

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

+ + + + +

MONDAY

JULY 31, 2023

+ + + + +

The Public Hearing of 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 Chair
PETER MAY, Commissioner
JOSEPH S. IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, Esquire
JACOB RITTING, Esquire
DENNIS LIU, Esquire

The transcript constitutes the minutes from the Public Hearing held on July 31, 2023.

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

Case No. 23-06

Blue Ridge 1515 9th Street, LLC 4

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

(5:00 p.m.)

CHAIRPERSON HOOD: Today is July the 31st, 2023. We are convening and broadcasting this public by video conferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner Chairman May and Commissioner Imamura. We're also joined by the Office of Zoning staff Ms. Sharon Schellin and Mr. Paul Young who will be handling all of our virtual operations. Also from the Office of Zoning Legal Division Ms. Lovick, Mr. Liu and Mr. Ritting and I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office on Zoning's website. This proceeding is being recorded by a court reporter, and 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 or Affirmation required by Subtitle Z 408.7. Accordingly, all those listening on WebEx 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 meet your

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audio. If you experience difficulty accessing WebEx or with your telephone call-in or have not signed up, then please call the OZ hotline number 202-727-0789. If you wish to file written testimony or additional supporting documents during the hearing then please be prepared to describe and discuss it at the time of your testimony.

The hearing will be conducted in accordance with the provisions of 11-Z DCMR Chapter 4 as follows; preliminary matters, applicant's case, report of other government agencies, report of the Department of Transportation and then the report of the Office of Planning, report of the ANC, in this case it's 2G, testimony of other organizations, testimony of organizations and individuals -- organizations five minutes and individuals three minutes, and we will hear in the following order for those who are in support, opposition or undeclared, then we have rebuttal and closing by the applicant.

The subject of this evening's case is Zoning Commission case No. 23-06 Blue Ridge 1515 9th Street, LLC map amendment at Square 397, Lot 30 1515 9th Street, N.W. Again, today's date July the 31st, 2023 and this is a map amendment case. We're not talking about any specific project. This is a map amendment case. Then we'll, okay. Then we'll have rebuttal and closing arguments. Again, the OZ hotline number, I think I said this, 202-727-0789 for any concerns during this proceeding.

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This is where I begin. At this time the Commission will consider any preliminary matters. Does the staff have any preliminary matters?

MS. SCHELLIN: Yes, sir. Brandice Elliott is the only proffered expert witness if the Commission would accept her in this case.

CHAIRPERSON HOOD: Any objections? We'll continue that status. Thank you, Ms. Schellin. Anything else?

MS. SCHELLIN: Dennis Hughes is the attorney for the case and he has advised they will take about 20 minutes, maybe less, for their direct presentation and Jonathan Kirschenbaum, I believe, is the OP representative. I am not sure who the DDOT representative is since this is a map amendment. Sometimes they do not appear so I don't see anyone yet and that's, oh, I'm sorry. The ANC, ANC 2G, Alexander Padro is the ANC rep, and I believe this is ready for the Commission to proceed.

CHAIRPERSON HOOD: Okay. All right. Let's bring everybody up, Ms. Schellin and, Mr. Hughes, we can get started once you get everybody up and again, I apologize to everyone, but what we did was well warranted.

MR. HUGHES: Good afternoon, Mr. Chairman. Can you hear me okay?

CHAIRPERSON HOOD: Yes, we can.

MR. HUGHES: Very good. Before we begin, I just want

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to offer my congratulations and thank you as well, Commissioner May, for all your service. I can't add anything more than what we've heard over the past hour, but it's been -- it's an honor to be here today, I guess your swan song, if you will. But my colleague, Mr. Freeman, didn't clear his remarks with any of us. I stand by some of them, the more flattering ones but the others, he's on his own. So with that, again, thank you.

Again, my name is Dennis Hughes with the firm of Holland & Knight. I'm here to discuss a map amendment application with you. I'm joined today by Mr. Nick Jessee, representing the Applicant and Ms. Brandice Elliott, who is, as a preliminary matter, again qualified as an expert in urban planning.

Before I turn things over to Ms. Elliot for her testimony, I'd like to provide just a summary background of the application. The Applicant acquired the property at 1515 9th Street, N.W., from Shiloh Baptist Church in January of this year. As Brandice will discuss momentarily and is detailed in the Applicant's statement of support which is located at Exhibits 3 and 25, the current split zoning for the property which is RF-1 for the roughly northern half of the site and MU-4 for the southern half is inconsistent with the comprehensive plan's future land use map, which designates the property for mixed use medium density, commercial and medium density residential.

For reference, the framework element of the

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comprehensive plan includes RF zones among moderate density residential classifications and MU-4 as among the low density commercial classification. The Applicant is requesting a rezoning to the MU-5B zoning district.

We're pleased to note the support of the Office of Planning and we thank Mr. Kirschenbaum for his thoughtful review and input, both in advance of setdown and this hearing and as Ms. Schellin noted, DDOT has submitted a report stating no objection and we thank Ms. Bridges and Ms. Chamberlin for their time and consideration.

Finally, the Applicant is pleased to note that the application is supported by ANC 2G, who voted five to one at its March 9th public meeting to recommend the Commission approve this application. That ANC resolution is found at Exhibit 74 of the record. The Applicant engaged with ANC 2G its Zoning Planning and Historic Preservation Committee and individual SMD representatives over the past several months regarding the application and we can certainly discuss that in more detail. We're appreciative of the ANC's support of the application and with that, I'll turn the presentation over to Ms. Elliott to review the consistency of the application with the comprehensive plan.

Thank you.

MS. ELLIOTT: Good afternoon, Mr. Chair, Members of the

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Commission. I'm Brandice Elliott with the law firm of Holland & Knight and I have mixed feelings about being here, given that the retirement on the screen, and I also regret that our PowerPoint is not as celebratory as the one that we saw earlier, but we're going to do the best with what we have here.

If Mr. Young wouldn't mind bringing that up, I'll be happy to get into our presentation. I will be going over the standard of review for the proposed map amendment, as well as the racial equity analysis. If we could go to the next screen, please.

So the property is located at 1515 9th Street. As you can see, the north part of the property is zoned RF-1 and then the south part is zoned MU-4. It currently consists of a two story brick building and a parking lot. We are, the Applicant is requesting to rezone the property to MU-5B.

Can we go to the next slide, please. So here are just a couple of photographs for context. You can see that the photograph on the left is viewing north of the building. So you can see the row houses to the north. That's also Shiloh Baptist Church on the other side of the street and then the corner photo to well, that's on the bottom right, you can sort of see some of that high density that's to the south of the site.

Next slide, piece. So the standard of review for the map amendment is essentially that it cannot be inconsistent with

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the comprehensive plan. Part of that review is looking at it against the future land use map designation and the generalized policy map designation, which is what we'll get to next.

Next slide, please. So the future land use map designation is mixed use medium density commercial and medium density residential. As we've highlighted on the bottom of the slide there, the medium density commercial typically has a density of between four and six FAR. The proposed MU-5B zone does permit an FAR of 4.2, and so we are falling within that range and would not be inconsistent with the future land use map designation.

Next slide, please. The generalized policy map designation for the property is neighborhood enhancement area and this just generally means that there are larger amounts of vacant and under-utilized land within the neighborhood and so when there is new development, it is intended to support the neighborhood and the citywide goals of providing additional housing and providing other neighborhood services for the neighborhood. So this is also not inconsistent with the proposed map amendment which would allow for additional housing on the site.

Next slide, please. All right. So we typically do provide some information concerning or showing what the existing zones would permit versus what the proposed zone would permit. We've highlighted a few lines here just to show the ones where

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you'll see the most significant difference and so an FAR, there would be an increase from 3 to 4.2 FAR, and then there would also be a height increase from 50 feet to 75 feet. We also see that there's a lot occupancy increase that would allow up to 80 percent lot occupancy for residential use.

Next slide, please. All right. So this is the fun part where we talk about equity. The comprehensive plan, the 20/21 comprehensive plan requires that the evaluation be provided through a racial equity lens and so that's what we're going to go ahead and get into now.

If we could go on to the next slide. We're going to use the Zoning Commission's racial equity tool to provide the analysis of a comprehensive plan through a racial equity lens.

So if we could go to the next slide. So Part I requires that we review the policies of the comprehensive plan through the racial equity lens and so we have identified several policies that would be advanced by the proposed map amendment. A lot of them are related to housing and the provision of affordable housing. There are some that are specific to the focus area where this property is located, you know, to reinforce some of those existing development patterns along 9th Street and then to revitalize 9th Street that would also be advanced with the proposed map amendment. We have identified the specific policies in blue that would advance equity as indicated in OP's Equity

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Crosswalk.

Next slide, please. All right. And also, as part of this review there is a small area plan. It's the Convention Center Area Strategic Development Plan that was approved in 2006. So a lot of those recommendations have actually been wrapped into the comprehensive plan at this point since it's been revised. But essentially, the purpose of the plan is to increase housing, increase quality housing, but also strengthen the neighborhood retail and provide jobs. So those are just a couple of the objectives.

You can see the bubble map on the screen. So you know, it has soft edges and the property itself is sort of hovering between two different sub-areas that have been identified in the plan. The yellow area is the historic rowhouse sub-area and then the orange is the retail corridor sub-area. So while the plan didn't identify any specific recommendations related to the subject property, there are sort of character traits that we're looking at in those sub-areas. So the historic rowhouse sub-area is defined generally by two and three story rowhouses with occasional apartment buildings and so while the plan calls for the protection of the rowhouse character in this sub-area, it also requires the creation of substantial new housing and affordable housing and it acknowledges that there need to be some larger apartment buildings in order to provide that affordable

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housing in the neighborhood.

So the proposed map amendment does advance the historic rowhouse sub-area as provided in the small area plan. It also advances the retail corridor sub-area which, you know, is also located on the border of. This sub-area is defined as serving the retail needs of the community and so this would actually, the map amendment would create a continuous corridor along 9th Street and would also provide additional density that would support those retail areas.

So if we could go to the next slide, please. We can discuss some of the community guidance and engagement. This is Part II of the racial equity tool. It does ask for us to identify some of the characteristics of the community, which in this case the Shaw historic neighborhood is historic. It has a very unique character. It is also very diverse. It is known as a place where there has been a lot of entertainment. It has excellent access to transit and also because of the concentration of rowhouses, it is also a very family friendly area.

So the tool asks us to identify who specifically would benefit from a proposed map amendment and we've identified that existing residents benefit by having different options, you know, maybe they can move from one unit into another and maintain their neighborhood entities. But it would also benefit existing retail and restaurant businesses because of the additional density.

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I would also like to point out here that the future development of the site would provide some public realm improvements and so in this case, there would be -- a curb cut would be eliminated, which would provide more on-street parking. It would also provide a safer environment for both pedestrians and cyclists.

So in terms of who would be burdened, which is another question posed by the racial equity tool, we find that the future development, you know, in any case, it's going to attract more residents or businesses and it's going to create more density and increase activity and traffic potentially so residents and visitors may experience more noise and congestion and generally.

If we could go to the next slide, please. All right. So Part II of the racial equity tool continues with asking us to identify what the past and present racial discrimination is in the neighborhood and some of the harm that is done to the community. I would like to say here that it's really difficult to reduce the history of Shaw into a few bullet points and so these really are just intended to be a few highlights to illustrate a couple of points.

The Shaw neighborhood has always been a diverse community settled by European immigrants and also free African Americans. This is a neighborhood that thrived in the 19th and 20th centuries as the Black -- the center of Black intellectual

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and cultural life. But we do see that as D.C. was being developed in the early 1900s, there was a lot of displacement and that is something that is continued to be an issue in this neighborhood. That displacement for new development resulted in alley communities. There was a very large one, actually not far from the site that consisted of 400 residents, of which almost all were African American. But then there was additional displacement when those alleys were condemned and demolished and of course, those residents weren't rehoused, and so Shaw was a hub of commercial and entertainment activity up until the riots in 1968, and I feel like I gave a very similar presentation to this last week for H Street. But the neighborhood was just devastated after the riots, 7th Street in particular was deeply affected, obviously so was 9th, and so there was this, you know, it had the effect of people leaving the City.

But then there was certainly an effort to redevelop this neighborhood with the Shaw School Urban Renewal Plan and I think it's important to point out that a lot of that redevelopment occurred due to faith-based institutions. In fact, Shaw was pretty much rebuilt block by block by these institutions up until there was renewed interest and reinvestment beginning in the 90s, and so that's really the history.

I think it's important to point out that this proposed map amendment would actually be, it would allow for reinvestment

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into the community to provide more housing and affordable housing, which really was the intent going back to the Shaw School Urban Renewal Plan, followed by the Convention Center plan and reinforced also by the comprehensive plan. So it is in line with all of these policies.

Next slide, please. All right. There has been significant community guidance and engagement for this proposed map amendment, in part because it also coincided with a Historic Preservation Board review. But as you can see from this timeline going back to January, there have been several meetings with ANC Commissioners and the ANC, but also individual members of the community.

Next slide, please. And so the racial equity tool also asks us to identify the priorities for the neighborhood. The comprehensive plan does that. It does outline that some of those priorities are affordable housing, but also in particular, the revitalization of 9th Street is provided as a priority in the current plan. Some of the Mayoral priorities have been identified in the 2024 budget, which is repairs and maintenance to school facilities, recreation facilities, parks, but also reinvestment in some of the transportation corridors and the improvement of streets and of course, sidewalks for pedestrians.

Some of the issues noted by the community during the engagement is really more related to maintaining the historic

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Shaw character and, you know, we understand that some of those folks are here to talk tonight, so we'll give them a chance to tell you what those specific issues are. But generally what we've seen is it's related to, you know, the massing and the height that would be permitted by the map amendment.

Next slide, please. All right. So Part III of the racial equity tool requires the disaggregated data concerning race and ethnicity for the planning area. You know, if you're just looking at the data on the surface, it does seem like the planning area may be doing pretty well. It has a median household income that is higher than that of the District overall. It has a lower poverty size than the District overall and a lower unemployment rate. But I think when you start to peel that back and look a little more closely at the racial data, what you see is that there is a lot of disparity between White residents and People of Color in terms of income and you know, the other thing that we see that is that the comprehensive plan actually projects that the planning area is going to grow by 30,000 residents by 2045 and so there's certainly a need to provide more housing and affordable housing in this neighborhood because, you know, what we do know from a comprehensive plan and from other studies that OP has done is that increasing the housing supply over time will decrease the cost of housing overall. It's certainly not immediate but we, you know, adding that density is important to

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making it more affordable for everyone.

Next slide, please. All right. So this is Part IV of a racial equity tool where we basically put all of that together and list the outcomes of the project and identify what kind of impact they're going to have on the community and so in this case, we find there's no direct residential displacement, there are no existing residences on the lot and, you know, the proposed map amendment would increase the residential density and affordable housing opportunities.

Because it would be subject to IZ Plus it actually has an increased affordable housing requirement as well and then eventually when the property is developed in the future, it will include some physical improvements related to stormwater, public realm. But this is also a site that is located near public transit, and so it offers access to opportunities because it is transit accessible. So, you know, people will be able to run errands in their neighborhood, but they will also be able to go to other employment centers for work. So it just provides more access.

The community did identify those priorities, if we go back to it, to revitalize the 9th Street corridor and the map amendment would specifically advance that particular priority. The community has expressed some concern regarding parking. There is no request to deviate from the parking requirements.

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Parking would be provided as required, and then additionally, the potential to set aside more IZ for the affordable housing was a priority for the community as well.

Next slide, please. So identifying potential inconsistencies. There are a lot of policies in the comprehensive plan. There are a lot of policies that have been put forward in the small area plan. So clearly some of them may not be advanced by the proposed map amendment and so we did identify a few that would not be advanced. The first one is concerning rehabilitation before demolition. In this case, the Applicant will not be adaptively reusing the existing building that's on the site.

Also, there may be a potential inconsistency concerning minimizing off-street parking simply because, you know, with the proposed map amendment it would increase density and any time you increase density, you potentially increase the demand for off-street parking, and then finally, commercial displacement, which I did not discuss previously.

There is currently a child care development center that's occupying the building. The Applicant has been working with the church to accommodate that child care center and so far they have actually provided significant assistance in the way of rent. They haven't been charging rent for that facility to stay in place since January and will continue to not charge rent through the end of August and they can certainly provide any

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update to you concerning that.

But there are a lot of policies that outweigh those potential inconsistencies. So we have consistency with the future land use map. We have policies related to development along the corridor, housing, affordable housing, some environmental policies, meeting the production targets that are in the housing equity report, but also those policies specifically identified in the convention center and then also the Mayor's D.C. Comeback Plan. So certainly the consistencies outweigh the inconsistencies.

Next slide, please. So finally, in conclusion, the proposed map amendment is not inconsistent with the comprehensive plan when evaluated through racial equity lens and as we identified on the previous slide, any of those inconsistencies are outweighed by other policies.

I will end my presentation there, but I would be remiss if I didn't acknowledge Commissioner May. I just wanted to take a moment and say congratulations on your retirement. I have certainly learned a lot in the years I have worked with you and the one thing that will always be part of my hearing prep is reviewing that penthouse plan just one more time. Even though I've already looked at it a million times, I'm going to do it one more time just to make sure. I wish you the best and I hope you have a happy retirement.

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COMMISSIONER MAY: Thank you very much.

MS. ELLIOTT: Thank you. Mr. Chair, that concludes the Applicant's presentation and we're available for questions.

CHAIRPERSON HOOD: Thank you both for your presentation and we want to start right off with Commissioner May as he, hey, he might want to talk about penthouses.

Commissioner May.

COMMISSIONER MAY: There's no building here yet so I can't talk about that now. So, first of all this property is mapped medium density, residential and commercial as a result of the most recent comp plan amendments; is that right?

MS. ELLIOTT: That is correct.

COMMISSIONER MAY: It was, okay. I mean, was the Applicant behind that? I mean, did they work to get this or was this something else that was identified through different means as an adjustment to the future land use map?

MR. HUGHES: Yes. The Applicant was not involved with the remapping.

COMMISSIONER MAY: Okay. So the, you know, I think there's an understandable reaction on the part of some of the neighbors to the height and density that would be available as a rebuttal to the map amendment and I'm actually, you know, I -- there was a project about (indiscernible) blocks to the east of this many, many years ago, which was a very tall building that

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backed up against rowhouses and I was very concerned at setdown that it was going to cause a real problem for many of the neighbors.

But that just never happened for that project when it was built, I don't remember how tall it was. It was -- I did vote against it. It's one of those rare instances where I voted against a project, but it was a PUD and I voted against it for architectural reasons as opposed to height and mass and so I guess I'm not that surprised that we are hearing some of those concerns now, because I've expected it in the past and I'm sure there are people who are, you know, there's been a whole lot of development done since that building was developed and I think people are a lot more sensitive to the impacts of these very large buildings that are going up in that neighborhood. I mean, certainly it's completely transformed from where it was when I did my graduate thesis on using sites in that immediate vicinity in 1993, proposing some more modest developments in that vicinity.

I guess the question I have is that with the medium density designation, is there any sort of alternative to this? I mean, is there, I mean I was thinking about, you know, MU-5A theoretically is possible. It's a little bit less dense and like five feet shorter, but that's not a huge difference and in order to get into the development zone it's more significantly

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different, you'd have to go down to MU-4 which, you know, is moderate density really in terms of its designation.

So I mean, is there -- I guess my question is, is there anything that's an alternative that would still not be, it would be not inconsistent with the comprehensive plan and if you went lower than that, would it be, you know, could you justify something as being not inconsistent?

Maybe I didn't ask that very well. I mean, first of all is there, I mean, is there really an alternative that's less dense that might be more palatable for neighbors than you considered? Leave it at that.

MR. HUGHES: I will try to answer the question and then to the point I leave anything out on I'll ask Brandice to clean up. But the MU-5B is what we requested which permits 75B. MU-5A has the same permitted density. So there's no change in the density between 5A and 5B, both with IZ it's 4.2. There is a difference. As you know, it's a nominal difference of five feet in height and I'm not aware of anything below MU-5 would not be -- I feel like I should turn it over to Brandice since she is our expert -- considered medium density.

As I mentioned in my opening, I believe the MU-4 is referenced in the framework element as low density commercial and in the zoning regulations there's moderate density. But I think for medium it would be 5, 4, 7 or 8 which is just higher density;

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right?

MS. ELLIOTT: Yes. I'm not sure that I have anything much to add to that, that's also right. So MU-5 is already basically at the low end of the medium density scale.

COMMISSIONER MAY: Yes. Okay. All right. So arguably, you could have gone a good bit more dense and still be consistent with the comp plan or (indiscernible). Okay. I think that's (indiscernible).

I don't have any other questions. I mean, I have less questions about what the building proposal is, but we don't go there in a map amendment case so I'll have to just remain curious. That's it for me, Mr. Chairman. Thank you very much.

CHAIRPERSON HOOD: Okay. Thank you.

Commissioner Imamura.

COMMISSIONER IMAMURA: Thank you, Mr. Chairman. True to form, Commissioner May stole my question so I will bring it in a different way.

Certainly I think the map amendment here with IZ Plus could lead to, you know, a meaningful project for the community and as Ms. Elliott stated revitalize the 9th Street corridor, certainly with over 20 letters in the record in opposition, although albeit, you know, form letters which I'm not a big fan of, and certainly I appreciate the honesty and forthrightness in the presentation about the community's concerns about massing and

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height and the fact that, you know, it makes sense because as Ms. Elliott described, it hovers between two sub-areas, the historic rowhouses and the retail corridor.

So the question that I wrote down is why is MU-5B more appropriate than any other zone such as MU-5A. I know Commissioner May mentioned it's five feet, I think it might be even ten feet. So whereas MU-5B is 75 feet and MU-5A 65 feet, certainly might be more palatable to the community. So I guess my question stands, especially when you follow on with one more comment about that.

So you listed about three different potential inconsistencies. There may be another one. I don't think it's fair to rattle off specifically what it is, but in the land use policies, there's one that describes the need to support and maintain the District's established low density neighborhoods and related low density zoning.

So again, that kind of goes back to my question. Why is MU-5B more appropriate than say, MU-5A? If the requirements are similar, however, just with the exception of height given the position for concern about massing.

MR. HUGHES: Again. I'll try to take a preliminary stab. I just want to clarify one thing to correct myself. The 70 feet that what we're saying between 70 and 75 in, I can't remember which subtitle this is, K? No.

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MS. ELLIOTT: G.

MR. HUGHES: G, sorry. Subtitle G. I've got the section. There's a height chart for the MU zone and I was referencing an MU-5A project that would be IZ because any map amendment that the Commission approves is going to be an IZ Plus amendment. So that's where the difference between 70 and 75 comes from and then I'll --

MS. ELLIOTT: So there was a question concerning the policies, I believe, and the specific one related to protecting established rowhouse neighborhoods. Was that the one? I'm sorry, you're muted.

COMMISSIONER IMAMURA: What makes MU-5B more appropriate given the policy that describes LU-2.1.5, it describes the need to support and maintain the District's low density neighborhoods and related density zoning?

MS. ELLIOTT: Okay. That policy in particular is related to, so we have, you know, the established rowhouse neighborhood. This is certainly allowing -- this is allowing for those rowhouses, you know, it's not, it's allowing (phonetic) for rowhouses to stay, so it is preserving rowhouse character but allowing for additional density in a more appropriate location and so I think, for example, there are a lot of residents that are in opposition that might live on 8th Street, which is a narrower street, has more rowhouse character, but it has always

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been, you know, 9th Street with a streetcar street. So it's a wider street, has more capacity and it's more appropriate to push that density there and by doing that, it actually leaves those rowhouse neighborhoods intact. It's preserving the character.

So that's, I hope that that kind of gets at what you're asking. I'm happy to provide more clarity.

COMMISSIONER IMAMURA: No, it does. Thank you, Mr. Elliott. Certainly you can see the concern about the urban form, but your description about a wider street makes sense as you've described.

I think the only other question I have, and I might have missed this in your presentation, but I wanted to ask if there's sort of, because this is Part I and MU-4 is sort of a split zone, if there's an actual breakdown of that for the particular site in order to calculate what that blended part might be. This does move into the IZ Plus for that calculation. Do you have that?

MR. HUGHES: Is it -- I don't have it in front of me. We have it in our statement of support and I believe the Office of Planning setdown report mentions it as well. But my recollection is the blended FAR was 1.9 or 1.7, but it was going to result in a set-aside and depending upon the method of construction of between 18 and 20 percent if that's your question.

COMMISSIONER IMAMURA: Okay. Great. And you said

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that's in your --

MR. HUGHES: It's in our Applicant's statement of support.

COMMISSIONER IMAMURA: Statement of support? Okay. All right. I'll go back, I might have missed that. So with that, Mr. Chairman, I don't think I have anything else to ask and just want to say that I also concur with my esteemed colleague, Commissioner May. So, I mean, I may not have another opportunity to say that.

CHAIRPERSON HOOD: Thank you. Vice Chair Miller?

VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank you Douglas Hughes and Brandice Elliott for bringing this map amendment with IZ Plus designation forward. Thank you for your thorough testimony and statements in the record, particularly in regard to what this case is all about, which is comprehensive plan consistency, zoning, comprehensive zoning consistency with the comprehensive plan and the racial equity analysis, especially when viewed through a racial equity analysis lens. I think all the information that you provided, as well as what the OP provided, was very helpful.

I would just note that what the DDOT report noted in Exhibit 27 that the proposed MU-5B, which they describe as residential apartment moderate density, I don't know if you all would agree with that. But it is on the low end, it certainly

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would be on the low end of medium density, which is what the comp plan future land use map most recent designation is, but their statement is the proposed MU-5B moderate residential apartment moderate density zone has the potential to allow for approximately 16 more residential units and 4,000 square feet more retail on the property than the maximum allowed in the existing split zoned RF-1/MU-4 zoning. So is that 16 more residential units that are potentially facilitated by this rezoning and the OP report, which is Exhibit 26 at page five, says that the map amendment with this higher percentage IZ Plus set-aside requirement designation could help advance the affordable housing production goals set for the planning area, which is not currently on track to meet its goal by 2025 and OP estimates that approximately six IZ units for a mixed use building or seven housing IZ units for an all residential building could be provided through an IZ Plus set-aside requirement with this rezoning if the property were to be redeveloped.

So for those reasons and for the reasons that my colleagues have explored in their dialog with you, I am supportive of this IZ Plus map amendment going forward. I don't think I have, well, I'll ask one question.

You touched on it in terms of the Shiloh. This was Shiloh's property. They sold it to the Applicant to develop it, to redevelop it. They're currently still using the property, as

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you said, for the church's child development center and the Applicant has been assisting the child development center, which there's a policy in the comp plan about encouraging child development centers in those types of institutional uses in the City. But I know you mentioned that the Applicant has been working with Shiloh on any potential relocation and I think that they are looking at locating either across the street at the Henry C. Gregory Family Life Center or at the, and you've been providing it free of rent during this lease back period and extended it throughout the summer for their summer camp.

But can you, is there any update on where this child development center is going to be relocated? I know your statement was just a couple of weeks ago on that, so there may not be any new developments on where they might be relocating. But if you have any information on that, could you provide that?

MR. HUGHES: Certainly, Commissioner, thank you. We don't have any further update to what was submitted to the record that we described. As of now the lease that you referenced, it extends through the end of August.

VICE CHAIR MILLER; Okay. Well, I didn't expect there to be but I just wanted to emphasize that point which is that it is existing there and efforts are being made to keep it there while the property is not being developed and to relocate it after once that begins, and we have a letter in the record in

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support of this application from Shiloh Baptist Church at Exhibit No. 12.

So thank you. Thank you all. Thank you, my colleagues and I'll turn it to back you, Mr. Chairman.

CHAIRPERSON HOOD: Mr. Hughes --

MR. HUGHES: Yes, sir.

CHAIRPERSON HOOD: -- let me, I had to make sure I called Ms. Elliott's name right. But let me, I'm trying to ask this, and we're not talking about a project and my legal counsel, I always make sure of that, and I appreciate everybody for not doing that. So I'm not going to do it, but I'm going to try to refrain, I'm going to try -- there's a formula and I do pay attention. I pay attention to everything and I know we all do.

So what I do want to ask is some of the questions, because previously this Commission has gotten -- has raised concerns about some things that are going on down there about not giving information. On another case I think my colleagues remember I asked them to show us that everybody that lives in that area is getting information and, you know, D.C., is a small town and we all know people who see us in the street and mention it to us and also mention it to us in this setting. So I want to make sure that I address this letter because some of the things -- let me ask you this, Mr. Hughes.

In this form letter it states that if we do the -- if

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we change the zoning then we will be tripling it. I don't know if five is going to necessarily triple it. Would you say that's what we're doing if we change it? Are we tripling things from 35 to I think it's 75, are we tripling it?

MR. HUGHES: I'm sorry. I don't have the letter in front of me. Tripling (indiscernible).

CHAIRPERSON HOOD: I want you to, I want to address this letter because it has to do with the height and everything, whatever's being proposed, and I don't want to talk about a case. I don't know what you all have proposed. So if we were to make the (indiscernible).

MR. HUGHES: (Indiscernible) Mr. Chair, the MU-4 portion of the site which is the southern half, it's currently permitted at 50 foot height and the proposal is for a 75 foot height. So that's not tripling, if that's the question.

CHAIRPERSON HOOD: That is the question. The other thing, now I'll see if I can find it and I know I'm not sure who wrote the letter because we have different people who signed it. I do have some questions about the letter making sure and I'm not going to get into some parts of this letter but I want to make sure it's covered, and, Ms. Elliott, you mentioned about there's no displacement. Did you have a chance to look at this letter? Ms. Elliott?

MS. ELLIOTT: Yes.

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CHAIRPERSON HOOD: Okay. So if we go ahead, it says the proposed building, well, I'm going to reword it. The proposed rezoning, the proposed -- I can't go there because that's talking about the building. So through this rezoning tell me why we are not causing gentrification through this rezoning? Maybe you have already covered it to a point, but explain that to me. Why is the Zoning Commission's action not causing gentrification?

MS. ELLIOTT: Well, I think the racial equity tool specifically asks about displacement and so as it relates to residential displacement, there are currently no residential units on this property. So since no one is living there, then they would not be asked to leave or have to be relocated elsewhere and in terms of the commercially, I mean, we did talk about the child development center and while there may be displacement, you know, trying to find a new location, the Applicant has been working with them to provide additional assistance. So that's the displacement that is acknowledged in our report, but not residential displacement.

CHAIRPERSON HOOD: Okay. So is this, is it your testimony and the Applicant's findings that even in the surrounding area off of this project when I call it displacement of African American, at least in this case the way it's been, since it's proposed in this letter, that also will not cause displacement?

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MS. ELLIOTT: That is correct. This project would not cause any residential displacement because there are no residential units on the lot.

CHAIRPERSON HOOD: Okay. Well, on the lot and what about, I think the way they are presenting it to us is going to cause problems around in the area as well. Are there any impacts, from our racial equity tool, are there any issues in the area?

MS. ELLIOTT: I think what they're getting at is indirect displacement and, you know, this project is not -- what that's usually referring to is like increases in properties and in property value and therefore also property tax. This project is not of such a significant size that it should cause that. I mean, certainly that's a very preliminary analysis. You know, it's sort of a crystal ball question, you know, whether or not someone's going to be able to afford their property taxes because of indirect displacement. But we don't think this project is large enough to cause that kind of displacement.

CHAIRPERSON HOOD: Okay. And you may have mentioned this previously, but beyond the ANC, what type of outreach and engagement was done, and you may have already mentioned it but I need to ask it my way?

MR. HUGHES: Mr. Hood, I'd like to introduce Mr. Jessee from the Applicant team and he'll answer those questions. I'll going to slide down, just a moment, conveyor belt here.

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CHAIRPERSON HOOD: All right. Thank you.

MR. JESSEE: Thanks for allowing for the musical chairs over here for us.

You know, we're very proud of our outreach effort, both with the ANC and beyond. I'm a resident of ANC 2G, so it was really important to me from the get-go that we were active in the community with broadcasting what our plans were, both from an Applicant perspective and for some concept plans for HPRB as well.

So you know, we went to five ANC meetings. We presented at two D.C. Preservation League hearings. We've met one on one with two thirds of the members of our ANC. We've had multiple one on one coffee meetings with neighbors surrounding the immediate project, which overwhelmingly resulted in letters of support which are on the record as well. We have sent multiple notices, have placarded the building, have delivered, you know, hand-delivered multiple responses to concerns that we've heard via some of these letters of opposition.

So we have made ourselves available to anyone who would like to meet and have certainly had folks take us up on that. So I'm happy to, you know, very proud of our outreach record and stand behind it.

CHAIRPERSON HOOD: So, and I'm sorry, your name is Mr. Jessee?

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MR. JESSEE: Yes. Ye. My last name is Jessee.

CHAIRPERSON HOOD: Mr. Jessee, you are a neighbor?

MR. JESSEE: I am.

CHAIRPERSON HOOD: In the area.

MR. JESSEE: I do.

CHAIRPERSON HOOD: For me, that's very important. So that's good. What kind of input -- did you see the form letter?

MR. JESSEE: I did.

CHAIRPERSON HOOD: Were you able to talk to the residents about maybe some of the inconsistencies or did you just give them some assurance? Let me ask it this way, because I'm trying to stay away from the project because I do not want to break the rule that I always try to keep. The rezoning, I know some things that's going to happen after the rezoning if the rezoning goes through consistently in the case. So did you explain to them after that what's going to happen because here's one of the things I saw in the letter. If you say one thing, the zoning allows more and once that happens there's no control. That's the way I got the letter. What kind of assurances did you give the community?

MR. JESSEE: Sure. So we received the letters of opposition back in March and took them incredibly seriously and I personally walked around the neighborhood to every respondent and hand delivered a response, a written response that's also

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included in the record, that outlined, you know, clarified a few of the misconceptions that folks may have had, provided a little more context on our process and on our ultimate plans for the site.

So we in that letter, again, made ourselves available for a one on one meeting with anyone who was interested in having further conversation. One of the signees of the letter did take us up on that and we were able to meet with them. Other than that, we have not heard back from any of the other original signees of the letters.

MR. HUGHES: Mr. Hood if I could add. Well, Mr. Jessee's describing the form letter that's dated March 21st or 22nd, and his response right thereafter clarifying, correcting that form letter and hand delivering that. We provided that over the weekend into the record, and that is included in Exhibit 45 and there was some shuffling of the record to organize it, I think today. But the response letter that he's describing is at Exhibit 45A, I believe.

CHAIRPERSON HOOD: Thank you for bringing it to my attention because I passed that by. But I can tell you this about Saturday or Sunday I'm past Exhibit 45. I'm looking down towards the lower, so okay. So I went back and I see it now. I will take time to look at it. I don't have any questions anymore, maybe some more.

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But let me ask this, Mr. Jessee. What kind of responses, from those in opposition -- well, let me back up because I think information is important. I see a letter in here from Shiloh Baptist Church, from the chairman of the Trustee Board as well as I believe Reverend Charles Smith. I see they are supporting this. But my question, my problem is how did the community think that this was their project?

So it's all about information because the way I read this form letter the community thought it was their project, I mean, it was Shiloh's project. I know Shiloh's done some work, but this is not their project.

MR. JESSEE: Sure. I think the point of confusion might have been that we actually purchased this property from Shiloh and so Shiloh went through a pretty rigorous marketing and selection process for a partner in this transaction and so we were ultimately chosen by Shiloh to be that partner and to purchase this site and pursue this map amendment, and so I think being that Shiloh was the previous owner, is across the street is still in communication with us regarding the child development center, I think perhaps that was where the misunderstanding took place.

CHAIRPERSON HOOD: I will wait to hear from others. But the community knows that you live in the community; correct?

MR. JESSEE: Absolutely. My home address is on that

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letter of response that you see so they can knock on my door if they want to.

CHAIRPERSON HOOD: Okay. All right. So anyway, those that are listening heard that. Okay. So I would just ask, regardless of what we do here, it goes forward and make sure you continue to collaborate with the neighbors and get to whatever next steps you get to. I would ask that. All right.

Any follow up questions? Okay. Let's go to ANC 2G to see if they have any cross-examination and right now we're just doing cross, and Chairman Padro I believe. This is just cross-examination.

ANC CHAIRMAN PADRO: Yes. Thank you, Mr. Chairman. The racial equity lens was very, very well done, very detailed. Ms. Elliott, if I can get you to squish back to the left. Thank you.

A couple of things that I think weren't explored as thoroughly as they could be were the fact that through the Convention Center Area Strategic Development Plan, there were expectations made by the community in the planning process, which were accepted by the Office of Planning establishment of that. But do you have anything that you'd like to add related to the racial equity lens in terms of the changes that Mr. May noted, the dramatic changes in the neighborhood in terms of density that have occurred since the structure of the Convention Center began,

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or are you aware of the expectations of the community related to the Convention Center Strategic Development Plan?

MS. ELLIOTT: I guess I'm not. So the purpose of that plan really was to find or to identify more housing opportunities, better retail. So the proposed map amendment does advance those particular goals of the plan. Is there something specific that you wanted me to address?

ANC COMMISSIONER PADRO: Well, yes. I mean, the expectation of the community in its participation in the creation of the plan was that there would be greater density introduced in order to be able to achieve those objectives. Is that not true?

ME. ELLIOTT: Well, yes, yes. And in fact, the plan makes pretty clear that although there may be a strong rowhouse character along some streets, there would need to be some, you know, apartment buildings in order to create more housing and affordable housing opportunities within the neighborhood. So that was certainly acknowledged in the plan as well.

ANC COMMISSIONER PADRO; And --

MS. ELLIOTT: I think I was not understanding some of your statements before, because the tone was a little in and out, so forgive us.

ANC COMMISSIONER PADRO: Sorry about that. So would you say that, in fact, that the development that has happened

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subsequent to the adoption of the Convention Center Area Strategic Development Plan, you know, has resulted in the achievement of many of the goals specifically related to increase in housing in the area as well as the strengthening of the commercial corridors?

MS. ELLIOTT: Well, sure. I mean, in particular, those projects that have been reviewed by the Zoning Commission up to this point, you know, the Applicants would have had to demonstrate that the goals of the small area plan and the comprehensive plan are being furthered, even prior to those days where the racial equity analysis was required. So I would say that, yes, the Zoning Commission has already made that determination. So those projects are furthering those goals.

ANC COMMISSIONER RPADRO: Thank you. Those are my questions, Mr. Chairman.

CHAIRPERSON HOOD: All right. Thank you. Thank you, Chairman Padro. Let me get myself a drink of water.

So Ms. Schellin, do we have, and we can leave Chairman Padro up, so do we have anybody from any other government agencies?

MS. SCHELLIN: I'm sorry. Let me check very quickly. I didn't have any others registered to testify, but I want to just double check to make sure. I don't see any others, no.

CHAIRPERSON HOOD: Okay. Well, let's --

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MS. SCHELLIN: I believe OP, Mr. Kirschenbaum, is the only one. Mr. Hughes, were you dealing with anyone specific from DDOT?

MR. HUGHES: No. I just took from the initials at the end of the memo that it was Ms. Bridges that had prepared the memo, but we have not had any correspondence with --

MS. SCHELLIN: Right. And I don't -- and a lot of times they don't show up for just the map amendment and I don't see her on. So --

CHAIRPERSON HOOD: Let's go to the Office of Planning, and then I'll come back and do DDOT. Let's go to the Office of Planning. Mr. Kirschenbaum, you may begin.

MR. KIRSCHENBAUM: Thank you very much. Good evening Chair Hood and members of the Zoning Commission. I am Jonathan Kirschenbaum with the Office of Planning.

We recommend approval of the proposed rezoning from both the RF-1 and MU-4 zones to the MU-5B zone. We find that the proposal will be appropriate for IZ Plus. On balance, when viewed through a racial equity lens the proposed map amendment is not inconsistent with the policies and goals of the comprehensive plan, including the future land use map and generalized policy map, which are both in front of you, and as sort of a matter of quick background this property's FLUM designation was changed to medium density commercial and medium

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density residential through the 2021 comprehensive plan update and according to the framework element, the MU-5B zone would not be inconsistent with the future land use map designations.

Next slide, please. So IZ Plus would be appropriate to apply to this map amendment because the rezoning request is to a new zone that permits greater density. The District's 2009, excuse me, 2019 Housing Equity Report set a goal for this planning area near northwest to produce 1,250 affordable units by 2025. As of January, 2023, the planning area only achieved 10.7 percent of this goal and is estimated to only reach 37.2 percent of this goal by 2025. So it is significantly behind its housing goals.

The subject property is a split zone lot and for purposes of calculating IZ Plus, if this were to be approved, the existing total FAR stated in the order should be 1.7. Since map amendment applications only consider consistency with the comprehensive plan and not a specific development proposal, OP estimates that six to seven IZ units could be provided at the subject property based on whether the property is redeveloped to be a mixed use or entirely residential.

Next slide, please. We have reviewed the proposed map amendment through a racial equity lens as part of the comprehensive plan consistency analysis. The planning area as of 2021 is predominantly White and has significantly more residents who are White compared to the District. The percent

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of residents who are Asian or Hispanic or Latino is slightly higher in the planning area compared to the District. The planning area has significantly less residents who are Black or African American compared to the District.

Between 2016 and 2021 racial and ethnic composition of the planning area stayed relatively the same. However, the comprehensive plan notes that the Black or African American population has dropped from 23.2 percent in 2000 to 13.7 percent in 2017, and this has represented a loss of over 5,000 Black or African American residents.

Next slide, please. The total median household income for the planning area is significantly higher for all households when compared to the District. When analyzing the planning area White residents have the highest household income, while Black or African American households have the lowest median household income as of 2021.

Next slide, please. So a household is considered housing cost burdened if 30 percent or more of their income is spent on housing. The table shows that as of 2021, the percentage of people who are housing cost burdened in the planning area is lower than compared to the District.

Next slide, please. So the comprehensive plan analysis through a racial equity lens indicates that the map amendment proposal on balance would not be inconsistent with the

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comprehensive plan. The proposed map amendment could provide significantly more housing overall on a property where currently none exists, with an estimated 20 percent IZ Plus density requirement. This planning area has both one of the lowest shares of dedicated, affordable units in the District and the third highest need for more affordable units as identified in the Housing Equity report.

As we also noted in our setdown report, in this planning area 70 percent of this planning area is dedicated to single family house uses, whether it's rowhouses, detached, semi-detached, so most of the vast majority of land uses in this planning area are for single family only. So this is certainly a property where no housing would be removed or the addition of more multi-family housing, including affordable housing. Making room for more affordable housing has the potential to benefit non-White populations who on average have lower income than White residents.

As I just mentioned, redevelopment of the site will not result in direct residential displacement, as there are currently no residential uses. Indirect residential displacement is not likely because increased residential density creates more housing options, and a comprehensive plan recognizes that without increased housing, the imbalance between supply and demand drives up housing prices that particularly impact low income residents.

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There should also not be negative physical impacts because the primary uses allowed by the MU-5B zone are residential and neighborhood serving retail uses. Finally, the proposal would be located near many neighborhood opportunities, including schools, retail, supermarkets, pharmacies, other recreational opportunities, several bus lines and two metro rail stations.

So in summary, OP finds that the proposed map amendment to MU-5B would not be inconsistent with the comprehensive plan's policies and maps. Again, the property's FLUM designation was recently changed through the 2021 comprehensive plan update to support a comp plan consistency rezoning such as this one to the MU-5B zone and that would not be inconsistent with the medium density residential and commercial designations.

So this concludes my presentation and I also just want to say very quick, happy retirement to Commissioner May, and I hope it's fun. It's really been a pleasure presenting to you, testifying to you, learning from you. I have to admit, I never thought about penthouses as much working with OP and working with you and I have to say, as a result, to whenever I'm in another city I often stare at the most ugly mechanical penthouses and I think how fortunate we are to have very tidy penthouses in the District, and maybe if you get bored in retirement you can start a whole consulting firm with other cities on making penthouses more tidy and aesthetically pleasing in other cities.

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So that concludes my presentation and I'm available for any questions. Thank you.

COMMISSIONER MAY: Thank you, Mr. Kirschenbaum. That's very nice. I'll miss you a great deal. You've been a great addition to the Office of Planning. Well, you've been there a long time now, but you still feel like in the long time that I've been doing this that you're a relative newcomer.

MR. KIRSCHENBAUM: I've been with OP for five and a half years, but I'm still the last one hired in an (indiscernible) so, still the youngest.

COMMISSIONER MAY: You've been a great (indiscernible) and I appreciate your comments.

CHAIRPERSON HOOD: All right. Let me move to the DDOT report. Mr. Kirschenbaum is going to be available for questions. I'm going to do the DDOT report and I won't be available for questions.

But basically I'll just read what it says. This is Exhibit No. 27 and it basically, and I've never seen this. It says,

To achieve this vision, DDOT works through the zoning process to ensure that impacts from new developments are manageable within and take advantage of District's multi-modal transportation network and, as necessary, propose mitigations that are commensurate with the actions. After -- and this is

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where it may have been there but I may have just overlooked it -
- after an extensive review of the case materials submitted by the Applicant, DDOT finds, and then it has a few items in which I think Mr. Kirschenbaum was pretty, bullet points that Mr. Kirschenbaum touched on, for the recommendations DDOT has no objections to the approval of the requested map amendment. So that's their report and that's our Exhibit No. 27.

Commissioner May, any questions of either, of well Mr. Kirschenbaum, not of DDOT?

COMMISSIONER MAY: Darn. I was going to ask you the DDOT questions. No, thank you. I do not have any questions.

CHAIRPERSON HOOD: Okay. Commissioner Imamura.

COMMISSIONER IMAMURA: No questions. Thank you, Mr. Kirschenbaum. Glad to know that you and I both are (indiscernible).

CHAIRPERSON HOOD: And Vice Chair Miller.

VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank you, Mr. Kirschenbaum, for the Office of Planning thorough report.

CHAIRPERSON HOOD: And, Mr. Hughes, does the Applicant have any questions of the Office of Planning?

MR. HUGHES: We do not. Thank you very much for your report, Mr. Kirschenbaum.

CHAIRPERSON HOOD: And Chairperson Padro, do you have

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any questions of the Office of Planning?

ANC COMMISSIONER PADRO: No questions for OP. Thank you, MR. Chairman.

CHAIRPERSON HOOD: Okay. All right. Thank you, Ms. Schellin. Let's, oh, I'm sorry. Chairman Padro, it is now your turn for the ANC 2G report.

ANC COMMISSIONER PADRO: Thank you, Mr. Chairman, and first of all, I'll also take the opportunity to thank Mr. May for his long service. He's been at this almost as long as I've been a Commissioner. I became a Commissioner in 2001 so we started our respective services in a similar time frame and like one of the other previous presenters that noted, your characteristic of being very much about the details. That was the first thing I thought about when I realized that you would be retiring and that people would be giving you some kind words. So I associate myself with those comments and wish you all the best.

COMMISSIOENR MAY: Thank you.

ANC COMMISSIONER PADRO: So, Mr. Chairman and members of the Commission, I am Alexander Padro and chair of Advisory Neighborhood Commission 2G.

I have been representing the Shaw neighborhood for, not consistently but 21 years now and like Mr. May, I am amazed at the way that this neighborhood has transitioned and improved and

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has begun to meet the objectives of the Convention Center Strategic Development Plan, specifically through the addition of density.

You have the Commission's report dated the 19th of March of this year, where the Commissioners voted in support of the application by the vote of five in favor, one against and no abstentions. We were very pleased to have multiple presentations to the Zoning Planning and Historic Preservation Committee about this project and very pleased to see that the project associated with this rezoning will help to advance the neighborhood's revitalization. Again, not to discuss the project that we hope will result, but the intention of the map amendment.

As has been noted previously, this is an area that is very well served by many modes of transportation and as a transit oriented development this fits in ideally with the other types of the other developments taking place in the past 20 years in close proximity. The addition of density here is very appropriate and is consistent with what has happened on adjacent blocks. We have obviously City Market at O, a two square block development. We selected a site, did not displace a single resident, but instead created over 600 units of housing in addition to other development there and Jefferson Marketplace, one block to the east of the site similarly, went from 54 units of housing all affordable to 281 units of housing replicating the affordable

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housing units previously on the site.

We provided some additional notes that are included in the resolution from the Commission that are attached to the Commission's report. But too, I also wanted to take a moment to address one of the questions that the Chairman had expressed about why there is some concern about the additional density here and what the potential impact might be on the overall community and existing low and moderate income residents, specifically those of color and I think the best way to respond to that question is to share some of the concerns that were raised about another project that this Commission approved almost two decades ago and, well a decade ago, and that was the City Market at O development which was noted in the Chairman's list of accomplishments or major accomplishments for Mr. May earlier today.

There were similar concerns about the fact that so many additional units of housing were going to be created on those two square blocks, which again did not have a single unit of housing on them at the time and that there was a potential for displacement from the neighborhood as a result of increased property values, tax assessments and the like.

But I'm glad to be able to say that almost all of the displacement that has occurred in my Single Member District, this is located in my Single Member District, has been through

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decisions made by longtime African American residents, some of more modest means, in deciding to sell their property, move out of the District than through any other of the market forces normally related to gentrification and I am (indiscernible) to further clarify.

So yes, there are folks that are concerned that the greater parking demands will result from this project. Again, we're not going to talk about the project, but again, that the map amendment could potentially result in greater parking demands for making the necessary provisions to ensure that that will not happen. But overall, this is a project that fits in very squarely with the objectives of the Convention Center Area Strategic Development Plan, and will further enhance the results which Mr. May was commenting on, and that would conclude my comments and I'm available to answer any questions you may have.

CHAIRPERSON HOOD: Thank you. And we keep talking about O Street. I'm wasn't going to say this, but that was the famous project that my resignation was asked for. I think Carol (phonetic), I forgot who all it was. They wanted all three of the Mayoral appointees to go. They were mad at us about that. I'm glad to be here now, it's working out. I'm still here and it's working out, so I'll leave it at that.

Any questions or comments for ANC Chair Padro?
Commissioner May.

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COMMISSIONER MAY: Yes. Well, first of all, thank you for your kind words. You know, we did start right around the same time, 2001. I took like three years off in the middle of that. But I was working for the City and I think we had some contact when I was doing that work as well.

But thank you very much for that and I have to say, I have a deep affection for the neighborhood since long before that. In fact, when I first started shopping for a place to live, I was looking at Shaw and it just didn't work out in terms of the timing. But I very well could have been one of your constituents, who knows?

I do have a question, though. There was, the vote was four to one, or five to one, something like that; right?

ANC COMMISSIONER PADRO: Five to one.

COMMISSIONER MAY: And maybe you said something about this, but what was the concern of the one Commissioner who voted against it?

ANC COMMISSIONER PADRO: So yes. The one Commissioner had concerns about, you know, potential displacement and adverse impact on the parking availability.

COMMISSIONER MAY: Okay. Well, same reason we've heard. Okay. Thank you.

CHAIRPERSON HOOD: Commissioner Imamura.

COMMISSIONER IMAMURA: No questions. Thank you,

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Chairman Padro.

CHAIRPERSON HOOD: And Vice Chair Miller.

VICE CHAIR MILLER: Thank you, Mr. Chairman and thank you, Commissioner Padro for your report and all your work on this case and all the other many, many, many, many, many projects in your neighborhood over the last two decades. All your community service to your neighborhood and the City appreciates it.

ANC COMMISSIONER PADRO: Thank you.

CHAIRPERSON HOOD: And I will just say, when I was a child, my father used to take me over to 7th and O. We used to get our groceries and I don't know why we went all the way over there, but there must have been a reason. I was too young to realize that. So thank you also, Chairman Padro, for your presentation to us. I will ask this though. The one dissenting vote on the ANC, that's not -- is that their Single Member District?

ANC COMMISSIONER PADRO: It is my Single Member District.

CHAIRPERSON HOOD: Your Single Member District. Okay. Okay. All right. Thank you.

And this is, let me see. All right. Thank you very much We appreciate your testimony.

All right. You know, I don't know which one is, we meet in person, I have papers in front of me, and here I have

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files that I keep. Okay. Here we go.

All right. Ms. Schellin, let's see, oh, I'm sorry. Okay. Okay. Thank you, Mr. Hughes. Thank you again, Chairman Padro. Ms. Schellin, do we have any organizations or persons who are here to testify in support first?

MS. SCHELLIN: We do.

CHAIRPERSON HOOD: We have support. Okay. Let's bring them in.

MS. SCHELLIN: Let me get to that list.

CHAIRPERSON HOOD: I'll let you take care of that.

MS. SCHELLIN: Yes, sir. So in support we have, I believe Mr. Hughes, Matt Kennerknecht is part of the Applicant -
-

MR. HUGHES: That's correct. He's part of the Applicant team, yes.

MS. SCHELLIN: Okay. And how about, Nick Jessee already, he was part of the team. Okay. So that takes care of two of them and so actually we've already gone through the proponents so there are no other proponents that have registered.

CHAIRPERSON HOOD: Let's go to opponents.

MS. SCHELLIN: Okay. Opponents, we have Leroy Thorpe, Sheena Berry, she's an SMD representative so they both get three minutes. I'm not sure if Mr. Thorpe is representing an organization or not. He usually does but he did not put an

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organization name down. Also, we have David Orange, Brian Janovitz, that's four. Do you want --

CHAIRPERSON HOOD: Yes (indiscernible).

MS. SCHELLIN: There's only one more opponent and --

CHAIRPERSON HOOD: Let's bring them --

MS. SCHELLIN: -- and we've got one undeclared.

CHAIRPERSON HOOD: Okay. Let's bring all the opponents up first.

MS. SCHELLIN: Okay. Leo Simonovich, and we'll have one undeclared after them.

MR. YOUNG: What was the last name you said or Mr. Thorpe. There is a call-in user but I don't know who it is.

MS. SCHELLIN: That might be Mr. Thorpe because I believe he was going to have to switch to his phone. That's probably Mr. Thorpe.

CHAIRPERSON HOOD: And Ms. -- I'm not sure whose name, did you call? Who did you call first?

MS. SCHELLIN: First is Mr. Thorpe. His number is 286.

CHAIRPERSON HOOD: Okay. 286? Mr. Thorpe? So (indiscernible) six?

MR. THORPE: Can you hear me?

CHAIRPERSON HOOD: Yes. We can hear you now.

MR. THORPE: Can you hear me?

CHAIRPERSON HOOD: Yes.

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MR. THORPE: (Indiscernible) I'm out here with my red hats right now in the 600 block of I Street shutting down all this (indiscernible) where the developers and the homeowners asked us to come up here and we've made significant progress up here and this Chinatown neighborhood.

Let me say, first of all, that I served as a Commissioner in the 80s and the 90s all the way up to 2004. I'm the one that cleaned this community up and Shaw, that neighborhood, for developers to come in and I think the testimony of Ms. Elliott, I believe, was inaccurate.

Shaw has always been a hub of Black intellectual, and it's almost like the renaissance of Harlem. She tried, you know, when White people talk about diversity that means that White people are moving to Black and Black communities benefit but they don't use the word diverse because if you look at Georgetown which was historically Black, and now it's White they don't use the term diversity when Black people move in because they wanted to control (phonetic), the economics, the politics and everything.

But as far as Mr. Padro was concerned, very disappointed in him. I'm the one that told him to run for the ANC. Mr. Padro is Dominican, Latino. He's manipulated and lied to this Board for many, many years. Even the proponents of this project, you can tell they really didn't do their homework because

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when this went before the Historic preservation Committee they basically denied it (indiscernible) regarding this project. But I guess the Black woman that's in charge, she wants to be validated White so she went along to go along because when you in the system like that and you're trying to be validated and accepted.

So this project is a gentrification project. You're talking about Black kids that was going to a child development center, that's displacement, and then you talked about racial equity. Come on. Let's be for real. You're looking at the Office of Planning The Office of Planning and what else was there, somebody else, yes, DDOT. These are all organizations that are participating and displacing Black people as a community across the District of Columbia. There's no racial equity. The median income is showing probably about \$37,000; right? How are you going to be able to afford this project? This is not a racial equity project.

Also, Mr. Jessee, lied to you. I met with him at my house and I told him I wanted him to meet with my East Central Civic Association, the historic East Central Civic Association that played a critical role during the 1968 riots on 7th Street and trying to cool people out during the assassination of Martin Luther King.

Mr. Jessee never responded back to me when he knew --

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when I had met with him at my house and told him I'm in opposition. I told him that he also, although it's not a PUD, he should offer some assistance to Black organizations in that community. He didn't meet no tenant's association, he didn't meet with our East Central Civic Association. He didn't meet with our citizen's organized patrol efforts and so when I asked him to do so, he never did. So they're lying to you.

Not only that, Mr. Padro has told people at a public meeting as the Chairman that he would not work with me after taking the oath that he would represent people in the community. Rachelle Nigro has been lying to you guys for decades. She's going around telling the developers who come back to me that she don't want no affordable housing built in Shaw.

So you guys are being white washed. This is what's happening in America. You know, you get White people coming into Black neighborhoods, putting Black people out. They get one or two houses (indiscernible) that's going to support their project and they say well, this is diversity.

So no, man. You know, what happens, what needs to happen? You guys need to happen (indiscernible) and ethics, and tell Mr. Jessee to go back to the community where Black people are going to be impacted. He's got the Foster House right there right down the street. You've got Armis Critel (phonetic) a good friend of mine, you have his Center City, not Center City, the

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giant towers there. You've got one of them for senior citizens for affordable for senior citizens.

So they didn't meet any Black people. They met with a bunch of house negroes (phonetic) and stuff like that that to support their project, like Alex Padro and they didn't really reach out to the community.

Now, really what needs to happen is (indiscernible) need to get angry and start burning buildings down because if you look in Shaw, you don't see Black development there. There's no Black businesses because Blacks start going up here and doing like (indiscernible) then you wouldn't get the attention of the Office of Planning and DDOT, because when you look at urban renewal there's a law or something there that when they did the redevelopment up there Black people were supposed to have a large equity involved. But there's no racial equity. That ain't nothing but a game that you White folks play that redo history and lie so they can control the what you call it, control the economics, control the politics and they got (indiscernible) like Alex Padro, a (indiscernible) negro who's playing along with them.

That's what -- that's all I've got to say.

CHAIRPERSON HOOD: Okay. Thank you. Hold tight. We may have some questions for you. Ms. Schellin --

MR. THORPE: (Indiscernible).

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CHAIRPERSON HOOD: Okay. Ms. Schellin, who's next?

MS. SCHELLIN: Yes. Next is Ms. Berry.

ANC COMMISSIONER BERRY: Hello everyone. I'm Commissioner Berry. Actually I'm a Single Member District Commissioner for 2G05 which is located in ANC 2G.

I actually drafted the form letter that everyone went around and signed. I went door to door. I was the only Commissioner to object to this project after hearing tons of neighbors show up at the meeting and say they do not support this project. We record our meetings so publicly recorded, you can find them on YouTube, but it's stated in the letter that you can see where constituents showed up to this meeting. So we do not support this project.

When I went around with this letter and knocked door to door for the first time, many residents said this was the first time they had heard of this project. There were maybe one or two said they had heard of it, but they had not had any community engagement.

So Mr. Jessee is lying, coming here saying he's proud of his engagement. He should be ashamed. He definitely was disingenuous with the community about this project. He originally presented this project as the Shiloh Baptist Development Project. When I met with Mr. Jessee it was, you know, oh, Shiloh Baptist supports this project. I reached out to Shiloh

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Baptist personally and was told by Nico, second in charge who is the assistant to the Pastor, that they had not seen the project, but they had to support the project because they sold the building and they do not want to go back on their word. They, in fact, had worked with the ANC prior to selling it to make the building more profitable to sell to a buyer. So Shiloh Baptist then went back and wrote an undated letter and said that they supported the project, which they had not seen until I sent them all of the plans and that was owners over (phonetic) IZ site (phonetic).

So when I went around to constituents and had them sign this letter about, hey, I didn't have to do much. I said, hey, do you know anything about this building? They want to take this building up to 75 feet tall. It is currently stated to only be 35 feet tall and they want, it could possibly go up to 75 feet. Residents in droves were like we do not support this project.

Commissioner Padro has been lying about his engagement. This is his Single Member District and he has been lying to say that residents support this project. They do not. I've just been so disheartened by this whole process. You know, the Historic Preservation at the first meeting said, hey, this building is huge. It sticks out like a sore thumb. I'm quoting things from public meetings that you can go watch on Live right now that your colleagues have said the people who plan and organize the City have stated, and then when the building came

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back, somehow the height of the building wasn't of concern.

So, you know, residents feel at a loss here. We don't have lawyers working through, you know, zoning and what's going to work. You know, we don't know the terms or the proper channels with zoning and what we can say and what we can't say. But what we can't say and what we can say, but residents know that they do not support this project. They do support more housing. They do support, you know, affordable housing options but this project is an atrocity. It does not fit into the neighborhood and everyone keeps talking about this, like racial lens that's there but the racial lens it keeps talking about displacement. Displacement is more than just does someone live there in that house right now.

This building that is trying to get a map amendment right now, it's scheduled for 35 feet and 50 feet tall. It is placed right next to a three story house on a historic street and it could possibly go up to 75 feet. Some of the houses that would be adjacent to the house are only two stories high. I don't understand how this works for a plan.

ZC's comprehensive plan did not consider residents. It didn't consider Black people. It didn't consider disabled people or families having a building 45 units with 12 parking spots, does not consider the surrounding area or the neighborhood. So indirect displacement and gentrification should be a factor and

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it's really disheartening to hear the Chairman of the ANC sit here and lie to you about what happened when it's recorded, and he said that on several occasions on a podcast and being quoted in articles about this project and several others.

It's just -- I feel bad for this community because our voices aren't heard. It's sad that I'm the only Commissioner to stand up for the people of this community that's not even my Single Member District. I'm a few blocks over from that Single Member District, but I would be affected by that even and I know residents in this neighborhood do not support that.

I welcome any questions you have about the engagement I've done and the people I've spoken to because I really want to give you the real deal of what has happened here, and Mr. Jessee has lied to you about his engagement. The only engagement he did was after I submitted the letter of opposition to the Historic Preservation Board. He went to those people afterwards. He never went next door and knocked on door to door to neighbors and people directly behind it afterwards. He only did that to possibly change their mind after all of the hard work that I put in, foot work, walking this entire neighborhood.

CHAIRPERSON HOOD: Okay. Thank you, Commissioner. If you could stay tuned we may have some questions for you.

Next, Ms. Schellin.

MS. SCHELLIN: Mr. Janovitz and then Mr. Orange.

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CHAIRPERSON HOOD: Okay. Mr. Janovitz.

MR. JANOVITZ: Yes. Before I begin, is it possible to put up a slide from the developer's slide deck that showed a map of different areas, some of which were low housing, low level, somewhat like a retail corridor of historic low housing in Shaw, schools. If we could have that up.

CHAIRPERSON HOOD: Yes. If we can find that, Mr. Young. Could you tell us which one you're looking at to see if we can get that put up?

MR. JANOVITZ: I mean, I can show you. I can't see me, or I can't see you.

CHAIRPERSON HOOD: If it has a page number.

MR. JANOVITZ: I can't see any of the exhibits. I don't know where the exhibits are, but this is roughly the appearance of it.

CHAIRPERSON HOOD: Okay. Okay.

MR. JANOVITZ: Yes. If we could zoom in?

CHAIRPERSON HOOD: Okay.

MR. JANOVITZ: On the map itself, I believe it's got it on, it's got the project on right on that boundary there. That's on the east side of 8th Street. This project's on 9th Street, which would put it firmly in the yellow. The dot's in the wrong place. It's not on that boundary. It's firmly in the yellow. It should be on the east side of the next street over,

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which would be all yellow.

CHAIRPERSON HOOD: So what you're saying is it's on the wrong street? It's not on 9th Street?

MR. JANOVIK: Yes. They've got the dot, they say the dot's on the boundary, it's not on the boundary. It's in the yellow.

CHAIRPERSON HOOD: Okay. All right.

MR. JANOVIK: Okay. With that, I'll go ahead and start my testimony.

So what we have here is a situation where we feel completely unheard. As others have already attested to, at every one of these meetings, the only people who show up are people who oppose it. One person showed up to one preservation meeting, speaking in favor. People who show up to these things oppose it. I can only speak for my own engagement. I have yet to talk to a single person in this neighborhood who is in favor of this. Not one. Okay. Now others may have their own experience. I'm just telling you mine.

There was also a lot of reference to the form letter, and I think Commissioner Berry spoke passionately about the work she put in to talk to neighbors, which is commendable. But these were not all form letters. In fact, it was the proponent's letters that were entirely form letters, and I submitted by email during this, I grabbed a handful that I could grab quickly from

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the top of the list, a number of letters that were not form letters that were in opposition, including my own, which I submitted previously.

But the bottom line here is we welcome neighbors. We want development, and we don't want an empty parking lot. We want development, we want progress. We want new neighbors, we're welcoming to the community. But what we do want are communities, or excuse me, are buildings that fit in and enhance the character of the neighborhood. We don't want rapid change that takes what we have, which is a really nice tree lined rowhouse community, and it rapidly turns it into a sort of sky high buildings.

Now the block to the south of us is there, and that's fine. But if every single building is justified in reference to the previous one, then we're going to destroy the character of the neighborhood. We will, in a chain reaction, continue until there's nothing left. This is a tree lined, this is a historic rowhome street. The aesthetics and the culture which is being destroyed and that doesn't take into account 8th Street, where they are very closely up against the building and that building will dwarf the buildings around it. You're talking about they're proposing six stories and a penthouse and as we've heard many times here today, the zoning, the map amendment is actually to the maximum. So whatever their plan is, they could actually go higher than they're even proposing. It will dwarf everything

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around it.

The building that I live in was a renovated building, but it was built to fit in with the rowhouses and there's another one just up the block that's being done right now. There is a viable way to do this in a way that brings new housing, brings new density, but fits in with the character. They should be able to do it with the MU-4 designation, the one that's already mapped that way would be fine. The other residential one could be changed to MU-4, or sorry, commercial one could be changed to MU-4. That allows up to 50 feet which is very much within the character of the neighborhood and, you know, to close what I can say is that those of us who would live in the shadow of this building do not want this monstrosity hanging over us.

We are the ones who are going to have to deal with the repercussions of it. The family next door who's got kids that play in the back are going to have to deal with this thing looming over them. People on the first floor who are going to lose their air quality and sunlight.

The developer, with all due respect, lives several blocks away. He won't live in the shadow of this monstrosity. Those of us who will have spoken passionately and nobody has addressed our concerns. Nobody's even taking the time to explain why they disagree with us. We haven't been heard. Our concerns haven't been addressed. Everybody's marched along with this fait

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accompli and I would urge you to be the one who stands up and listens to the people who live here, which the process on paper seems like it's designed to do and take into account.

I see I'm over time, so I'll stop there, but I can say much more. I really would welcome questions because I honestly feel strongly and do have much more to say on this.

CHAIRPERSON HOOD: Thank you. I believe Mr. Orange is last. Mr. Orange?

MR. ORANGE: Hello.

CHAIRPERSON HOOD: Yes. We can hear you now.

MR. ORANGE: Okay. Thank you. I live at 1518 H Street, N.W., so I am --

CHAIRPERSON HOOD: Do identify yourself. I called your name, but you have to identify yourself first.

MR. ORANGE: I'm David Orange.

CHAIRPERSON HOOD: Okay. You may begin.

MR. ORANGE: Okay. And again, I appreciate that you appreciate hearing from neighbors.

So I live at 1518 H Street, which is directly behind the proposed building. So the proposal before the Commission today is to grant a zone change that would essentially allow building of a 70 foot building in a zone that I learned tonight is set aside for the preservation of historic rowhomes, which is completely inconsistent and while they would not be destroying

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any rowhomes, the building proposed and its scale and frankly, its design, would tower over the surrounding historic rowhomes and would seriously degrade the area.

I agree with the previous speaker that having the two zones become one MU-4 instead of a split MU-4 and RF would probably be more palatable to the neighbors, particularly the neighbors which are just literally eight feet across the alley from this towering thing that's about to be built.

Commissioner Padro says that the project is consistent with the others in the area, but that's misleading because the ones he's referring to, O Street Market and the building on 7th Street, which is actually directly behind his own house, those are much more commercial blocks. 9th Street is wide. It is, as was said before, used to have a streetcar, but even 9th Street on both sides of it, the east and west is lined up and down by rowhomes. Except for the church and a few restaurants and bars it's completely residential and lined up and down with rowhomes.

What else? I believe that's about all I wanted to say.

CHAIRPERSON HOOD: Okay. Thank you very much, and Ms. Schellin, we don't have any -- do we have an undeclared?

MS. SCHELLIN: We do have one undeclared. The last person I called, Mr. Young, was asking was Leo Simonovich but I don't see him on. Leo Simonovich, he was the last opponent. I don't see him on either, Mr. Young. The one undeclared that I

see on here, sorry, on the list but I don't see her, but if he wants to look for her also, Heather McGinnis (phonetic). I did not see her on, Heather McGinnis. She is not on. So that would end the public testimony.

MR. JANOVITZ: Ma'am, if I could interrupt, sorry. So I just received a text from Leo Simonovich saying he can't unmute.

CHAIRPERSON HOOD: From who?

MR. ORANGE: The name that was being called, Leo Simonovich, who was --

CHAIRPERSON HOOD: Is he on the phone or is he, I don't see him?

MS. SCHELLIN: He's not here.

MR. ORANGE: He's under Ariella.

MS. SCHELLIN: Oh, Ariella. Okay. So he has to be brought in. Mr. Young --

CHAIRPERSON HOOD: There's Ariella.

MS. SCHELLIN: -- can you bring Ariella in? Okay. Now he can unmute.

MS. KURSHAN: This is Ariella and Leo. Can you hear us now?

CHAIRPERSON HOOD: Yes.

MS. KURSHAN: Okay, great. Thank you. I can turn on my video as well.

CHAIRPERSON HOOD: Are you all in opposition or

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undeclared?

MS. KURSHAN: Opposition.

MR. SIMONOVICH: We're opposition.

CHAIRPERSON HOOD: Okay.

MS. KURSHAN: Okay. So I'm just trying to get my camera on. Can you see us now?

CHAIRPERSON HOOD: Yes, we can see you both.

MS. KURSHAN: Great. Thank you. Well, my name is Ariella Kurshan and this is my husband, Leo Simonovich. Thank you for having us.

We live in 1512 8th Street, the building directly behind where this building would go and so the family that Brian mentioned with the children who play in back where their play space would be dwarfed by the big building, that's us.

We moved to this neighborhood about nine years ago and we have three young children between the ages of three and eight, three boys who love skating in the neighborhood, going for their pajama runs every night all around 8th to 9th Street from P to Q, and during our time here we've seen a drastic change in the neighborhood. High towers blocking open spaces and destroying the character of the neighborhood.

This project undermines the historic character of our neighborhood, and it makes it less livable for families like us with kids who are looking for what a lot of other folks had

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mentioned on this call, the tree lined residential streets and yes, we recognize and appreciate the commercial center that City Market on O Street has brought. This is a different part. This is a different street. It's a different part of the neighborhood and we value, the reason we moved here is we value that mixture, the mixture between the commercial and residential. But it's critical to maintain that integration and maintain the residential space as well.

I know that my children have learned about Carter Woodson from living in the neighborhood. They visited his statue over on Rhode Island, and as projects like this construction come to be my children, stop asking about the history and the character of our neighborhood and instead ask about the high rises, the buildings, the construction. Their focus is pulled away from what makes this neighborhood unique and we are not alone.

I think the fact that this daycare, this building that used to be a daycare is being replaced by a building that's going to dwarf all the other residential homes around it is quite representative of what a project like this is doing to the neighborhood. We are that family living in the shadow and watching this beautiful neighborhood being replaced from a daycare to a large building that's going to dwarf all of the buildings around it.

In addition, we've reached out and submitted our

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testimony, and we have not heard anything from the developer. No changes have been made in the plans. We've reviewed them. No one has reached out to us or contacted us. There have been no changes and that's been quite frustrating for us as engaged citizens and neighbors to see a complete lack of concern and care for our input as the people who live here live.

Leo, would you like to add anything?

MR. SIMONOVICH: Yes. Just to echo what Ariella said. We deeply are committed and value this neighborhood. We want more families living here but putting up a monstrosity that's going to sterilize the neighborhood and the street we are significantly detracting from this neighborhood. What it stands for is history, the diversity that that brings.

So we urge you, strongly urge you to reject the plans as they stand today. We cannot let this pass. We cannot let commercial interests trump history. We don't want to end up on the wrong side of history so we just want to call on everyone to reconsider, take a pause, and fundamentally change the plans as they stand today.

MS. KURSHAN: Thank you.

MR. SIMONOVICH: Thank you so much.

CHAIRPERSON HOOD: Thank you. Ms. Schellin, we don't have anybody else; right?

MS. SCHELLIN: That's correct.

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CHAIRPERSON HOOD: Okay. So let me, I'm going to start and I'm not going to say everything this round. I'm going to ask my colleagues and then I'm going to follow back up.

What has always concerned me, and this is not the first time and I know Mr. Thorpe has left, but what's always concerned me, this is not the first time we've heard this about 2G. I'm very concerned and I'm troubled about residents who feel like they're not being heard or involved. But if you all remember, I asked the Commission Nigro once before to give a submission that they when you start -- where there's smoke, there's fire and I'm not taking a side. But as for me and my decision making, I want to make sure the record is complete.

I'm hearing from the formal Commission, I'm hearing from some other people and, yes, I do know people. I've been around the City my whole life so I know people and I want to make sure it's balanced. I had a lady telling me, Anthony Hood, I don't agree with everything, but you try to be fair and that's how I'd like to be in this case and I'm going to continue that.

So let me just say that what concerns me is when I keep hearing people say they're not being heard. I don't think people will just come down and do that. I know there are different processes, but on the flip side of that, and I'm saying this to all those who are in opposition, we have regulations that we have to go by and we have to deal with because when you go to, the

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Supreme Court, says regardless -- I'm not talking about a project, I'm talking about the amount height or whatever they're going to come back with -- the Supreme Court says you don't buy a view and guess what? I didn't come on this Commission learning that. I was taught that by lawyers and the Supreme Court, when they send stuff back to us in the courts, Court of Appeals.

You don't buy a view but, you know, you have a comp plan and let me say this. I heard this about the comp plan. I sat on it 20-30 years ago. I will tell you this. The comprehensive plan in the District of Columbia is done by the community. It's done by the community. The community are the main drivers who put amendments to the Council, so understand we have a lot of say so. Now, some people may not have been around when that comp plan was done, but that's done by the community and we have done in previous positions, and I'm sure the Vice Chair when we get there will correct me. The citizens of this City have had a lot of input in that comprehensive plan, a lot of input.

So I'm going to leave it there and I'll follow back up. But I will tell you, I'm very concerned when I hear a lot of people say they haven't been engaged or people haven't reached out to them and I specifically asked those questions because we've heard this, colleagues, once before from the same Commission. So let me turn it over.

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Commissioner May.

COMMISSIONER MAY: Yes. First, I have a question for Commissioner Berry, and it goes to what the Chairman just mentioned, which has to do with the -- it's plan development and the amendments of 2021 and I'm just curious, were you a Commissioner in 2021 when those amendments were made and were you aware of the change to the FLUM, the future land use map that is driving this or is supporting this map amendment?

ANC COMMISSIONER BERRY: I'm a new Commissioner. I was not a Commissioner in 2021.

COMMISSIONER MAY: Okay. All right. I think maybe if you were listening to the entire hearing, one of the things that I think tie our hands about what can't be done here is that it has to be not inconsistent with the comprehensive plan and so that's why I was asking questions about what range of zones might be consistent or might be not inconsistent with the comprehensive plan and it's, you know, this is a neighborhood enhancement area, not a conservation area and so it's an opportunity to make improvements in the neighborhood, and it should be done in a manner that's consistent with, you know, the character.

But the future land use map carries a lot of weight and if the future land use map says medium density, it's hard for us to push back and say it's got to be moderate density instead. So I don't know. I mean, I guess maybe I would ask from everybody

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on this but, Mr. Janovitz, I mean, I assume you heard that discussion as well about the appropriate zones and what works for this. I think you said you've been around long enough to have been here when those comprehensive plan amendments were made but I don't know if you would pay attention to that process.

MR. JANOVITZ: (Indiscernible).

COMMISSIONER MAY: Do you have any insight on how we square your position with the fact that what you're advocating for might not be consistent with the comprehensive plan?

MR. JANOVITZ: Well, the answer is a little bit yes and no; right? So they even, the developers even showed a number of different places within the comprehensive plan where what they're doing is inconsistent; right? They said the consistencies dwarf the inconsistencies in their view, but some of the things they listed as consistencies were like the rowhome policy. So I don't know how they got to that and I think what you're hitting on is something pretty critical here.

I was around when the comprehensive plan was put together. Never heard of it. When I did some research on it, it sounds like it's a pretty difficult process and I imagine the communities with less political voice usually get their way less like most of those types of difficult processes. But if we had a law firm like they do, spending their time working on this, I have no doubt we can make a compelling case.

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The problem here is that you have folks who are not familiar with the policies, do not understand the regulations, have tried a little bit but also have jobs that, you know, full time jobs that are trying to support their families and spend time with their families, trying to do this process and we don't know how to do it in a sophisticated way and they do and that's why I think you have on one side kind of a lot of these arguments that are, you know, selective renderings that show in the best light, and on the other side you just have people who could look at this, if you stood on this corner and looked at this and you know what it looks like and feels like, it's obvious that this doesn't belong and so we don't, I don't know that we've perfectly matched up what we feel and what we know intuitively to be true with the exact right provisions as to policies. But honestly, given time and some direction, I'm quite confident we actually could.

But at minimum, I think what you're seeing is a difference in sophistication and that shouldn't drive the process. But unfortunately it feels like at this point it has.

COMMISSIONER MAY: Okay. Well, so I'm going to push back on that a little bit. I mean, I think you're making a reasonable case based on the cards you have in your hand. The problem is that you don't have very good cards in your hand and better lawyers aren't necessarily going to get you past that

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inconsistency, the future land use map and that's where I struggle.

I mean, you know, we evaluate many, many different cases in map amendments and PUDs with associated map amendments and, you know, very often there's a significant number of policies that have to be balanced back and forth and it's usually part of an effort to, I guess, address the bigger inconsistencies or bigger potential inconsistencies with the future land use map or to some lesser extent, the generalized policy map.

In this case, the future land use map very clearly says medium density and the things that could balance against that, there just aren't that many that are that strong and I think better lawyers and more time isn't necessarily going to do that for you. So I don't, you know, I think that the, you know, to some extent that the story was written and the future land use map --

MR. SIMONOVICH: But to Brian's point here --

COMMISSIONER MAY: -- but let me just finish my point, okay, and then I'll give you a chance for a brief response. It's got to be -- I'm not trying to drag this out. I would like the Applicant to speak to this question when it comes to the their rebuttal, which is when this future land use map, I mean, it looks to me like when this future land use map change was done, it was done by Shiloh with the intention of maximizing the value

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of their property, and that figured into it. So, you know, they took these steps back then and so, I mean, I have to say in my heart the idea of a building this big in this particular spot doesn't fit really well from a planning perspective? But it's not my heart that rules here, it's the zoning regulations.

MR. JANOVIK: So that's what -- they could have made the comprehensive plan self-executing. They didn't; right? But there is this process --

COMMISSIONER MAY: No, they can't. No, they can't.

MR. JANOVIK: Okay.

COMMISSIONER MAY: We do zoning. The Council does planning. It's not self-executing.

MR. JANOVIK: No, I hear you. But I'm saying the sort of larger legal apparatus within the District government could have made for a process that was a single process.

COMMISSIONER MAY: No, they can't. They can't. This is one of the things about the District. The Zoning Commission is set up by Federal law. It's guided by a Federal law, not the District law. That's the way it works.

MR. JANOVIK: Even still; right? Whether it's the Federal government, whoever's in authority could have made a single process but didn't and then vested in this body the opportunity to actually look at individual, not a comprehensive plan, but individual proposals at a particular point in time and

make a decision and it seems to have vested a lot of this process with an interest in what the local community thinks and what you're suggesting now is that truth is what the local community doesn't think what they think doesn't matter at all.

COMMISSIONER MAY: No. (Indiscernible).

MR. JANOVIK: I have a hard time --

COMMISSIONER MAY: The local community had that opportunity to speak during the comprehensive plan process.

MR. JANOVIK: (Indiscernible).

COMMISSIONER MAY: And --

ANC COMMISSIONER BERRY: Okay.

MR. JANOVIK: I just think that would be an ambitious reading, I think it would be hard to square that with the existence and the dimensions of this process; right? IF it was a formality you wouldn't need (indiscernible).

COMMISSIONER MAY: (Indiscernible).

ANC COMMISSIONER BERRY: May I say something, please?

COMMISSIONER MAY: Yes, please (indiscernible).

ANC COMMISSIONER BERRY: I'll make it quick. You know, Mr. Hood, he just said that this Commission has a history of not listening to its residents and there is a distinct recorded history of that. He just said he has heard things from this Commission that does not -- that where residents have said their voices had not been heard. This was done in 2021 right after

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Covid. I spoke to the church directly. They sold this property for money. They knew they had to change and advocate to the ANC during Covid that they needed to change the map amendment for this property. They did not do community engagement. They did this to make their property more profitable. That alone does not represent this community or the people in it, as you can see from the different letters that you have --

COMMISSIONER MAY: And we don't get to establish how the comprehensive plan is written, so.

CHAIRPERSON HOOD: Let me just say --

COMMISSIONER MAY: (Indiscernible).

ANC COMMISSIONER BERRY: (Indiscernible) the comprehensive plan has left out. It has displaced tons of Black people from this community. Their voice --

CHAIRPERSON HOOD: Ms. Berry? Ms. Berry --

COMMISSIONER MAY: (Indiscernible).

CHAIRPERSON HOOD: -- hold tight. Let me just say this, and I have to correct this because I get misquoted all the time. The only, Commissioner Berry, I get misquoted by The Washington Post. I did not say, and I did not say what you just said. What I said was you all represented to us that you are not heard in this ANC, and this concerns me.

So I know you're a new Commissioner. I wish you well, but I did not say what you just said so I wanted to make sure -

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ANC COMMISSIONER BERRY: I apologize for misquoting you.

CHAIRPERSON HOOD: No. But I'm saying that because even though you said it, either somebody else will go by and three months from now, as Ms. Schellin knows, I'll be accused of something else. So I did not say that. What I said was, again, I'm going to say it at my very end I'll leave it at that, so I will straighten that out once I go back.

So, Commissioner May, let me turn it back over to you.

COMMISSIONER MAY: Yes. I think I'm done. I mean, Mr. Simonovich wanted to say one thing --

MR. SIMONOVICH: Thank you, Commissioner May. I apologize, I'll be very brief.

I wanted to pick up on two points. Only two. One is this project has to make sense in the character of the neighborhood. There are multiple ways to achieve density, right, and I think what I would challenge the Commission is in saying how do we figure this out? There is a puzzle. There are kind of ways to optimize this and by getting height and getting size is not the only way to achieve (indiscernible), right, and the point is -- I think Brian's point stands which is, you know, we weren't around when this masterplan was designed and, you know, masterplans are only good as the paper that they're written on.

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Ultimately, I know you have to follow zoning regulations, but you also can challenge the developer, and this is my sincere ask of you, challenge the developer to achieve the objectives that are set out in the plan while still meeting the character of the neighborhood and that is very, very important; right? Building a monstrosity so that my kids can't play on the block or in the alley is not the answer. There must be other ways to do urban planning that fit what this neighborhood it stands for.

COMMISSIONER MAY: Thank you.

MR. SIMONOVICH: Thanks.

MR. ORANGE: This is David Orange. Can I say one other follow up as well?

CHAIRPERSON HOOD: Go right ahead, because you know why I'm doing this? Because you all have dealt with us for an hour, but we have a process and we get it. I want to get to all of my colleagues to ask their questions and you can help us get there. But if you keep interrupting before we get to that point, then we got a problem. So go ahead, Mr. Orange and I'm going to end with you and then we'll go to Vice Chair, I'm sorry, Commissioner Imamura.

MR. ORANGE: Well, I appreciate it. I'll make it quick. My understanding is that the lot in question is in a historic rowhome preservation zone. If I'm incorrect, please correct me.

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I don't see how a permit allowing a 70 foot building complies with the zone in which it's located.

CHAIRPERSON HOOD: I'm sure, Mr. Orange, I'm sure the people who filed that application are aware of everything that's going on around there. There are other things that are not within our -- this not within our purview, anything historic. If that was the case, I'm sure they wouldn't be here and I think, has this already went through HPRB? Mr. Hughes.

MR. HUGHES: Concept approval.

CHAIRPERSON HOOD: Concept, okay, so it's okay. All right. Let's get our questions out and then we can do another round. Let's go to Commissioner Imamura.

COMMISSIONER IMAMURA: I don't have any questions per se, but do appreciate the five of you participating in the process. I understand that, you know, we wrestle with the same questions that you all are raising tonight. I also want to thank you for your passion for your community and, Commissioner Berry, I think I recall you said that you had written that form letter so, while I'm not a particular fan of form letters, I do appreciate that you're bringing these issues to light for us to have this conversation. So I certainly appreciate you all bringing this to the forefront here for us to discuss a little bit further.

So, Mr. Chairman, I'll turn it back.

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CHAIRPERSON HOOD: Thank you. Vice Chair Miler.

VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank each of you for your testimony this evening and your engagement in this process. I'm sorry that you apparently were not engaged in the comprehensive plan amendment process a couple of years ago which was an extensive process that involved a lot of community engagement, a lot of meetings that the Office of Planning convened whether virtually or in person and a lot of public hearings at the City Council which went on for hours and hours and so that was the comprehensive plan is our guide for zoning. It's basically in the Humboldt Charter that zoning shall not be inconsistent with the comprehensive plan and the land use designation and policy map designation for this site was changed two years ago to make it medium density residential and commercial and a neighborhood enhancement area and with a lot of other policies that emphasize the priority of the City, everywhere in the City to produce both more housing and more affordable housing which this map amendment would facilitate. We don't have a specific project before us in this map amendment case.

You apparently, some of you might have been engaged in the Historic Preservation Review Board process which did have the project before it and I guess you're disappointed in that outcome there but the site is located within the Shaw historic district and the government body that is charged with finding whether new

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development or renovated (phonetic) development is compatible with existing development and, although I have not read the concept approval. I'm going to go back and read it before we do any final decision, if we get to a final decision in this case, but I'll go back and read it. But apparently, to receive concept approval there has been a finding of some sort of compatibility which you obviously disagree with.

So I'm sorry there wasn't engagement in the comprehensive plan amendment process, although there was by other representatives I think of this neighborhood, both at the ANC level and at the City Council and Mayor level. So, but I'm sorry that you all, each of you were not personally engaged in that process which is the overriding guide to us in our process here tonight.

So I do thank you for your involvement in the community, your efforts to retain the aspects of the character of the neighborhood that you cherish and I guess I can't really, I really don't have any questions but I thank you. Thank you, Mr. Chair.

CHAIRPERSON HOOD: Great. Thank you. Let me go back to my original statement and I'm sorry Mr. Thorpe has left us. Ms. Schellin, has Mr. Thorpe left?

In full disclosure, Mr. Thorpe talked to me on chats and neighborhood patrols back in the 90s and I know him. We haven't always agreed, I wanted to have a conversation with him

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but I guess he's gone, so I'll leave it at that.

But let me just say what I was saying to Commissioner Berry, and I wish you well in this endeavor. Sometimes this stuff ain't easy, but I will tell you that I think it's very important, and what I was saying to -- I've heard this ANC 2G and this community, the community tell us on more than one occasion that nobody, they're not being heard and I'm not sure and maybe I'll bring Mr. Padro back up, but I don't want to get into a back and forth.

What I want, what I always do, and I know this is what my colleagues, and I'll have to see with my colleagues, what I always do is ask the Applicant to go back because we're talking about a map amendment. We're not talking about a project. So I cannot talk about how many floors, how many affordable housing. But I will say this though. Whenever we increase density, we do this all over the City, when we increase density that we make the pushing, extending the envelope and makes projects more affordable. So you know, I've learned this years ago. Sometimes you can't get one without the other. So it depends on what this community wants, it's is already stated. It's already in the comprehensive plan.

The FLUM, and Mr. Janovitz, I looked at one of the files in the file and they had the FLUM, and it looks like the area the site was directly on, I'm not sure, I think that was

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probably something submitted by the Applicant, but on the FLUM it's in the right -- where they point to the site is in the right place. I had that up, I closed it down just a moment ago.

But I will tell you that my biggest concern, and my colleagues know, I always have a concern when enough people in the community come down and say they have not been heard. I have problems with that and I will tell you, Mr. Padro, and you and I both together too over the years and Mr. Thorpe, I've worked with Mr. Thorpe over the years, so there's no posturing by anybody, but what I will say is that when I have people who I don't know come in and start telling me that things are not right, I don't want to get into casting aspersions but what I do is make the communication lines are open. Even though it might not change what we have in front of us, which is a map amendment, I still think the conversation needs to be heard by the Applicant, the ANC and whomever.

Sometimes when I sit on this Commission I don't even get my way. You know, I'm in the minority. But I do know that collaboration and conversation, that is the overarching thing that I've heard and I know you all have been in front of HPRB. I believe the ANC has had the Zoning and Planning -- I guess that's what it's called, it's ANC as well -- they initiated that.

But Ms. Berry, let me ask you this. When you brought that up at the ANC meeting, this decision, how did the ANC meeting

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go? Is it your testimony that people were not able to speak to the subject?

ANC COMMISSIONER BERRY: So at the ANC meeting at the time the format was different. It was five Commissioners on a panel and if you want to speak you raise your hand and Commissioner Padro will pull you up. So you will only get to speak if you have, you know, if you're pulled up the panel, much like the situation is for this meeting.

People spoke, several people spoke and said they did not support the project. The only people in support of the project were the other five Commissioners who were there and Mr. Jessee. He lives in ANC 2G although not near the project. He lives near to ANC 2G and he was there in support of his own project as well. So Mr. Jessee and the five Commissioners that voted for the project were the only people in support of the project. Other than that it was constituents saying that they did not support the project and there was one person in the chat that said that they would support new neighbors, but that was the extent of the support and I did also hear when someone asked me to do a podcast on the subject, that there was a business owner in the neighborhood who supported the project and he owns a business here so of course he wants the (indiscernible) and, you know, have food delivery and things of that nature.

That is the extent of it but there was so much discord

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and so much opposition to this project, to this, I know you don't want me to use the word project, but to this map amendment that I felt the need to go out into the community to knock on doors to people who would be living right next door to the project or directly behind, and I spoke to the community and the Commissioners were not listening to the people in these communities.

CHAIRPERSON HOOD: Okay. We're not, and I don't know how that works, I'm not sure. I have my own ANC, I know how we work. But what I will suggest, and I don't know, you know, I'm sure my legal counsel will tell me as the Vice Chair has mentioned what's before us is critical. The Courts are going to hold me to that. But I always believe that even -- my issue is conversation. There's nothing in the regulations to say --I'm hearing some feedback, if everyone can mute -- there's nothing in the regulations to say anything about communications, but it's something about our racial equity engagement and that's the problem, and that's where I'm having a problem.

But I think as far as the comprehensive plan and those who worked on it from that neighborhood, I think that's in order and again, if you talk about affordable housing, I know you have to push the envelope. I think that's in order for us to get to affordable housing. While I always liked deeper affordability, sometimes we don't get it. I'm always from the zero to 30 percent

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so we can maintain and stay and we can stop having this conversation about gentrification and make sure that everybody is able to stay in these areas.

So those are my thoughts. Those are the things that I try to push. But I'm trying to figure out and I don't know if I have the support, if then I know one of my colleagues is leaving, I'm trying to figure out how in the engagement, whether you agree or not, but just make sure everybody's informed, because that's what I heard loud and clear this time and once before you all had another project in that neighborhood, I heard the same thing and I think most before I heard the same thing. Again, where there's smoke, there's fire.

So I'll leave that. I'm not taking sides. I'm just saying I want to make sure that I have done my due diligence in a case like this so I can rest in the evening. So let me see if my colleagues have any. Commissioner Berry, you have something else?

ANC COMMISSIONER BERRY: Yes. I would just like to say that across the board, I know the racial lens is a huge part of whether this project is listened to, if the map amendment should be accepted or not. But look at the people who are submitting these letters. This map amendment movement, the opposition of it has drawn neighbors together, Brown, Black, White, Immigrant, Washingtonians and D.C. natives, everyone has come together and

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said that this does not work for them. This is not just, you know, something that can be fit into the racial lens and also with the racial lens, you're talking about displacement and access to affordable housing.

This project, sorry, this for lack of a better word, this zoning map amendment, you know, is in a place where it has been largely gentrified. So to say that it would not -- that it would fit into, it would not cause gentrification, it would be to turn a blind eye to that just because there has not been direct displacement.

CHAIRPERSON HOOD: Okay. Thank you. Thank you, and -

-

ANC COMMISSIONER PADRO: Mr. Chairman (indiscernible).

CHAIRPERSON HOOD: Chairman Padro, yes.

ANC COMMISSIONER PADRO: So a couple of notes. No. 1, you did receive in the Applicant's materials and also in the racial lens analysis from the Office of Planning, a flow chart that showed exactly what the engagement process was. So I would ask and call your attention to that again to counter the claims that there was not engagement because there certainly was engagement.

Secondly, there have been a number of comments, personal attacks made toward my engagement and in fact that I, in fact, have gone and talked to numerous people, I would say

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that at least 25 to 30 people that live on the immediate block that we're talking about, the square and the adjacent squares that are in support. A number of them actually provided letters of support. They should have been submitted. Mr. Hughes can confirm this or not, you know, with the application. So I would put that question to Mr. Hughes or Mr. Jessee to make sure that those letters are there.

Those letters are from immediate neighbors to the property. Many of the individuals that Commissioner Berry solicited signatures from her petition or her form letter are not a residence within a one block radius of this property. I focused my outreach on the most impacted residents, the people that actually live on the block and adjacent blocks, and they overwhelmingly support this map amendment.

MR. SIMONOVICH: Mr. Padro, we live right behind the construction (indiscernible).

CHAIRPERSON HOOD: Wait a minute, wait, wait, wait, wait. Let me just say this. First of all, this is not ANC meeting. This is a Zoning Commission hearing. We don't have outbursts. I won't tolerate that. If I do Mr. Young will take you down and out and when you go to the City Council, I know them and I will explain why I did it. Okay? So I would ask you, I know we're passionate, but I would ask you to be courteous and respectful while my colleagues and I try to figure out how to

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move on.

Can we, Chairman Padro, you may continue.

ANC COMMISSIONER PADRO: Yes. So as I said, you know, the statements that were made that nobody supports this project are incorrect. Documentation should be available to you to demonstrate that there is community support by immediate residents, immediate neighbors of the property and the other issue as to whether or not people are being heard, whether or not people are being listened to, everyone has the ability to express an opinion.

When a Commission receives that input, the Commissioners, based on their experience, their familiarity with the regulations, have to make determinations as to how they are going to vote and just because there are a number of people that do not agree with a particular position, that doesn't mean that they have not been heard. They have been heard, they have been listened to, they have not been agreed with. There is a very big distinction.

A focus on part of the Commission is what do the regulations say? The regulations say that the map amendment cannot be inconsistent with a comprehensive plan and if you look at the resolution and the report from the ANC, that is what the Commission relies upon and I would ask you to take that into consideration.

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Thank you.

CHAIRPERSON HOOD: Okay. Thank you. Let me, we're going to go through this. I don't have any further questions. Commissioner May, you have a follow up questions or comments? Commissioner Imamura? Okay, and Vice Chair Miller?

So I will ask you this, Commissioner Berry, and I think my colleague, Commissioner May, might have went down this line. From the zoning perspective, do you think there's another zone that you would think is more apropos for this area?

ANC COMMISSIONER BERRY: I mean, it's already zoned to go up to 50 feet on one side and I do believe that neighbors would welcome having some level of housing and affordable housing and new neighbors in the neighborhood. I'm not familiar with all the terms, but MU-5B would triple the density -- would triple the height and, you know, with those two, those two story rowhomes and three story rowhomes, they're very low stories. They're not high at all. They're at the bottom of the spectrum. I think the top level might be 25 feet tall and to have that go up to 75 feet, there has to be something in the middle that would be more conducive and more accepting, more well received by neighbors because someone --

CHAIRPERSON HOOD: I get you. Let's have this conversation. I'm not picking on you but I see and I appreciate the work you've done. I'm asking you this. Okay. We're talking

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about affordable housing.

ANC COMMISSIONER BERRY: Okay.

CHAIRPERSON HOOD: And if you don't have increased density -- and I'm talking about a map amendment, I'm not talking about a project -- if you don't have, help me understand. How do I get affordable housing if I don't increase the density?

ANC COMMISSIONER BERRY: Okay. To that question, I say putting this building here is also not solving that problem. The affordable housing units that this offers is possibly maybe, I think, eight or nine units because it's 18 percent. So while that might offer some affordable housing, that affordable housing typically doesn't stay that and therefore not stopping gentrification. But you know, gentrification would eventually still happen.

Furthermore, displacing Black residents, which we've seen, they showed a chart where D.C. was like it went down to 13 percent in that area. So affordable housing isn't always going to, that IZ percentage isn't always going to meet that need unless it is very affordable for the median income in that area and I don't believe that that is the situation.

CHAIRPERSON HOOD: Okay. I'm not going to keep going back and forth.

ANC COMMISSIONER BERRY: Okay.

CHAIRPERSON HOOD: I think it's a good exchange. I

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could probably counteract that and I'm not going to do it. I'm trying to get to where you all are trying to be.

But for me, it's about the engagement as Chairperson Padro mentioned. I know sometimes we all don't like decisions, but I think I want to make sure everybody's heard. But I still can't get over how do I get, if I'm trying to get in a project get something that, as you said, as we know, people of color or those who are low income or disadvantaged are able to stay in the neighborhood that we have to, because of the prices, we have to give them more to work with so it becomes more or less profitable for any developer, not just this developer, but any developer if they do it. That's kind of where I am with this.

So anyway, and I don't think you can do that with what's designed there now, and the key is to for people to be able to stay and stay in the Shaw area as was mentioned.

I'm going to go to you, Mr. Janovitz I believe.

MR. JANOVITZ: Yes, thanks. To answer your question. So the argument here for affordable housing is that you're just adding to the total aggregate housing stock; right? Like the units in this building itself are not going to be that affordable because even the ones designated as affordable, the median income is so high, I mean, I don't think it's going to do a lot for residents in need. But you are adding to the overall housing stock.

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But here's the thing. There are vacant lots up and down the street. There's so much room for development in the City. Why would we allocate our development dollars to something that is going to destroy the character of the neighborhood and in the process destroy the value of buildings around it, rather than asking developers to build within the neighborhood, and if they've got access to capital to deploy to do it in other areas that need development, including, by the way, in the wake of Covid, all of these commercial buildings that need to be converted to residential buildings.

Like, again, we are not anti-development. We do want development, we want enhancement, we want new neighbors. But it should be done in a way that actually enhances the neighborhood and to allocate development dollars in this way only (indiscernible) and let me say this. There is a viable way to do this. As I said, the building I live in has eight units. It fits in perfectly with the street, the rowhouses. There's another project being done just up the street like that. They could do this at four stories, but they want the fifth, the sixth, the seventh and the penthouse that all add to 75 feet is to pad the profit of developers, and I'm not against trying to make a profit but the problem here is you're doing it on the back of the community and that's where we would draw the line.

CHAIRPERSON HOOD: Thank you. All right.

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Ms. Schellin, any other questions? Anybody? Does the ANC have any questions at this time?

ANC COMMISSIONER PADRO: I've already made my points. I don't think that there's anything to be gained by other questions at this point in time.

CHAIRPERSON HOOD: Okay. Thank you. Does the Applicant, I'm sorry, I should have come to the Applicant first? Does the Applicant have any questions of this panel?

MR. HUGHES: No, sir.

CHAIRPERSON HOOD: Okay. All right. Thank you.

Ms. Schellin, we'll do rebuttal and closing, and then we'll discuss our path forward. So thank you all. I appreciate your advocacy.

MR. HUGHES: So, Mr. Chair, is it time for rebuttal?

CHAIRPERSON HOOD: Any rebuttal, yes, rebuttal first.

MR. HUGHES: Sure, sure. I'll keep it very brief.

I appreciate the dialog and appreciate what each of the Chairman and the Commissioners have said. This is a consistency argument. It's a consistency application, and we believe that the application is clearly not inconsistent with a comprehensive plan. The current zoning is inconsistent with the comprehensive plan.

I want to clarify a few things that were said previously. Just direct the Commission, excuse me, to the record

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on a couple of things. In terms of outreach, at Exhibit 14, I believe it's 14A of the record, you'll see something known as a private outreach log, and that documents up until May 9th, all the efforts that the Applicant undertook, Mr. Jesee in particular, to reach out to neighbors and to the ANC. So I think that speaks for itself in terms of his efforts.

With respect to ANC 2G, I was just looking at the record and this is in Ms. Elliott's PowerPoint from this afternoon as well, page 14 I believe it is. It's the snake that shows the community outreach, and I remember this, but I was in attendance in January at ANC 2G's, it was their inaugural meeting (indiscernible) ANC 2G was just created and so the Applicant met with the full ANC in January, January 12th, then met with the Preservation and Zoning Development Committee February 2nd, met with Ms. Berry on the 8th, went back to the full ANC on the 9th of February, went back to the Planning, Zoning and Historic Preservation Committee on March 2nd and I apologize if I have the name of the committee wrong, and then finally back to the ANC again on March 9th for their vote.

So I just want to correct that record, if I could, on those two fronts and I think with that, that unless I'm missing anything that -- Mr. May, you had a question that I think you wanted to address and I want to make sure that especially of all night's tonight, that I answer your question. So if I've missed

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anything that didn't -- already been answered, let me know and I'll try to.

COMMISSIONER MAY: Yes. You know I remember asking the question, but now I've forgotten what it was. Give me a second.

MR. HUGHES: And if while you're looking for that, I'd just like to make one last statement. Obviously, we request that the Commission take proposed action to approve the application. I would also like to, again, I don't think I got an opportunity to thank the ANC, not only Commissioner Pedro, but all of the ANC 2G including Commissioner Berry, and request that the Commission grant the ANC, the full, the great weight to which it's entitled and also with respect to all the work that Mr. Kirschenbaum and the Office of Planning have done, they independently analyzed this application and came to the result of a recommendation of approval.

So we request that the Commission grant Office of Planning the great weight it's entitled.

COMMISSIONER MAY: And I can't remember any other question, so.

MR. HUGHES: Okay. Thank you. Thank you. That concludes our rebuttal and closing.

CHAIRPERSON HOD: Okay. So you did your closing, but let me, we have one party. Mr. Padro, do you have any cross and rebuttal? And we took him down, let's bring him back up. Mr.

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Padro, do you have any cross and rebuttal?

MR. HUGHES: Mr. Hood, may I say one more thing?

CHAIRPERSON HOOD: Sure.

MR. HUGHES: In answer to Mr. Padro's comment, he mentioned letters in support and suggested that we put -- they were in the record and I want to confirm to the Commission that those letters in support from the neighbors are in the record. They are listed at Exhibits 32 through 44 and with that I'll be quiet. Thank you very much.

CHAIRPERSON HOOD: Okay. Thank you. We saw those. Mr. Padro, do you have any cross and rebuttal?

ANC COMMISSIONER PADRO: Nothing further, Mr. Chairman.

CHAIRPERSON HOOD: Okay. All right. So that's it. Thank you, Mr. Padro, and Chairman Padro and thank you, Mr. Hughes. We'll close the record.

Commissioners, let me hear your thoughts.

COMMISSIONER MAY: So, Mr. Chairman, I, you know, this is the sort of case that I would not be comfortable with taking any kind of action at the hearing. You know, there is substantial opposition and I think it would not be respectful of the community to take any action on this tonight.

That being said, I have to say I've not heard anything today that convinces me that this is something that should not be approved. It's a pretty thicker cut zoning comp plan

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consistency case and while I appreciate the concerns of the neighbors, unfortunately I feel that this ship has sailed and I would, you know, if I were at the table during the comp plan amendment process which I have never been, but if I were I would probably be arguing for something similar as they were, that MU-4 would be a more appropriate level of development, a moderate density or low density development might be more appropriate for the site.

But the map is done, you know, this property is, you know, the map was changed so this property could be developed at medium density and it's not just about the potential profit to the developer because that gets eaten away by things like IZ Plus and also is what contributes to the price they paid for the property when they bought it from Shiloh, and so Shiloh is a big beneficiary of that map amendment change.

I have a hard time believing that there is going to be a basis for denying this application and then one last thing. I expect that the Chairman would like to have the Applicant to go back and have further discussions with the community to see if there's any way to get to some level of agreement on it and certainly I would support that. You know, having it zoned at MU-5B doesn't necessarily mean that the Applicant has to max out on MU-5B. If there's a way to design the project differently, again, we're not reviewing the design, but if they were able to

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make changes in the design to satisfy some members of the community and get people more comfortable with it, you know, that would be a welcome outcome.

So I think that's another advantage of not taking action tonight and asking the Applicant and the community to keep the discussion going in the hopes of coming closer to agreement.

So those are my thoughts.

CHAIRPERSON HOOD: Thank you, Commissioner May, as always.

Commissioner Imamura.

COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I generally agree with Commissioner May and hope that the Applicant can reach an agreement with the community with additional time.

I'm not sure that, I'm not convinced that a rework of whatever design was developed, because this is a map amendment, it's sufficient enough because this is, you know, the map amendment allows, you know, full development in that particular zone. So I'm not convinced that maybe this isn't the right zone for it, even though we are compelled to adhere to the zoning regulations and as I've said before, zoning is an imperfect process and like Commissioner May said I'm not sure that we need to move forward with a decision tonight. I think there's still room and opportunity to reach some agreement between the two parties.

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That's kind of where I stand, Mr. Chairman.

CHAIRPERSON HOOD: Thank you. And Vice Chair Miller.

VICE CHAIR MILLER: Thank you, Mr. Chairman. I guess I wanted to say, I wanted to have the opportunity to say maybe for the last time I concur with Commissioner May.

A compelling case has been made for this map amendment in terms of its not being inconsistent with the comprehensive plan and in fact, being very supportive of the changes of the policies in the comprehensive plan starting with the future land use map designation and the policy map and the neighborhood enhancement designation, the future land use map medium designation and all of the policies that have been enhanced and emphasized and prioritized to facilitate the production of housing and affordable housing in the City.

So, but I too, and I think the community is representative appropriately, or most appropriately by its elected representatives who in this case are the ANC and the City Council representatives, the Ward Council Member and the at large members, the five at large members and the Mayor who I think proposed this map amendment after the community engagement process that the Office of Planning participated and led leading up to those comprehensive plan amendments.

But I always think there's always an opportunity for further discussion to see if there's, can be a meeting of the

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minds even though our process does not allow for a project to be designed or setbacks and all the other things that come with a different type of case, a planned unit development case, or design review case. That's not what we have here.

I would say they did have it recently a design review opportunity before the Historic Preservation Review Board and some members of the community disagree with the outcome there and like in many cases when people disagree with an outcome, when they don't like the outcome they criticize the process including our process and the rules that we live by. But, you know, there's always room for discussion, further discussion, education and maybe compromise.

I think a compelling case has been made here for this case to go forward and I appreciate everybody's work and time on this case and hopefully we'll get to a decision date in the very near future.

CHAIRPERSON HOOD: Okay. Thank you, and I know this is probably going to contradict everything I've ever said but, and I'm thinking all these things. I know this is the last time with Commissioner May and whenever we take this on there'll just be three of us, then we'll add some more problems to the three of us agreeing, so we're getting ready to get ourselves into more of a problem than probably is warranted.

So while I agree with the direction from what I heard

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from all three of my colleagues, I want to make sure that we've exhausted all conversations and people feel heard, whether they get their way or not, because I don't get mine here a lot. All of us don't get our way a lot. But I think for me it's always about doing our due diligence and, again, I've asked Commissioner Berry and maybe others to maybe talk about another zone. I don't know, you know, but this is consistent with what our rules say and I know that when things don't go your way and something's going to happen in the City, then we go to different -- I know that with HPRB and with us and maybe it goes somewhere else, or wherever, the next public space if they're going to the public space but my thing is I want to always make sure that the residents are heard and communicated with, whether you agree with it or not.

Chairman Padro has conveyed to us that that due process has already taken place but I would just encourage that ANC and that community to be more collaborative together. You don't always have to agree but collaborate more together so we can stop hearing that people are not being heard. I think in other communities, as we do all over the City, in 2G we hear sometimes that the ANCs and people might disagree but they never say that they are not being heard. They might say it once, one hearing, but they don't consistently say that and I'm not throwing any shade at anybody, I'm just saying even if you all disagree make

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sure you're collaborating. They did. I just saw the sheet the Applicant did, I just looked at where they say they talked to all the different people and a number of them were here tonight.

Is there another zone, Commissioner Berry, that you may want to look at that it's still achievable to do exactly what you're trying to do which may lessen the impact. I think -- I don't know if my colleagues agree with what I said, but we'll see because there's going to just be three of us and the most unfortunate fact of this is Commissioner May won't be here in this discussion. That's to me, that is very unfortunate and I will just tell 2G and to the Applicant and to those in opposition, we would have wanted him on this. That's just my opinion. Not that the other three of us can't do it but the other three of us will have to agree totally. So that's gong to be very interesting.

All right. So anybody have anything else? So Ms. Schellin, do we need any dates and I need to probably make some more, and something else. Before you go there, remind me I need to ask our legal counsel. Ms. Berry had a YouTube tape and I've heard a whole lot of times what we can and cannot do, but she had it and I don't know if she needs to supply that for the -- she did supply where it is for the record and I don't necessarily know if it's germane to our proceeding but I'm just putting this out there. I will be talking to counsel because counsel has told

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me to look at the zoning and not any specific case. They tell us that all the time and that's our direction path.

Ms. Schellin, do we have any dates or anything?

MS. SCHELLIN: Yes. I only recall, I thought I heard one thing being asked for. Did the Commission really ask for anything in particular?

CHAIRPERSON HOOD: No. I think we just -- I think Commissioner May just mentioned our normal process where we have a lot of --

MS. SCHELLIN: So there really wasn't anything specific that you want?

CHAIRPERSON HOOD: No.

MS. SCHELLIN: So it's just a matter of setting the date for proposed action?

CHAIRPERSON HOOD: Yes.

COMMISSIONER MAY: Well, no. I mean, I think the thing that should probably happen is that the Applicant should continue its outreach to the community and then perhaps report back on that. Wouldn't you say, Mr. Chairman?

CHAIRPERSON HOOD: Yes. But, and maybe had that conversation about another, I guess they -- see, I don't know. They may have already had that conversation but, yes, I would say to do that. Yes, I think that would be helpful. I mean, if you come back with the same thing and I know that you have talked to

the community about things going forward and I'm trying not to cross that line. But there may be need to be some assurances, as you go forward as well. I'm not sure, but I'll leave that up, and I don't usually like to opine a whole lot on that but I'll leave it up to the Applicant and to the community.

MS. SCHELLIN: So the record is only going to be open for the Applicant to report back and the ANC because they're the only two parties. We're not leaving it open for all of these letters to come in from the community.

CHAIRPERSON HOOD: Oh, no, not everybody else, no, no. But I --

MS. SCHELLING: Just the Applicant.

CHAIRPERSON HOOD: Here's the problem. I can't do just the Applicant. Here's the problem.

MS. SCHELLIN: And the ANC.

CHAIRPERSON HOOD: The ANC in support. Maybe I'll, well, I don't know how they work it out but I want Commissioner Berry's issue because she's the only ANC Commissioner who's not in support of it and I don't know whether -- I don't know how that would work but I need to hear representation and I'm saying it to Commissioner Berry and all those who -- I need a representation from them. I need to know, I need to hear from them or if the Applicant's going to represent it, represent what happened, maybe, I don't know.

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Commissioner May, on your way out tell me how to handle that. I'm tired.

MS. SCHELLIN: So we could have the Applicant report back on their outreach with the community and how they meet and then have Mr. Padro, I mean, you know, it almost seems they've already done this and I don't know how --

CHAIRPERSON HOOD: Let me do this, Ms. Schellin, let me do this. Let me just stop you right there. I want something from the Applicant, the ANC and a synopsis from Commissioner Berry to represent those folks who were here today. That's all I want. I want (indiscernible).

MS. SCHELLIN: Okay. Well, what do you want them to meet on because they want to talk about a project and not the map amendment, so I think that's --

CHAIRPERSON HOOD: I want them to talk about the map amendment.

MS. SCHELLIN: Just the map amendment, not the project.

CHAIRPERSON HOOD: Not the project.

COMMISSIONER MAY: No. They can talk about the project as much as they want. They just can't -- it doesn't matter to us, the only --

MS. SCHLLIN: Don't report back on the project. They're only reporting back on the map amendment.

CHAIRPERSON HOOD: So I would suggest, and this is

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good, I get to disagree with Commissioner May. I would suggest you focus on the map amendment because I don't want to hear anything about a project.

COMMISSIONER MAY: Well, no. I agree with you.

MS. SCHELLIN: And that's what Peter said. That's what Commissioner May just said.

CHAIRPERSON HOOD: Ms. Schellin, let me disagree with Commissioner May.

MS. SCHELLIN: Oh, I'm sorry. Go ahead and disagree with him. You can go to fisticuffs if you want to, we're all in line so, you know, go ahead and smack at each other (indiscernible).

CHAIRPERSON HOOD: Okay. So whatever, on his way out, whatever Commissioner May said, but we really want to hear about --

MS. SCHELLIN: Okay. So they can talk about the project but don't tell us about the project when they report back.

CHAIRPERSON HOOD: As usual, let me just say this on the way out. Now I think about it, Commissioner May, you're right. They can talk about the project but give us some assurances that I see further down beyond our process. So, Commissioner May, on your way out the door you're right.

MS. SCHELLIN: Yes. Only report back on the map amendment. So our next meeting, I know that they don't -- the

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ANC's usually don't meet in August so if they want to get together and meet they can do that. Our next meeting is September 14th. So --

CHAIRPERSON HOOD: So the end of the month, so the ANCs --

MS. SCHELLIN: The end of the month, so that would be the 28th so we would have the Applicant and the ANC and Ms. Berry if they could get together and have the Applicant report back to us by September 19th 3 o'clock p.m., and have Mr. Padro on behalf of the full ANC report back by 3 o'clock p.m., on the 26th of September and Ms. Berry, she can provide her report by 3 o'clock p.m., also on the 26th of September since she was on the other side of the rest of the ANC Commissioners, also that same day 3 o'clock p.m., on the 26th, and we can put this on for the 28th of September for proposed action.

CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. Do we have anything else?

MS. SCHELLIN: No, sir.

CHAIRPERSON HOOD: Well, this is it. I hope everyone, first of all let me say this. I hope everyone has a great month off, get some rest, try to rejuvenate and come back in September so we can do the work for the residents of the District of Columbia and all those stakeholders involved. So I appreciate everything you all have done during this time frame. You've all

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been spectacular. We'll do our best. We don't always agree but we always come out with better outcomes.

To my good friend, Commissioner May, the man, the most -- I just remember the most famous man nobody knows about. Well, that's not a true statement so whoever wrote that needs to call me because everybody knows. I think you have definitely, again, as I said earlier, have made a major contribution to this City. Man, we appreciate you and man, I'm going to miss you. I am. You and I have been together a long time working and pushing and ploughing through things and I'm really going to miss you man. But you know, it hasn't set in until I don't see you in September. I guarantee that's when it's going to set in for me.

MS. SCHELLIN: Exactly.

CHAIRPERSON HOOD: All right. Anybody else?

COMMISSIOENR MAY: Maybe I'll just call in anyway as an attendee. I'll sign up and watch.

MS SCHELLIN: Yes. Maybe testify. Wouldn't that be something?

COMMISSIONER MAY: Yes. I'm not sure that would be a good idea.

CHAIRPERSON HOOD: All right. Best to you and everybody you all have a safe summer and best to you, man.

COMMISSIONER MAY: Thank you all. I'm going to miss you. Thank you.

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CHAIRPERSON HOOD: Goodnight everybody.

(Whereupon, at 8:00 p.m., 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: 07-31-2023

Place: Teleconference

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

JULIE SOUZA

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