walk. Some people may use Uber.
2 Some people may go to the metro. So why is there a lot of
3 interest on bicycles here to offset the lack of parking?

4 MR. EGOEGONWA: Go ahead, William.

5 MR. ZEID: Yes. I'll respond to that. Or go ahead -
6 -

7 MR. EGOEGONWA: No. Go ahead, William.

8 MR. ZEID: Yes. Will Zeid, Gorove Slade. No, not
9 necessarily. Not necessarily saying that everybody's going to
10 bike. We're less than a quarter mile from the NoMa Gallaudet
11 station so, I mean, I think metro always plays out as the
12 predominant travel mode when we're not talking about vehicular
13 parking in D.C.

14 We have the space and the bike room to do the rack
15 system, so the bike room was big enough to do all of the spaces
16 essentially just on the floor with nothing elevated and, you
17 know, DDOT loves to see additional bike parking and we agree
18 that, you know, people being able to have a bike on site and not
19 necessarily relying on finding a Capital bike share, those types
20 of things, will help promote those other trips, you know, when
21 where off-peak hours metro's not running as frequent, somebody
22 may take their bike, if they have one available it would be easier
23 and it also becomes easier if, you know, they had easy access to
24 the bike room.

25 So not in the level below ground, right, got to take

1 an elevator or stairs with the bike. This bike room is on the
2 main level with direct access to the alley. We have a cycle
3 track that runs right in front of the development. So it's, you
4 know, for developments where you can increase bike share, this
5 is a good candidate with nearby bike facilities.

6 CHAIRPERSON HOOD: Okay. And the, I guess all the
7 agreements about, I think the ANC mentioned about being able to
8 take it up or somebody mentioned about being able to take your
9 bike up to your unit, all that's been agreed to I believe;
10 correct?

11 MR. ZEID: That's correct.

12 CHAIRPERSON HOOD: Okay. All right. Let's start with
13 (indiscernible). I think you all have really, you know, I've
14 alluded to my bike ride on the Commission, but I think you all
15 have really have addressed any bicycle issues as far as,
16 especially with the concentration on trying to offset that from
17 a bicycle standpoint.

18 Mr. Pichon, I was really just following right along and
19 if you did that, I was following the PowerPoint, and the page
20 that I was most interested in I think you stopped at 8.46 and I
21 was waiting for you to go to 8.50A or you may have done it
22 earlier, if you did I may have missed it, but I was really
23 interested in hearing a little more about the reflections like
24 the color finish there on the wall areas. Let's talk about that
25 a little more.

1 MS. MOLDENHAUER: Mr. Pichon, I hope you have the
2 appendix as well which has some of the contextual images, if you
3 wanted to go to that.

4 MR. PICHON: Yes. We can add on some additional -- if
5 we can go back to the appendix.

6 I'll just start with, Commissioner Hood, this is not a
7 new technology but it's a unique use of the technology. There
8 are such things as light tubes and things of that nature that
9 have been used in buildings to capture light from a rooftop area
10 and bring it, reflect it down throughout a tube and then
11 distribute it at a lower level.

12 This is using a similar kind of concept understanding
13 that we have some uniquely tight courtyards, so we wanted to
14 provide some additional means of natural light down into the
15 depths of those courtyards. So we found the solar reflector-
16 type of technology which basically it's a series of mirror-like
17 highly reflective material panels that capture the light and then
18 refract it down into a -- directed into a direction down lower
19 and then you can capture that with another panel and then reflect
20 it down even lower, and those panels actually help to disperse
21 the light and take it and spread it out in an even tone across a
22 façade of a building or a courtyard space for that matter.

23 If you can go to the next slide. I think there's some
24 other additional images. I mean, these are pretty extreme in
25 terms of visual impacts. We would not be having anything of this

1 size or scale on our building, but what we're proposing are actual
2 reflectors that would be mounted to first the parapets of the
3 building at the highest level, and then another row of them
4 mounted around a mid-level around the fifth floor that will
5 capture the light that's being reflected from the parapet
6 reflectors down lower.

7 Next slide, please. I'm trying to get to one that's
8 actually a little bit more representative of what we're -- so
9 this one is more representative of the light tube that I was
10 explaining earlier where it captures sunlight from up above and
11 through a series of reflections it radiates that light down lower
12 into the space. So we're taking that same technology and doing
13 it on a much smaller scale, but to increase the amount of natural
14 light that gets into those courtyards. Mix that with the lighter
15 color material, which also helps with the reflection of light,
16 you're able to illuminate the lower portions of the courtyard
17 much more than just with natural reflection.

18 CHAIRPERSON HOOD: So I appreciate that explanation,
19 but I really like the one that you have at 8.50A --

20 MR. PICHON: Okay.

21 CHAIRPERSON HOOD: -- which is the last. Let's go to
22 that one because I have questions about that.

23 MR. PICHON: So that's further up in the presentation?

24 CHAIRPERSON HOOD: I think it was, in our files it was
25 your last PowerPoint and your last exhibit of your architectural

1 drawings.

2 MR. PICHON: Yes. If he can go up for --

3 MS. HOLDENHAUER: 30. Sheet 30 or 31.

4 CHAIRPERSON HOOD: It was 8.50A.

5 MR. PICHON: There you go.

6 CHAIRPERSON HOOD: It was -- yes, that's it. That's
7 it. Exactly. So, you know, I look at that and I get the concept.
8 I think actually that is very unique. That's why I'm asking this
9 question. It looks like, you see how the light, the shadow, does
10 that go into a window or is that supposed to be overall the
11 lighting? I mean, if I look at the picture, it depicts -- it's
12 like a shadow, a light on a window. Is that a correct assessment
13 or am I incorrect?

14 MR. PICHON: So if you look at the picture to your
15 right of the screen, right top, that's a fair image of what would
16 happen, that the light gets captured by a reflector and then it
17 gets reflected down and then it spreads it out over the facade
18 of the building. So with the materials, the lighter color
19 materials, you're able to capture that light and extend it further
20 down in the courtyard and then what we're proposing is to add
21 another -- another row of reflectors down lower that would then
22 capture that reflected light and then reflect it even further.

23 So we're trying to extend it as far down as possible
24 into the courtyard with two levels of reflected light, and the
25 way this works is it's a diffused light at that point. So you're

1 getting not necessarily the light that just comes at you and
2 blinds you, but it diffuses the light into a softer, diffused
3 light that's spread over the space as opposed to reflected beam
4 of light.

5 CHAIRPERSON HOOD: Okay. All right. I think you -- I
6 think with this project, especially with the 20 or the 30 percent
7 AMI in all, I think it's a very well done project. I think you
8 all have covered and I want to hear from other colleagues, but
9 when I look at projects, I look for some fallacies or maybe some
10 issues. I think especially with the light issue, the parking
11 issue, you are really -- I'm glad Mr. Zeid explained to me about
12 the just not focusing on bicycles. But I think you all have
13 covered it all from my standpoint and I'll wait to hear from
14 others.

15 So thank you all for answering my questions.
16 Commissioner May.

17 COMMISSIONER MAY: Thank you. I just have a couple of
18 questions. So the courts are very interesting and, excuse me, I
19 appreciate the efforts to bring some light down into the courts
20 and I'm -- I don't remember why now we treat courts like these
21 as side yards, but I guess we do. I'll ask the Office of Planning
22 about that, what that aspect of it or so.

23 But the court on the south side and the balconies that
24 are on that south court really rely on the fact that there's an
25 open courtyard on the property to the south; right? Now is

1 there some sort of arrangement with them that ensures that your
2 building in the future is somehow not going to be blocked by
3 future construction on that site? I guess this applies on the
4 north side, too, because that's more likely to be changed in the
5 future if there's a redevelopment of that school building. But,
6 I mean, it just, you know, you've got those big shallow balconies
7 in the side, which are a great amenity for those units, but what's
8 the -- what's your sense of how guaranteed those are?

9 MR. PICHON: Well, and --

10 MS. MOLDENHAUER: I'll just address the question of,
11 you know, we do not have an agreement with the abutting neighbor.
12 However, that project and that court was created by a PUD. So
13 any modifications to that project would need to go through the
14 Zoning Commission and obviously we believe that would be an
15 opportunity for engagement. In addition to that, that building
16 has been recently constructed so the lifespan of that project in
17 the lifespan of this project, we believe will parallel each other,
18 are on the same path.

19 And then I think Sean can address the fact that we have
20 provided different detailing on both the south side, which is
21 close to the court by the PUD and the north elevation, whereas
22 the north elevation is next to the public school and does not
23 include any at risk windows, whereas we have, we were encouraged
24 by the ANC to provide more windows on some of the units and took
25 advantage of that only on the south side, which is on the side

1 by the PUD.

2 But Sean, I'll let you maybe elaborate on that,
3 possibly.

4 MR. PICHON: Yes. I think you touched on the key points
5 there, Meridith, that we were focused on the court of the 300 M
6 Street project because of the recent construction and the PUD.
7 One, we wanted to be respectful of their courtyard. We wanted
8 to give them something, a little bit more interest to look at as
9 a backdrop to their courtyard. But, two, we saw that as an
10 opportunity to provide more delineation of our facade on that
11 façade.

12 As you go to the north we saw that as less of a known
13 commodity there. I mean, I think Two Rivers School is going to
14 be around for quite some time and it expanded to that lot. So
15 we don't anticipate them being taken over like the glass structure
16 that we're doing. So we're just anticipating that that side
17 would have some longevity, but we're not as confident as we are
18 in the south. So we've limited to our fenestrations and
19 delineation of the facade to the south facing the courtyard.

20 COMMISSIONER MAY: Okay. I think that answered some
21 of my question, but I'm still a little confused. So, well first
22 of all, do you know if Two Rivers actually owns that building or
23 if they lease it?

24 MR. ERGOEGONWA: Yes. I believe they actually -- we
25 believe they own it.

1 COMMISSIONER MAY: You believe they own it. Okay.

2 MR. ERGOEGONWA: We know this because the seller of our
3 building when we purchased had initially reached out to them
4 potentially acquiring their building.

5 COMMISSIONER MAY: Yes. I mean, it's not hard for me
6 to imagine that at some point in the future that they would want
7 to sell that building so that something else could be developed
8 here. So I hope you are confident that your design solution will
9 work even when there's a 12 or 13 story building next to you or
10 a ten story building next to you.

11 MR. PICHON: I think from our perspective, since it is
12 on the north side, we're not anticipating any light actually
13 coming from that side other than the reflected light that we're
14 capturing from the top parapet.

15 COMMISSIONER MAY: Right.

16 MR. PICHON: And so it's just a matter of air and
17 visibility from that standpoint. So, yes, we believe it will
18 function as it is a -- we've not put as much emphasis on that
19 courtyard as we've done on the south. We've allowed for larger
20 units on the south courtyard. The northern courtyard, we kept
21 those for smaller units with a limited amount of window space
22 into those units.

23 COMMISSIONER MAY: Okay.

24 MR. PICHON: So we did anticipate that.

25 COMMISSIONER MAY: Okay. All right. And you mentioned

1 something about glass structure. I'm sorry, what glass
2 structure?

3 MR. EGOEGONWA: The glass company. The glass company
4 that existed in the property, or at least --

5 COMMISSIONER MAY: Got it. Okay. Glass company.

6 MR. PICHON: Sorry.

7 COMMISSIONER MAY: That's okay. And so, and for the
8 building to the south, I mean, have you actually had any -- have
9 you presented this design to them? Are they aware that your
10 courtyard design is going to include these balconies that are
11 basically going to feel like part of that courtyard?

12 MR. EGOEGONWA: No, we have not other than our
13 presentation to the ANC. We have not specifically presented to
14 them.

15 COMMISSIONER MAY: Okay.

16 MR. EGOEGONWA: We have not.

17 COMMISSIONER MAY: Yes. I mean, even though it's a PUD
18 and it's been, you know, approved and it's not likely to change
19 and the light stays the same, it seems to me a reasonable courtesy
20 to let the owner of that building -- is it rental apartments or
21 is it condos? I don't remember.

22 MR. EGOEGONWA: It is a rental.

23 COMMISSIONER MAY: Okay. Yes. So it should be easy
24 enough to get in touch with the company that owns it or operates
25 it, as opposed to like protecting individual condo owners or a

1 condo association or something like that. So I just think it's
2 a reasonable courtesy to get in touch with them. So I would
3 encourage that.

4 Let's see. The ANC had a couple of items that were of
5 interest to me. One is something about some changes to the access
6 from the front of the building across the bike lanes, I guess.
7 But I didn't quite follow that. Maybe I need to pull it up so I
8 understand it better, but maybe you know what I'm talking about?

9 MR. ZEID: The access at --

10 MS. MOLDENHAUER: (Indiscernible).

11 MR. ZEID: -- the front of the building across the bike
12 lanes?

13 COMMISSIONER MAY: Yes.

14 MR. ZEID: So today there are three curb cuts along
15 side frontage --

16 COMMISSIONER MAY: Yes.

17 MR. ZEID: -- and with the, obviously with the
18 redevelopment we're not going to have any curb cuts. So today,
19 that bike lane kind of breaks up as it goes across the frontage
20 because it has to have openings for each of those three curb cuts
21 so there's no buffer with like the flex posts and everything.
22 Today it stops at our site there. There's a gap in it across
23 our site. So with the redevelopment taking away those curb cuts,
24 that buffer will be installed with this development. So it will
25 clean up the bikeway across the frontage.

1 COMMISSIONER MAY: Okay. Yes. All right. I see now
2 that was the thing that they were just commending about the
3 design. What about the requirement that there be no advertising
4 on the building's north elevation?

5 MR. EGOEGONWA: Yes. We've committed to that.

6 COMMISSIONER MAY: Okay. Is that commitment shown
7 anywhere in the record?

8 MS. MOLDENHAUER: We will include it in our updated
9 proffers following this hearing.

10 COMMISSIONER MAY: Okay. All right. That's good. And
11 the last thing I wanted to mention, and I don't know whether I'm
12 reading this correctly, but there was a, when I was looking at
13 the building section, not the detailed sections, but the building
14 section in the drawings. Yes. So it shows up on in the PowerPoint
15 on page 26, 27, 28, 29. The mechanical roof, the line for the
16 mechanical roof top and the measurement looks to be about two
17 feet above where the building stops. So is there a building
18 that's missing there, or is that a line that's just in the wrong
19 place?

20 MR. EGOEGONWA: Can we pull that back up just to make
21 sure we're all looking at the same.

22 MR. PICHON: Yes. Yes, I just looked at it. Yes,
23 that is a misplaced measurement line. It should have been lowered
24 to meet the top of the --

25 COMMISSIONER MAY: Yes.

1 MR. PICHON: -- the screen.

2 COMMISSIONER MAY: Yes. I know you've got a lot of
3 drawings to make and update and change over time, so things get
4 missed. But I, you know, we should ultimately get a --

5 MR. PICHON: Yes.

6 COMMISSIONER MAY: -- clean set that shows that right.

7 MR. PICHON: Yes, we will make that adjustment.

8 COMMISSIONER MAY: Okay. Thank you. I think that's
9 it for my questions. I do want to say to Sean Pichon I hope your
10 recent joining with Michael Graves is a very good thing for you.
11 But does it mean that you're going to, like move out of the
12 neighborhood and like something like that?

13 MR. PICHON: No. We continue to exist the way we've
14 always existed so we are just part of a bigger team now.

15 COMMISSIONER MAY: Okay. Yes. You're just one of the
16 very few architecture firms, very, very few architecture firms
17 like on the, even just like in an eastern quadrant of the City.
18 I mean, everybody's up in the northwest, and you're one of the
19 few and like, the only one within walking distance of my house.

20 MR. PICHON: We love our neighborhood. We're not
21 leaving.

22 COMMISSIONER MAY: Not that I'm going to go over there,
23 but I might see you in the neighborhood, anyway.

24 MR. PICHON: Thank you.

25 COMMISSIONER MAY: That's it.

1 CHAIRPERSON HOOD: Vice Chair Miller, any questions or
2 comments?

3 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
4 you to the Applicant's team for your presentation of this case
5 this evening and all of your responsiveness to the Office of
6 Planning comments and the ANC's comments and including the, you
7 know, the relocation of the Pepco vault, the additional
8 balconies. I always love additional balconies, larger balconies
9 on a residential building with bicycle switches (phonetic) and
10 the relocated hallway for the trash removal that the ANC had
11 asked about and then the other ANC conditions that you've agreed
12 to, and the increased PDR space from what was originally there,
13 and I thank my colleagues, Chairman Hood and Commissioner May for
14 your questions and comments. It always makes my job much easier.

15 I'm going to miss you, Commissioner May, as a lot of
16 people will, because that might make my job harder. It will make
17 my job harder unless you send me private messages on how to ask
18 questions and analyze all this stuff.

19 COMMISSIONER MAY: I don't think I can do that. That's
20 against the rules, isn't it, answering questions (indiscernible).

21 CHAIRPERSON HOOD: He was just, for the record he was
22 just joking.

23 VICE CHAIR MILLER: I was just joking. It's not a
24 vague, an ethics issue, but I'm sure I'll get a complaint about
25 it.

1 Well, so I mean the affordable housing aspect of this
2 project, the all affordable aspect, 96 all affordable units with
3 20 percent being set-aside for 30 percent AMI and below and the
4 rest at 60 percent AMI and below is very commendable meeting a
5 real need in this neighborhood and this planning area, and in the
6 City as a whole. So I applaud you for that effort and you've
7 agreed even beyond what affordability period that may have, with
8 whatever subsidized subsidies you're getting from District or
9 other sources, which is usually about 40 years, you've agreed
10 beyond that to do -- to comply with inclusionary zoning way beyond
11 what our inclusionary zoning would require, because you're going
12 to do 15 percent set-aside rather than the smaller set-aside and
13 at a greater, at a deeper affordability level so that's very,
14 very, very commendable and I appreciate that. I appreciate the
15 Applicant's Racial Equity and Comprehensive Plan Consistency
16 analysis.

17 On the community outreach, Commissioner May encouraged
18 you to reach out to the apartment building on the one side. With
19 their reaching out to the Two Rivers School on the other side,
20 particularly with regard to maybe any synergy that United
21 Planning Organization, Ms. Thomas -- and we appreciate your
22 comments here and involvement in this project with that maker
23 space and job opportunity programs that you're going to be doing
24 there -- was there any discussion with Two Rivers about it at
25 all, about the project at all, or about any synergy with the

1 students that are there? I think they're younger, I don't think
2 they're high school students, but there are, I think, middle
3 school students in the neighborhood. I don't know if they're at
4 that building or the one across the street, but, can you respond
5 to that or can you, if you're going to do some additional reaching
6 out in between maybe a first and second vote, I think this is a
7 two vote case -- someone can correct me if I'm wrong.

8 Can you do some reaching out to Two Rivers just to
9 notify them of what's happening, especially since they own the
10 building. But can you just comment on that? And thank you,
11 Manny. I don't -- I can't pronounce your last name but it has
12 Manny, on your on your picture. so I'm going with Manny.

13 MR. EGOEGONWA: That's okay.

14 VICE CHAIR MILLER: I know I've never met you but I'm
15 happy to meet you right now.

16 MR. EGOEGONWA: Same here. Same here. I mean, looking
17 at this. I think so as far as just the PDR use we've not had
18 that conversation with Two Rivers and there have been earlier,
19 and we do need to reach back out to Two Rivers again, but there'd
20 been earlier conversation that there was a potential
21 redevelopment of the glass building. They're aware that
22 something was going to be happening here.

23 So we just have to, like I mentioned earlier at the
24 opening, we want to continue our outreach beyond today's meeting
25 because keeping folks informed of our progress and making sure

1 that we continue to take input from the community and refining
2 what we're doing. So we're happy to sort of introduce what UPO
3 plans to do with the space and just see if there are any synergies
4 there. Absolutely.

5 VICE CHAIR MILLER: Thank you for that response. Ms.
6 Thomas, does UPO in its current entrepreneurial or job
7 opportunity programs, does it have partnerships with other public
8 schools or charter schools in the city, just out of curiosity?

9 MS. THOMAS: Yes. So we have partnerships with schools
10 in a myriad of ways. So we have through our Office of Early
11 Learning here at UPO, we have early learning centers in high
12 schools in the City. We have the foster grandparent program
13 where we have partnerships with about 40 different schools,
14 elementary through high school here in the City. We have our
15 youth services division where we have partnerships with schools
16 in the City, where we focus on STEM-based work and the emotional
17 needs of young people in those partnerships with those schools.
18 So we do have an extensive partnership network with public and
19 charter schools here in the City.

20 VICE CHAIR MILLER: So there might be an opportunity
21 to create a partnership with your next door neighbor?

22 MS. THOAMS: Absolutely.

23 VICE CHAIR MILLER: The students there for this space.

24 MS. THOMAS: Absolutely.

25 VICE CHAIR MILLER: Right. That's good to hear. Mr.

1 Pichon, what is the exact amount, just to clarify, of that maker
2 space? Was it 602 square feet or --

3 MR. PICHON: It's just under 700. It's like 670 some
4 odd square feet.

5 MR EGOEGONWA: Six hundred and fifty seven.

6 MR. PICHON: Fifty, yes, there you go.

7 VICE CHAIR MILLER: Okay. Thank you. Just there was
8 a little discrepancy between, in the record on that. So 657
9 square feet. That's good to know.

10 I'm not sure that I have any other. Oh, so on the PDR
11 issue, the glass fabrication and installation company that was
12 there, when did they vacate the space? Do you when they vacated
13 it?

14 MR. EGOEGONWA: So they're yet to vacate. We purchased
15 the building and leased it back to allow them enough time to
16 find, or at least get their new location ready. So they're still
17 there as of today as we speak.

18 VICE CHAIR MILLER: But they're still currently there?

19 MR. EGOEGONWA: Correct.

20 VICE CHAIR MILLER: And there, I guess there's not an
21 opportunity for them to come back into the smaller, much smaller
22 amount of space than they currently occupy and I don't know how
23 compatible that would be with residential and this, well, they've
24 been there with the residential and the school, even today. So
25 but, I assume -- do you know where they're relocating?

1 MR. EGOEGONWA: So I don't have their full plans as to
2 where they will end up, but they remain committed to being in
3 the District because they are a CB (phonetic) and they work within
4 the hub zone and all that good things that allow them to work
5 and do projects within the City.

6 What I would say is for what they do, they do require
7 a lot of space. They required, right now the current use of the
8 ground floor is predominantly warehouse, where a ton of glass is
9 stored, right, glass and metal systems components for their --
10 for the work they do. So talking 8,500 square feet of just pure
11 glass and aluminum down there. So they need that at a minimum
12 and then of course, there's also their office space, which they
13 also use about 4 to 5,000 square feet of office space between
14 all of their employees. So I think you would agree with me that
15 657 might be a tough one for them.

16 So they are looking for other space because they want
17 to able to maintain their designations within the City and also
18 have enough storage and office space for their employees. I
19 believe they have about least office-wise they have close to 20
20 employees, so.

21 VICE CHAIR MILLER: Well, that's very good to hear that
22 they're looking to relocate in the City with the City's own
23 incentives to do that since we aren't providing it right here on
24 site where they currently are. So that's good to hear. So thank
25 you for that information, and thank you again for bringing this

1 project forward through all the Applicant's team.

2 That's it for now, Mr. Chairman. Thank you.

3 MR. EGOEGONWA: Thank you.

4 CHAIRPERSON HOOD: Thank you. Manny, I'm a risk taker,
5 so I'm going to try to pronounce your name and to the person at
6 Google some months ago that actually was butchering up names and
7 if they're here I want them to know I read Twitter as well. So
8 anyway, is it pronounced [Ego-gonwa]?

9 MR. EGOEGONWA: So it's pronounced [A-go-agonwa], so
10 my, the E is --

11 CHAIRPERSON HOOD: A-go?

12 MR. EGOEGONWA: -- A, so you say both [A-go-Agonwa].

13 CHAIRPERSON HOOD: [A-go-gwonwa]?

14 MR. EGOEGONWA: [A-go-agonwa].

15 CHAIRPERSON HOOD: [A-go-agonwa]. Okay. Okay.

16 MR. EGOEGONWA: But it's a complicated --

17 CHAIRPERSON HOOD: Say your name for me?

18 MR. EGOEGONWA: It's [A-go-agonwa].

19 CHAIRPERSON HOOD: [A-go-agonwa]. Okay.

20 MR. EGOEGONWA: There you go. There you go.

21 CHAIRPERSON HOOD: I submit to the person on Twitter I
22 got that right. I may not get it right next time but I got it
23 right this time. But I'll continue with Manny as well. All
24 right. Thank you for that lesson.

25 Let's go to, Ms. Schellin, do we have anyone from the

1 ANC? Commissioner Goodman? I wanted to see if he had any cross.
2 Okay. I think he's supposed to represent. Mr. Eckenwiler,
3 whoever's there. He's the Chairman and Mr. Goodman is the Vice.

4 UNIDENTIFIED SPEAKER: Sharon, you're on mute. I think
5 you're trying to say --

6 MS. SCHELLIN: Sorry. I'm sorry. Yes, I don't see
7 anyone from the ANC.

8 CHAIRPERSON HOOD: Okay. All right. Let's go then to,
9 I was going to go to the Attorney General. I did not forget.
10 Our report from other government agencies, Office of Attorney
11 General. Ms. Wurst, I believe

12 MS. WURST: Yes. Good evening.

13 CHAIRPERSON HOOD: Good evening.

14 MS. WURST: So, Mr. Young, my PowerPoint is at Exhibit
15 25, I believe. Thank you.

16 So, good evening, Commissioners. My name is Noelle
17 Wurst, and I am testifying on behalf of the office of the Attorney
18 General in support of this PUD. These slides can be found in
19 Exhibit 25 and we've submitted a written testimony at Exhibit 22.

20 Next, please. So OAG would like to express its support
21 of the PUD on account of its affordable housing benefits, which
22 fully justify the requested development and its public benefits
23 constitute an exceptional affordable housing proffer, including
24 four times more affordable housing units than what would
25 otherwise be required under IZ Plus, as well as 19 units provided

1 at 30 percent MFI. These benefits are further enhanced by the
2 PUD's location in the Central Washington planning area, which is
3 an amenity rich area that has also experienced dramatic
4 displacement impacts in the past few decades.

5 Next, please. So the PUD exceeds IZ Plus standards.
6 Now OAG continues to believe that IZ Plus is a useful metric even
7 for an all affordable housing project to evaluate and compare the
8 extent of the PUD's housing benefit and demonstrate how truly
9 exceptional it is and what it's providing to the public. So
10 under the IZ Plus hypothetical, 20 percent of the residential GFA
11 would be set aside for affordable units. But this PUD provides
12 100 percent affordable residential GFA and as a further point of
13 comparison, the PUD provides the same number of units at 30
14 percent MFI as roughly the total number of units that would
15 otherwise be required if IZ Plus were to be applied.

16 Next, please. So the PUD's housing benefits alone
17 compensate for the requested development incentives. Under comp
18 plan § 224.9 affordable housing and anti-displacement measures
19 are noted as the only high priority public benefits in the
20 evaluation of residential PUD's.

21 Next, please. So the PUD's affordable housing proffer
22 is particularly important due to the PUD's location in an amenity
23 rich, centrally located neighborhood in Central Washington. Here
24 on this map, you can see that the red arrow points out the PUD
25 site. The blue boxes mark some key public transit options, and

1 the red circles mark nearby grocery stores. So as you can see
2 by the map, the PUD site is located about one tenth of a mile
3 away from the nearest metro station. It's within a block of the
4 metro bus routes 90 and 92 and has several grocery stores within
5 a few blocks away.

6 Now, the comp plan in § 508.4 highlights that
7 affordable housing near public transit ensures that low income
8 households receive benefits, including a reduced cost of housing
9 and transportation, as well as in the case of this PUD proximity
10 to these great public amenities. However, there has been
11 displacement of low income households in this area as more market
12 rate housing units are built, which also mirrors a District-wide
13 trend.

14 Next, please. So the total supply of rental units in
15 D.C., that are affordable to households earning less than 50
16 percent MFI in fact declined from 2006 to 2017 by approximately
17 one third, despite an increase in rental units overall. This has
18 had a particularly disproportionate impact on Black residents
19 whose median household income, including in the PUD census tract,
20 is far less than that of the White median household income.

21 Now, in particular, Central Washington has suffered
22 from significant levels of displacement and the supply of
23 affordable housing units has dwindled. The comp plan in § 1607.3
24 points out that new developments in Central Washington have been
25 primarily priced at market rate, which has raised land values and

1 rents.

2 Next, please. The Mayor's 2019 housing order set a
3 goal to create 36,000 new housing units by 2025, which includes
4 12,000 units affordable to households earning less than 80
5 percent MFI but with only two years remaining under the six year
6 order, Central Washington stands at only 44.9 percent of its
7 target housing goal, less than half, though two thirds of the
8 order's years have already passed. So this PUD will help add to
9 Central Washington's affordable housing stock, diversifying the
10 neighborhood and easing displacement pressures.

11 Next please. So the PUD is under the purview of the
12 NoMa vision plan, which encourages the promotion of a diversity
13 of housing products and household types and the particular PUDs
14 are identified as a development catalyst to promote affordable
15 housing. The plan also points out that the area encompassing the
16 PUD is ripe for transition from industrial and production uses
17 that form a rail (phonetic) related uses to an exciting new mix.
18 By providing housing, office space and a job training program the
19 PUD will contribute to this exciting new mix. The plan also
20 identifies as a desired shift to more intense and diverse
21 activities. This is further illustrated by two nearby approved
22 PUDs, including Case 14-19, approved in 2015 and 15-28 approved
23 in 2016.

24 Next, please. So the OAG would like to note a potential
25 inconsistency with the future land use map FLUM which is in

1 alignment with the Office of Planning's observations and
2 conclusions. So the PUD site's FLUM designation includes the PDR
3 zone and under the comp plan, if the site's FLUM designation
4 includes PDR uses, it must include PDR space and substantially
5 preserve any existing PDR space.

6 Furthermore, the preserved PDR space should prioritize
7 lower impact PDR uses to integrate light manufacturing with
8 residential uses, unlike the foundries shown in this picture, to
9 encourage small businesses and local entrepreneurship, such as
10 the provision of the maker space. However, the comp plan doesn't
11 define maker space.

12 Next, please. So the proposed maker space does not
13 substantially preserve PDR space or satisfy the comp plan's
14 intent to preserve space for lower impact PDR users under the
15 current requirements of the comp plan. However, the creation of
16 96 affordable housing units of a significant percentage
17 designated as deeply affordable do far outweigh this minor
18 inconsistency.

19 OAG would also like to point out that approval of this
20 PUD would be consistent with the Commission's prior decision in
21 21-26 approved in 2022, last year. This PUD was located in the
22 same square as the PUD being discussed tonight and was also an
23 all affordable housing project and related map amendments from a
24 PDR zone to a mixed use zone.

25 However, no PDR space was preserved whatsoever, and in

1 its final order, the Commission noted two factors that outweighed
2 the potential FLUM inconsistency here and the first one was the
3 creation of about 115 units of new affordable housing, and the
4 second was the PUD's location in a highly amenitized and transit
5 oriented neighborhood in Central Washington.

6 Next, please. So therefore OAG respectfully recommends
7 that the Commission approves the PUD on the basis of its
8 extraordinary affordable housing proffer.

9 Next, please. So our public contact information is
10 listed here. Thank you, and I would be happy to take any
11 questions you may have and I would like to respectfully request
12 the opportunity to respond in writing if needed.

13 CHAIRPERSON HOOD: Okay. Thank you, Ms. Wurst. I
14 appreciate your testimony. I actually found this more helpful.
15 I'm still trying to work it out. First of all, is this your
16 first time with us?

17 MS. WURST: This is my first time testifying before the
18 Commission, yes.

19 CHAIRPERSON HOOD: Okay. Well, let me first of all
20 welcome you to the Zoning Commission of the District of Columbia
21 and certainly I will ask a couple of questions and I don't mean
22 any bad ill will or intent, but I'm just curious. It sounded to
23 me like I was given the Office of Planning's report. It did --
24 I don't know if you are aware there's been a transition, but
25 anyway (indiscernible) so I'm going to skip that.

1 But it sounds to me like, I was given the Office of
2 Planning. One of the those things that I had mentioned previously
3 to the OAG, including the Attorney General as well, and I'm saying
4 this because if he's watching or if somebody's watching it on the
5 staff, what's helpful to us is to give us the legalese. I don't
6 know if that's a word, but the legalese of these cases, and I
7 appreciate this was more in line, but some of it was to me was
8 the Office of Planning report.

9 So what I'm asking and I will ask others, other of your
10 co-workers as well when they come in front of us, and I might
11 speak to the Attorney General again, some of the issues that you
12 brought up like the Central Washington, there's a time where you
13 can coordinate before these hearings, I believe, coordinate with
14 OP and help us get there from a legalese or legal standpoint, if
15 that's where you think we need to be and we'll decide, the
16 Commission will make that decision as opposed to giving the Office
17 of Planning report, because that's what it sounded like. It
18 seems like I'm getting two Office of Planning reports and I may
19 be wrong. My colleagues may disagree with me, but that's my
20 impression. I appreciate this. I think this is the second time
21 OAG has been supportive, and I think there's a lot of helpful
22 information in there but we got to -- we're still going through
23 a learning curve too because it hasn't always been like this.

24 So one suggestion is when you saw, like you mentioned
25 Central Washington inconsistencies, have that conversation with

1 the Office of Planning, and I think I had mentioned this
2 previously, have that conversation with the Office of Planning
3 so when we get here, we're opinion-ists (phonetic), we're the
4 policy folks, and I'm looking to you all for the legalese. Help
5 me get there from a legalese standpoint. I don't know, Ms.
6 Moldenhauer, and (indiscernible) but legal stuff is what I'm
7 looking for from OAG.

8 So, Ms. Wurst, I want to welcome you. I will mention
9 this to your colleagues again but I think we're getting there.
10 We're not sure of other opinions outside, I want to hear from
11 others. So again, thank you.

12 Commissioner May.

13 COMMISSIONER MAY: I do not have any questions. I
14 agree it is helpful to hear from the Office of Attorney General
15 in this circumstance. I like not having to rebut the Office of
16 the Attorney General's testimony, but this is sort of a no brainer
17 of a project; right? It's all affordable and it's got so many
18 good things going for it. I would be shocked if the Office of
19 the Attorney General or any other government agency were to raise
20 serious concerns about it.

21 I'm not sure what exactly we need from the Office of
22 Attorney General. I'm still trying to figure that out as is the
23 Chairman, I think, on some level. So I look forward to hearing
24 more about that in future cases. We'll see how that goes. I
25 think the idea of working with the Office of Planning is probably

1 a good one. That's about all I have to say.

2 CHAIRPERSON HOOD: Thank you, Commissioner May. Vice
3 Chair Miller.

4 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
5 you, Ms. Wurst, for your testimony here on behalf of the Office
6 of Attorney General, and we do welcome you to the Zoning
7 Commission, as the Chairman said and I generally agree with my
8 colleagues' comments.

9 I especially appreciate OAG's focus on the potential,
10 the one potential inconsistency of the preservation of the PDR
11 space and how that is outweighed by not only what they're doing
12 with a much smaller amount of PDR maker space, which is important
13 in terms of job opportunities and they increased it from the
14 original amount, but just your emphasis on how the affordable
15 housing, the all affordable housing and the deep levels of
16 affordable housing in this project far outweigh any negative
17 potential inconsistency there. So that is appreciated. It is
18 kind of obvious, but it is important to have that in the record,
19 have that in our order, have that in the testimony that's being
20 provided.

21 So thank you for bringing that forward and it's, yes,
22 it's -- on the balance sheet it's good to see OAG come in for
23 support as well as when they come in with their concerns. It
24 probably gives your entity more credence if you're weighing in
25 on both sides of support and opposition or concerns about cases

1 going forward. So that's a balanced approach, which I also do
2 appreciate.

3 So thank you, Mr. Chairman and I thank you, Ms. Wurst,
4 for being here today.

5 MS. WURST: Thank you.

6 CHAIRPERSON HOOD: So I too want to just echo what the
7 Vice Chair and Commissioner May said, and I know I spoke earlier,
8 but at the some time I want to drive this point home because I
9 think we're making progress, Ms. Wurst, and to your staff, Ms.
10 Cane (phonetic) and some of them I can't think of, Ms. Bullock
11 (phonetic) and Mr. Schwalb. I think we're making progress.

12 But what I do really need is when we're in opposition
13 and come to us with a recommendation, not to this case. This
14 case, as Commissioner May says, is a no brainer, but when we're
15 in opposition from a legalese standpoint, and I know that's not
16 a word I don't think, but help us get there legally and we will
17 make that decision. But I think we're on a good track, and I
18 appreciate that.

19 Let's see. Ms. Moldenhauer, how you have any questions
20 of Office of Attorney General?

21 MS. MOLDENHAUER: No questions of Ms. Wurst. Thank
22 you.

23 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we have
24 anyone still here from the ANC? Or do we have anyone? Mr.
25 Goodman, is he here?

1 MS. SCHELLIN: No one from the ANC.

2 CHAIRPERSON HOOD: Okay. Thank you, Ms. Wurst, and
3 tell your colleagues, thank you. We appreciate your testimony.

4 All right. Next, let's go to Department of
5 Transportation. We have, and I think is it Hogan? Ms. Hagen.
6 Hagen, Ms. Hagen. I'm sorry.

7 MS. SCHELLIN: Hagen, yes.

8 CHAIRPERSON HOOD: Ms. Hagen, you may begin. Oh, Mr.,
9 I'm sorry. Forgive me, forgive me, forgive me. I'm sorry.

10 MR. HAGEN: Good evening, Chairman Hood and members of
11 the Commission. For the record, I'm Noah Hagen, Transportation
12 Planner with the District Department of Transportation.

13 DDOT is supportive of the Applicant's proposal to
14 redevelop 1232 4th Street, Northeast. In our May 26, 2023 report,
15 which is Exhibit 21 in the record we recommended approval with
16 two conditions, implementation of a transportation demand
17 management plan and a loading management plan.

18 As you heard in the Applicant's presentation, they've
19 agreed to our requested conditions and with those included in the
20 zoning order DDOT has no objection to the approval of this PUD.
21 We look forward to continuing to work with the Applicant on the
22 design of the streetscape and projected cycle track as it goes
23 through public space permitting.

24 Thank you and I'd be happy to answer any questions you
25 have.

1 CHAIRPERSON HOOD: Thank you. Mr. Hagen. Is this your
2 first time in front of the Zoning Commission?

3 MR. HAGEN: Yes, it is.

4 CHAIRPERSON HOOD: Well, welcome. I think you're
5 probably going to get off easy tonight, but I maybe better not
6 tell you not to get used to that, but welcome.

7 Let's see if we have any questions or comments?
8 Commissioner May? Okay. And Vice Chair Miller?

9 VICE CHAIR MILLER: Thank you, Mr. -- was it Hagen or
10 [Hargen]?

11 CHAIRPERSON HOOD: Hagen.

12 VICE CHAIR MILLER: Hagen. Thank you for your report
13 and we look forward to seeing you in the future as well.

14 CHAIRPERSON HOOD: Let's see. Ms. Moldenhauer, do you
15 have any -- does the Applicant have any questions or comments,
16 or cross? Any cross?

17 MS. MOLDENHAUER: Thank you, Chairman Hood. No
18 questions for DDOT. Thank you for working with us during the
19 application process.

20 CHAIRPERSON HOOD: And again, I don't think we have
21 anyone here from the ANC, so we will -- Mr. Hagen, thank you very
22 much for your report. We appreciate it.

23 MR. HAGEN: Thank you.

24 CHAIRPERSON HOOD: Thank you. Let's go to the Office
25 of Planning. Ms. Myers, I believe. Yes, Ms. Myers.

1 MS. MYERS: Good evening, Commissioners.

2 CHAIRPERSON HOOD: Good evening.

3 MS. MYERS: It's nice to see you all again. Unlike
4 some of my other agency colleagues, I have seen you guys a few
5 times.

6 The Office of Planning recommends that you approve Case
7 22-32 which is consolidated PUD and related map amendment at 1232
8 4th Street, Northeast. The proposal would rezone the site from
9 PDR-1 to MU-9B and build a 96 unit, all affordable apartment
10 building. All the units would be no more than 60 percent of the
11 median family income, and approximately 20 percent of the units
12 would be at or below 30 percent of the median family income.

13 Since setdown, the all affordable units slightly
14 decreased from 98 to 96 units and the PDR space went up from 314
15 square feet to 657 square feet. The Applicant added reflectors
16 to the exterior of the building, added balconies, and relocated
17 the Pepco vault to the rear of the site.

18 In regards to the comprehensive plan on the future land
19 use map, the site is designated for a mix of high density,
20 residential, high density, commercial and PDR uses. The project
21 would significantly decrease the amount of PDR space on the site
22 so it would not be in line with the plan's guidance to preserve
23 a substantial amount of existing PDR space. But the project
24 would provide much needed affordable housing to the Central
25 Washington area, which is strongly recommended in the

1 comprehensive plan. Therefore, on balance, the project is not
2 inconsistent with the future land use map. It is also not
3 inconsistent with the general policy map, which identifies the
4 site as part of the Central Washington planning area.

5 Using the Commission's racial equity tool the Office
6 of Planning consider the project's impact on the Central
7 Washington planning area. The Central Washington planning area
8 has a majority White population and a higher median income than
9 the District wide average. However, according to the census data
10 for the 2017 to the 2021 period, the median incomes for almost
11 all of the minority households in Central Washington was lower
12 than the District-wide median income.

13 The work training program proposed for the project's
14 PDR space could provide some of the residents with the skills
15 needed to pursue higher income employment opportunities and the
16 project's proposed affordable units could provide more affordable
17 housing options to the area and could potentially retain some of
18 the existing minority residents in the area and attract new
19 minority residents.

20 Part three of the racial equity tool asks if the
21 planning area is on track to meet the Mayor's 2025 affordable
22 housing goal. According to the Mayor's 2023 D.C. Comeback Plan,
23 the Central Washington area is less than halfway to its goal and
24 is expected to fall short of the Mayor's 2025 goal. This project
25 could provide 96 more units to Central Washington, which would

1 help the area get closer to the Mayor's 2025 goal, and I heard
2 the question from Commissioner May earlier when it comes to the
3 side yard relief. The request is for side yard relief and not
4 courtyard relief because according to Subtitle G 406.3, any
5 portion of a building set back from the side lot line is
6 considered a side yard and not a court.

7 And with that, I will conclude my testimony. I am, of
8 course, here for questions if you have any. Thank you.

9 CHAIRPERSON HOOD: Thank you, Ms. Myers. The only
10 question I have is, the only comment I have to you is I really
11 appreciate you telling us it's nice to see us because most of
12 the time we don't get that, so thank you.

13 Let's see if we have any questions or comments.
14 Commissioner May?

15 COMMISSIONER MAY: Yes. You know, the side yard thing.
16 I just don't remember the discussion and the logic behind that
17 and it seems to me that in this circumstance, the area where
18 there's an issue is just where that side yard gets narrow; right?
19 And so there is, I mean, some of the rest of that side or that
20 courtyard, side yard, whatever, actually is pretty deep. It
21 looks like the major portion of both of those are deep enough to
22 meet whatever, the 17 foot which I assume was based on inches
23 per height, per foot of height. Does, I mean, is that your
24 understanding of it as well?

25 MS. MYERS: Yes. I mean, the requirement is that it's

1 considered a side yard or it needs relief for the side yard
2 requirements. It just, I mean, G 406.3 specifically calls that
3 out.

4 COMMISSIONER MAY: Yes.

5 MS. MYERS: So that's sort of, I don't know the history
6 or the logic behind that.

7 COMMISSIONER MAY: You should, you know.

8 MS. MYERS: Yes.

9 COMMISSIONER MAY: I mean, it was a -- I think that was
10 a zero 16 thing. Well, I guess the thing that I would find
11 helpful, I guess this is for Ms. Moldenhauer as well, to better
12 understand this, if we could describe this as sort of relief for
13 a portion of the side yard and show in a diagram, you know, this
14 portion meets it or this portion is deficient by this amount.
15 Something like that, just so it's a little bit more clear because
16 right now to just say that they need relief from the side yard
17 requirements, I don't think is as informative about it and I'm
18 not suggesting that anything needs to be done, particularly in
19 this case, but I'm thinking more in terms of future cases where
20 such relief is needed.

21 It also, you know, it sort of begs the question of,
22 well, you know, if you were to look at this the way we sometimes
23 look at rear yards where the rear yard depth is variable, you
24 know, is there some sort of averaging that should be done across
25 the entirety of that rear yard and, again, I don't know whether

1 this is the way we were thinking or the way, you know, whether
2 it's consistent with the regulations but, you know, it seems to
3 me that, you know, maybe the extent of the relief should be based
4 on an average rather than being based on, you know, the most
5 extreme circumstance where there's, you know, there's five feet
6 instead of 17 feet. So if you if you average that out across
7 the entire length, what would it be?

8 Again, you know, maybe that's worth looking at in this
9 circumstance and if that's the case, maybe, Ms. Myers, you can
10 confer with Ms. Moldenhauer and then the Applicant can submit
11 something. I don't, you know, as long as you don't have issues
12 with what they submit, I don't think I need anything else from
13 the Office of Planning. I just feel like it's got to be fleshed
14 out a little bit more and so that we all are understanding exactly
15 what the relief is and, you know, what the analysis is behind
16 it. Sort of like, you know, when we get a courtyard analysis,
17 right, which is a common thing.

18 Does that make sense? I see lots of nodding heads.
19 They're either with me or you're humoring me, so I'll take either
20 one.

21 MS. MOLDENHAUER: I know it's the Office of Planning's
22 turn, I didn't want to jump in. But Commissioner May, yes, I
23 understand what you're asking for and, you know, there was a
24 majority of these side yards which are compliant with the side
25 yard requirement and only the long portion that provides some

1 windows and some balconies that actually does not. So we will
2 provide that diagram to show the portion of non-compliance, but
3 the large portion of compliance.

4 COMMISSIONER MAY: Okay. Yeah. And again, Ms. Myers,
5 if you think that I'm barking up the wrong tree and shouldn't be
6 looking at it this way and want to submit something to the record
7 yourself to describe it further, you're certainly welcome to.
8 But from my perspective, you know, getting that diagram from Ms.
9 Moldenhauer is probably sufficient. I'm sorry. I did not think
10 about doing a diagram like that until we just started asking
11 about it. So otherwise I would have just put it on Ms.
12 Moldenhauer earlier. So I appreciate it, so.

13 MS. MYERS: Understood, understood.

14 COMMISSIONER MAY: I appreciate both of your attempts
15 to satisfy my need for more documentation. That's it, Mr.
16 Chairman, for me.

17 CHAIRPERSON HOOD: Okay. Great. Vice Chair Miller.

18 VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank
19 you, Ms. Myers, for your, as always, comprehensive report and
20 even though we have seen you many times in the past, I look
21 forward to seeing you many times in the future as well.

22 Just one question, is your office -- is the Office of
23 Planning involved at all with helping the existing PDR space
24 glass fabrication insulation business relocate into the District,
25 or is that or are they working more with, do you know whether

1 they're working more with DMPED or Department of Small and Local
2 Businesses or are has your office admin involved with that effort?

3 MS. MYERS: No. Our office is not involved with that
4 effort. Actually, I'm not sure which agency exactly they'd be
5 working with, but I'm assuming maybe DMPED or DCR, well,
6 Department of Buildings nowadays, probably one of them if they
7 are working with DC.

8 VICE CHAIR MILLER: Okay. Well, thank you. I just
9 think, yes, because of that comp plan policy about preserving PDR
10 space, in this case we're not preserving it on site but there
11 are other policies outweighing that, including the fact that they
12 are including the maker space for United Panning Organization to
13 do their job entrepreneurial effort, which is important.

14 But I think maybe in the future it'd be important for
15 the Office of Planning at least to be cognizant of where and
16 apparently in this case, they are looking to relocate in the
17 District using incentives that, hub zone and other incentives
18 that currently exist to keep these types of uses, which we have
19 the limited amount of land for in the City and I'm happy to hear
20 that they're staying here.

21 So I think maybe in the future for PDR spaces that are
22 being redeveloped, it just would be useful to have in the OP
23 report where they are going and what effort other agencies -- I
24 know you farmed out the case to many agencies of the District
25 government, as you always do, and I guess we didn't get anything

1 back from DMPED in this particular case, but it just might be
2 helpful to have that in the future. Don't need it for here.
3 We've got enough information to know that efforts are being made
4 for them to stay here. So I just would make that comment.

5 But thank you, Ms. Myers, again for your report.

6 CHAIRPERSON HOOD: Okay. Thank you. Ms. Moldenhauer,
7 do you have any questions for OP?

8 MS. MOLDENHAUER: No questions of the Office of
9 Planning. Thank you.

10 CHAIRPERSON HOOD: Okay. Thank you. Again, our ANC
11 Commissioner, I don't believe, but if they join us, Ms. Schellin,
12 you'll let me know. All right. Thank you again, Ms. Myers.

13 Let's see where we are. The report of the ANC. Let
14 me go back to that. Give me one second. We do have a report
15 from Chairman Eckenwiler, and we talked about most of the
16 conditions they had. They voted in support, conditions, the vote
17 was seven to zero and this is our Exhibit No 18. They have some
18 issues that I believe we discussed all those afterwards in
19 agreeance with all the conditions, and they've garnered their
20 support, and I don't hear Ms. Moldenhauer correcting me so I
21 guess that stands. We do have a letter from the RNC and we've
22 good to go on that they support everything. All right.

23 Let's go to, and again thank ANC 6C for all of their
24 work. Let's go to, Ms. Schellin, do we have any organizations
25 or persons who are in support, opposition or undeclared here to

1 testify?

2 MS. SCHELLIN: No one in any category.

3 CHAIRPERSON HOOD: No one in any category. Okay. That
4 says a lot about the work that you all have done going forward.

5 Let's go to, Ms. Moldenhauer, we don't have any
6 rebuttal. I actually meant to ask that for you. Let's go to
7 the closing, your closing.

8 MS. MOLDENHAUER: We'll close by saying we were very
9 excited to present this case tonight and we are looking forward
10 to working on the project. We believe that we've satisfied the
11 standards and are happy to have the ANC, the Office of Planning
12 and DDOT and OAG in support of this consolidated map amendment
13 PUD project. Thank you for your time this evening.

14 CHAIRPERSON HOOD: Thank you. I have one last question
15 for you, Ms. Moldenhauer. Have the OAG reached out to you or
16 did you reach out to them, or you just saw it in the case record?

17 MS. MOLDENHAUER: Yes. I did not reach out to them in
18 advance. They submitted their report and their presentation into
19 the record. Seeing as they were supportive we did not reach out
20 to them after they filed their paperwork and we were here tonight
21 to hear what they had to say.

22 CHAIRPERSON HOOD: Okay. I'm just trying to figure out
23 how this process, again, we're still evolving as we move forward.
24 So thank you.

25 MS. MOLDENHAUER: And I would like to note that it was,

1 you know, it would be nice if they are going to file something,
2 to file something where we have more time to respond to it given
3 the different deadlines. But that would just be, I don't know.
4 This is a new process. We had not seen a report before as well
5 and so it's just from a timing perspective, we were not aware of
6 that and it was after any period that we would have filed
7 anything.

8 CHAIRPERSON HOOD: Okay. Let me, particularly in this
9 case, I mean, I agree. There should have had more time to
10 respond. I'm more concerned about things kind of getting resolved
11 before we get to this setting. So I'm still trying to figure
12 that out. I'll still have conversations with them. I may even
13 have a conversation again with the AG or whomever.

14 But I would like when they have issues from a legalese
15 standpoint to reach out. I'm not sure if they're going to do
16 that. Maybe I'm just talking, but I'm trying to figure out a
17 better way so we have a better (indiscernible). It's not like
18 we disagree, but we can come out with better outcomes for the
19 residents of the City. That's what I'm trying to get to. All
20 right. So thank you, Ms. Moldenhauer, for indulging that.

21 I want to thank you all for your presentation. I think
22 it was very well done. I think you filled in a lot of the gaps.
23 I know, Commissioner May, may have a few things they want to see
24 or what I asked for, but let me go to my colleagues now and let's
25 see where we are. I think this is a two way case; right? Ms.

1 Schellin? Okay. Ms. Schellin says yes.

2 MS. SCHELLIN: Yes, it is. Yes.

3 CHAIRPERSON HOOD: All right. So I am inclined to move
4 forward and I'm going to ask, I feel like we have enough stuff
5 that we don't have to delay. So let me hear from others.

6 COMMISSIONER MAY: There's a handful of small things
7 that I think would be helpful to have before we take final action,
8 but I don't see any reason why we could not take proposed action
9 to approve tonight and then just wait to see those before final.

10 CHAIRPERSON HOOD: Thank you. Great. Vice Chair
11 Miller?

12 VICE CHAIR MILLER: I agree.

13 CHAIRPERSON HOOD: Okay. So with that, I would -- does
14 somebody else want to make a motion? I mean, I could make it
15 but somebody else want to make a motion?

16 VICE CHAIR MILLER: I'll make a motion, Mr. Chairman.

17 CHAIRPERSON HOOD: Okay. Okay.

18 VICE CHAIR MILLER: That the Zoning Commission take
19 proposed action this evening on Case No. 22-32. That's 1232
20 Shift Cubed Partners, LLC, application for a consolidated planned
21 unit development and zoning map amendment at Square 772, Lot 17
22 at 1232 4th Street, Northeast and ask for a second.

23 COMMISSIONER MAY: Second.

24 CHAIRPERSON HOOD: Thank you. Moved and properly
25 second. Any further discussion? Ms. Schellin, would you do a

1 roll call vote, please?

2 MS. SCHELLIN: Sure. Commissioner Miller?

3 VICE CHAIR MILLER: Yes.

4 MS. SCHELLIN: Commissioner May?

5 COMMISSIONER MAY: Yes.

6 MS. SCHELLIN: Commissioner Hood?

7 CHAIRPERSON HOOD: Yes.

8 MS. SCHELLIN: The vote is three to zero to two to
9 approve proposed action Zoning Commission Case No. 22-32 minus
10 two being Commissioner Imamura and the third, who is not present,
11 and the third Mayoral appointee position, which is vacant.

12 CHAIRPERSON HOOD: And, Ms. Schellin, do we have
13 anything else before us?

14 MS. SCHELLIN: Nothing else.

15 CHAIRPERSON HOOD: Okay. The Zoning Commission will
16 be meeting again June the 8th. This is our regular monthly
17 meeting. We will be on these same platforms at 4 p.m., and with
18 that I want to thank everyone for their presentation, the
19 Applicant, the ANC, the residents, the Office of Planning, the
20 Office of the Attorney General, DDOT, my colleagues, everybody,
21 because these cases where we do this type of work and you have
22 these things coming forward make it a lot easier and it's a lot
23 smoother running here. We're up to the task with other ones,
24 but it's nice some time to get these and so congratulations.

25 Looking forward to getting that done and worked out,

1 so goodnight to everyone. Have a great evening. Goodnight.

2 (Whereupon the above-entitled hearing was adjourned.)

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

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 06-05-2023

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