

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

MONDAY, DECEMBER 11, 2023

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
TAMMY STIDHAM, 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

The transcript constitutes the minutes from the Public Meeting held on November 2, 2023.

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C O N T E N T S

Case No. 23-04	6
ALT-G Investment LLC	

P R O C E E D I N G S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentleman. Today's date is December the 11th, 2023. We are convening and broadcasting this public hearing by video conferencing.

My name is Anthony Hood and I'm joined by Vice Chair Miller, Commissioner's Stidham and Imamura. We are also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young, who will handling all of our virtual operations and our Office of Zoning-Legal Division, Ms. Hillary Lovick.

I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter and the platforms used are WebEx and YouTube Live.

The video will be available on the Office of Zoning's website after the hearing. All persons planning to testify should have signed up in advance and will be called by name at the appropriate time.

At the time of signup, all participants will complete the oath or affirmation required by Subtitle Z48.7. Accordingly, all those listening on WebEx or by

1 phone will be muted during the hearing and only those who
2 have signed up to participate or testify will be unmuted at
3 the appropriate time.

4 When called, please state your name before
5 providing your testimony and when you are finished
6 speaking, please mute your audio. If you experience
7 difficulty accessing WebEx or if you're a telephone call in
8 or have not signed up, then please call our OZ hotline
9 number at 202-727-0789.

10 If you wish to file written testimony or
11 additional supporting documents during the hearing, then
12 please be prepared to describe and discuss it at the time
13 of your testimony.

14 The subject of this evening's hearing is Zoning
15 Commission case is case number 23-04, ALT-G Investment LLC,
16 map amendment at Square 38, 32, Lot 806, 3250 9th Street
17 Northeast.

18 Again, today's date is December the 11th, 2023.

19 The hearing will be conducted in accordance with
20 provisions of 11 ZD (inaudible) Chapter 4 as follows,
21 preliminary matters, the applicant's case. The applicant
22 has up to 60 minutes, I believe from reviewing the record,
23 you can do it in 15 or less, and you can especially hit the
24 opposition and hit the highlights of this application, I
25 think it will be more beneficial and helpful to us.

1 Report of other government agencies, report of
2 Department of Transportation and the Office of Planning,
3 report of the ANC, testimony of organizations is five
4 minutes and individuals three minutes, and we will be
5 hearing the following order, from those who are in support,
6 opposition, and undeclared.

7 Then we will have rebuttal and closing by the
8 applicant. Again, the OZ Hotline number is 202-727-0789
9 for any concerns or anything during this proceeding and the
10 ANC in this case, we have ANC 5B as well as ANC, a part ANC
11 5F. I'm not sure who's going to participate or where we're
12 at.

13 But anyway, again, the OZ hotline number is
14 stated. Any problems, 202-727-0789.

15 All right. At this time the Commission will
16 consider any preliminary matters. Does the staff have any
17 preliminary matters?

18 MS. SCHELLIN: Just very quickly. There's one
19 proffered expert witness, Brandice Elliott, she's
20 previously been accepted, if the Commission would accept
21 her in this case?

22 CHAIRPERSON HOOD: Okay. Unless I hear an
23 objection, we will continue that status. Okay.

24 MS. SCHELLIN: And very quickly, Karen Thomas and
25 Jennifer Steingasser representing the Office of Planning.

1 I do not have anybody from DDOT and I don't see anyone for
2 either ANC, but maybe by the time we get to that portion of
3 the hearing someone will have signed on, but they have
4 submitted, both ANC's have submitted reports into the
5 record. Thank you.

6 CHAIRPERSON HOOD: Okay. Thank you, Ms.
7 Schellin.

8 Let's do this, let's bring Mr. Hughes and his
9 team up and we can go ahead and get started.

10 MR. HUGHES: Good afternoon, Mr. Chairman, Dennis
11 Hughes on behalf of the applicant, can you hear us, okay?

12 CHAIRPERSON HOOD: Yes, we can. Thank you.

13 MR. HUGHES: Yes, sir. Again, Dennis Hughes with
14 Holland and Knight here on behalf of the applicant. I'm
15 joined to my right by Brandice Elliott of the firm or
16 Director of Planning Services, and we are also joined, I
17 see, by Mr. Ty Simpson, who is representative of the
18 applicant.

19 Given the Chair's clear direction, we'll make our
20 presentation brief and I'll make my opening very brief and
21 then I'll turn it over to Brandice to review consistency
22 with the comprehensive plan.

23 So let me just do that. We're -- I want to just
24 say our thanks, if you will, to the Office of Planning and
25 Ms. Thomas, in particular, for her thorough work and we

1 appreciate the Office of Planning's recommendation in
2 support of the application.

3 We appreciate the DDOT report and, as you noted,
4 Mr. Chair, we are within ANC 5B and the property abuts ANC
5 5F. Both of those ANC's have reviewed the application,
6 we've met with them, and, as Mr. Simpson can attest,
7 multiple times and they've all -- we have unanimous
8 recommendations of approval from both ANC's, as well as two
9 citizens associations.

10 There is one letter that we were made aware of in
11 the past couple of days from a neighbor, shares my last
12 name but I do not know Ms. Hughes. I will let Mr. Simpson
13 address that following Ms. Elliott's testimony, but we
14 believe that the application is clearly consistent with the
15 comprehensive plan and that the concerns raised in the
16 letter are easily addressed as part of any construction
17 that is undertaken in furtherance of the map amendment.

18 Let's see. With that, I believe I will turn it
19 over to Ms. Elliott and ask you to give us a brief
20 presentation. Thank you.

21 MS. ELLIOTT: Thank you. I will try to keep it
22 brief.

23 I'm Brandice Elliott with the Law Firm of Holland
24 & Knight and I have the pleasure of discussing how this
25 case meets the standards for map amendment.

1 Mr. Young, if you don't mind pulling up our
2 presentation, I can get started with that.

3 All right. So we can just skip to the next
4 slide, please?

5 The property is in the Brookland neighborhood.
6 It's relatively, it's on the smaller side, about 6,900
7 square feet. Currently zoned PDR-1 and we are proposing a
8 MU-7A.

9 The property is vacant. I think the only thing
10 that probably lives there are mosquitos. It appears to
11 have quite the habitat for them. And so residents and
12 businesses would not be displaced with the proposed map
13 amendment.

14 I would like to highlight, if you see on the map
15 that's on your screen, that to the left, on the other side
16 of the rail, there is another PUD that has been approved or
17 a couple of them, but 18-21 in particular is a larger
18 multifamily development that consists of two buildings, for
19 a total of 377 units. So it is on the larger side, but it
20 also has a height of 65 feet, which is comparable to what
21 we would be -- what the maximum would be permitted with a
22 MU-7A zone.

23 Next slide, please.

24 These are just some photographs from context.
25 The top right -- I'm sorry, the top left photo kind of

1 shows the site, off to the right, so you can see where it's
2 just sort of overgrown with trees and shrubs.

3 And then to the north of Kearney Street, there
4 are row homes that have been recently developed.

5 Next slide, please.

6 So the standard of review for a map amendment is
7 essentially that it cannot be inconsistent with the
8 Comprehensive Plan, and when we look at the Comprehensive
9 Plan, we're also talking about the Future Land Use Map, a
10 Generalized Policy Map, and other policies in the Comp
11 Plan.

12 Next slide, please.

13 So the Future Land Use Map designation is
14 moderate density/residential. And moderate
15 density/commercial. Just to quickly summarize. The
16 moderate density/commercial designation suggests a density
17 of 2.5 to 4.0 FAR. And it specifically states, the
18 framework specifically states that the MU-5 and MU-7 zones
19 are compatible with this designation.

20 So the MU-7A, which is being proposed in this
21 case, is compatible with moderate density/commercial. The
22 Generalized Policy Map also indicates that the property is
23 designated Neighborhood Conservation Area, but that does
24 not preclude the site from being developed, particularly
25 when it has the potential to achieve the District's housing

1 goals, which it would in this case.

2 Next slide, please.

3 This is just a comparison chart. A couple things
4 I want to point out is the height from PDR-1 to MU-7A would
5 increase by about 15 feet from 50 to 65 feet. The density
6 is a little bit higher as well, but most importantly the
7 PDR zone does not permit residential use, and so the
8 proposed MU-7A does open this site up to that possibility.

9 Next slide, please.

10 So I'm going to go ahead and go over our analysis
11 of the map amendment through the Zoning Commissions Racial
12 Equity Tool.

13 I would note that we do have a pretty extensive
14 analysis provided to the record at Exhibits 3 and 12. And
15 so I'm going to try and summarize this, but hit on some of
16 the things that I think you guys -- that you all have asked
17 for.

18 So next slide, please.

19 So just briefly. The proposed map amendment does
20 comply or would advance several policies in the
21 Comprehensive Plan. Some of those related to being, you
22 know, Metro adjacent, accessible. Some of the
23 environmental improvements that would take place on this
24 site.

25 And we have highlighted those that would -- that

1 the Office of Planning has specifically identified as
2 advancing activity.

3 Next slide, please.

4 The Zoning Commission did specifically ask for
5 some policies concerning PDR reviews that would support
6 this rezoning. Since there is an effort to conserve some
7 PDR properties for future industrial use.

8 So we did find a couple of policies that would
9 support the rezoning of this property and, in particular,
10 Policy LU 3.2.1, which is titled, "Retained areas for
11 Industrial Uses", it does emphasize preserving PDR
12 property, but it also states that the supply of areas
13 designated for PDR on the Future Land Use Map should not
14 fall below the current level.

15 So this is a property that is not designated PDR.
16 It's designated moderate density/residential and
17 commercial. And so it is not being accounted for in that
18 PDR pipeline. It's not a property that has been deemed as
19 suitable for PDR use in the future, based on the FLUM
20 designation.

21 There is also Policy LU 3.2.6, for the rezoning
22 of industrial areas. And this policy states that
23 properties near Metro are eligible or are appropriate to be
24 -- to be rezoned as a residential use.

25 And then finally, I think the Zoning Commission

1 also posed a question concerning the PDR Land Use Retention
2 Study, which OP is in the process of writing. The
3 Comprehensive Plan requires that this study be provided to
4 counsel to sort of just provide an inventor of PDR land and
5 identify how much is needed, how best to use it, and then
6 it also studies that question of what PDR uses are
7 appropriate to use with or are appropriate to combine with
8 other like residential and commercial uses.

9 This study will be released next year, but it's
10 not really all that applicable to this specific property
11 because, again, the FLUM designation is not PDR and it is
12 not anticipated to be used at PDR by the Comprehensive
13 Plan.

14 So the proposed MU-7A zone is not inconsistent
15 with the Comp Plan policies and then the PDR Study does not
16 impact the future use on this property.

17 Next slide, please.

18 The Brookland CUA Metro Station Small Area Plan
19 was actually approved by City Council in 2009, so a lot of
20 these policies have already been rolled into the
21 Comprehensive Plan and have been accounted for in that
22 analysis, but essentially, if this -- the proposed map
23 amendment does advance the policies in the Small Area Plan,
24 as well as the Comprehensive Plan.

25 Next slide, please.

1 So we'll move on to Part 2, the Racial Equity
2 Tool concerning community guidance and engagement. You
3 know, we did do a dig into the history of the neighborhood
4 and concerning harm to the community, there are a couple of
5 elements that stick out.

6 And the first is that there were racially
7 restrictive covenants in this neighborhood and they were
8 strictly enforced. And so that has resulted in some long-
9 term harm to the neighborhood, as well as industrial land.

10 As we all know, Ward 5 has the largest amount of
11 industrial land in the District, and so -- I'm sorry, Upper
12 Northeast Planning Area, not Ward 5, which is also in Ward
13 5, but anyway, the neighbors, as we know, have been -- have
14 experienced issues related to those industrial lands
15 concerning truck use, pollution, and other affects from
16 those uses.

17 And so communities of color do tend to be
18 disproportionately impacted by these uses because they are
19 more likely to live here and that is what the demographic
20 data show for this area as well.

21 Next slide, please.

22 There have been several meetings, and as Mr.
23 Hughes outlined at the beginning, the proposed map
24 amendment does have support from ANC 5B, ANC 5F and the
25 Edgewood Civic Association meeting, and all of those

1 resolutions or letters of support are in the record.

2 Next slide, please.

3 So the Racial Equity Tool also wants us to
4 discuss what the impact or what the community priorities
5 are and how this proposed map amendment would advance those
6 priorities.

7 We know the Comprehensive Plan focuses on things
8 like housing and deconcentrating industrial uses, but then
9 what we learned through the community meetings was that
10 attendees wanted to have more eyes on the street and they
11 also thought new development would potentially slow traffic
12 on 9th Street. They want family sized units, which the
13 developer is considering in this case.

14 And they also expressed some concerns about
15 parking and trash receptacles. And so this gave the client
16 or the applicant the opportunity to address those questions
17 and verify that all of those items would comply with the
18 regulations.

19 Next slide, please.

20 The Office of Planning provided disaggregated
21 data. We also provided it in our exhibits, but the short
22 of it is that the black and African population -- black and
23 African American population has decreased since 2000 in
24 this area by 4.2 percent, but at the same time we do see
25 other races and ethnicities increasing and it's not just

1 white, but now the Asian population has increased
2 significantly as well as the Hispanic or Latino population.

3 And of course those of two or more races is quite
4 significant. Also another thing that we have found here is
5 that the median income is a little bit lower than what it
6 is District wide, and the rate of renter, of households
7 that rent are higher when compared to the District as well.

8 So this proposed map amendment, it would address
9 some of the needs of the low- and moderate-income
10 residents, because it would increase the availability of
11 affordable housing and housing in general, which can, you
12 know, improve the neighborhood, but also provide more
13 options for people in the neighborhood.

14 So next slide, please.

15 And then when it comes to housing, the latest
16 report from DMPED shows that the planning area has met 64.6
17 percent of its affordable housing goal, so there is still a
18 ways to go there.

19 Next slide, please.

20 And finally, Part 4 of the Zoning Commission's
21 Racial Equity Tool asks us to address some of the outcomes
22 of the map amendment. And so in this case, there would be
23 no direct displacement, except maybe mosquitos, we hope,
24 and then indirect displacement is something that we did
25 discuss in our analysis quite extensively, but we

1 identified that there are District programs to help with
2 displacement and there are some newer ones, including Black
3 Homeownership Strike Force, which could be a real benefit
4 in this case, but there are also some long-term programs.
5 You know, some programs that have existed for a while that
6 could be helpful in minimizing indirect displacement.

7 Obviously, this is a map amendment that would
8 increase housing. It would increase affordable housing,
9 because it would have IZ Plus attached to it, there would
10 be some physical improvements, including the development of
11 a vacant, unused site. That would also improve the
12 streetscape for that neighborhood.

13 It also increases access to opportunity because
14 of its adjacency to Metro rail and other public
15 transportation.

16 Next slide, please.

17 And we also identified potential inconsistencies.
18 You know, when it's a map amendment it's a little hard to
19 identify specifics because we don't have a project, but we
20 do know that when a new project comes online, that
21 oftentimes it increases traffic, could lead to more on
22 street parking.

23 Certainly, any required parking would be provided
24 onsite, but sometimes that on-street parking still occurs
25 and then also net zero buildings because simply stated,

1 this is a small site and it wouldn't -- it's size wouldn't
2 necessarily allow it to support all of the technologies
3 needed for a net zero building.

4 But that being said, there are several policies
5 that outweigh that and we've discussed those in detail.
6 The FLUM and the Generalized Policy Map, all of the
7 policies in the Comprehensive Plan, and then, of course,
8 the policies in the Small Area Plan.

9 Next slide, please.

10 And that's it. Someone will have to tell me if I
11 came within 15 minutes, but the proposed map amendment is
12 not inconsistent with the Comprehensive Plan and, as
13 discussed, any inconsistencies are outweighed by some of
14 those other policies that we've touched on.

15 And that concludes my presentation, but one
16 second before we go. I just am not sure if I'm going to
17 have a chance to say this, but I just want to wish everyone
18 a very happy holiday, if you do celebrate and then I'll end
19 on that.

20 MR. HUGHES: Thank you. Which page is the
21 (inaudible) which do you recall?

22 Mr. Young, if you -- that's fine, don't worry
23 about it.

24 Mr. Chairman, just -- I see Mr. Simpson has
25 joined the video and I would just like to introduce Ty

1 Simpson, on behalf of the applicant team. He led the
2 extensive community outreach for this application and I
3 know I first met with certain members of the community,
4 including Mr. Ra Amin of ANC 5B, back in the Summer of '22
5 on this site, and there have been several meetings with
6 neighbors within 200 feet, the various ANC's, and the
7 citizens associations.

8 So Ty if you could just quickly summarize what
9 you've done and what you've heard in the course of that
10 outreach?

11 MR. SIMPSON: Yes. Thank you. And thank you,
12 Commission.

13 We've literally talked to almost every neighbor
14 possible. We've been to numerous ANC meetings for this
15 particular ANC, but we also have the support from the
16 Brookland Area Neighborhood Association. We've got support
17 from Edgewood's Neighborhood Association.

18 So not only did we focus on this particular area,
19 with a 200 foot, but we focused on all the ANC's actually
20 connecting this particular parcel to the Brookland station
21 and across the railroad tracks.

22 We've gotten overwhelming support from everyone
23 that we've spoken to and then in our last meeting, we
24 actually held a community meeting on the site just in case
25 people had questions, and they had pretty two issues.

1 Well, really one major issue was where are the
2 trashcans going to be located on the property because when
3 the trash has come to remove the trash and they were
4 worried about rodents, but they were active in wanting this
5 site developed and, outside of the mosquitos, we do have a
6 few of our companies' vehicles parked on the site, however,
7 we have had probably, in the last year, over -- last year
8 and a half to two years, over 10 meetings associated with
9 this particular parcel.

10 And we've gotten the community support, so I
11 wanted to thank Ra, from that ANC who has helped lead the
12 effort and secondly, he made sure we walked through the
13 process to touch everybody in the community and give
14 everyone a chance to speak on behalf of this particular
15 parcel.

16 MR. HUGHES: Thank you very much.

17 And Mr. Chairman, just a couple of things, given
18 that there is just the one letter in the record, from Ms.
19 Hughes, with opposition to the application. She makes
20 mention of the additional traffic concerns, increase in
21 street parking and then the rats and intrusion of privacy.

22 I'm looking at the DDOT report that's in the
23 record and I know that there's an existing site, but DDOT,
24 in its report at page 3 of its report compares traffic
25 counts for what is permitted under the current PDR-1 zone,

1 versus what could be anticipated with development under MU-
2 7A. And they actually found that there would be a
3 reduction in vehicular trip traffic, I think I said that
4 right.

5 And then also Ty -- well, then the other item is
6 the potential increase in parking on Jackson and Kearney
7 Streets. Parking would be undertaken on the site. There
8 is an easement issue that Ty maybe could explain better,
9 but that precludes construction on the ground floor.

10 MR. SIMPSON: That's correct. There's a water --
11 there's a water easement, a waterline easement that runs
12 directly through the property. So this building has been
13 constructed so the first floor is actually on the second
14 floor and we have parking underneath the building, which we
15 could currently allow between eight to 12 parking spaces
16 for the site.

17 MR. HUGHES: So I don't want to dive into a
18 project review, obviously we don't have plans for any such
19 thing, but I did just want to address the specific concerns
20 raised by Ms. Hughes in her letter.

21 And with that I think we'll conclude out
22 presentation and welcome any questions that you might have.
23 Thank you.

24 CHAIRPERSON HOOD: Thank you, Mr. Hughes, and
25 also Ms. Elliott and the team. And Ms. Elliott, same to

1 you, happy holidays back to you just in case we forget and
2 don't have an opportunity.

3 I do have some questions, especially Mr. Hughes,
4 if you could -- well, you said you all weren't related. I
5 don't know if Ms. Hughes, Ms. Mary Hughes is available, but
6 I will say this, and I appreciate Ms. Hughes's letter. I
7 do have some questions for her.

8 I just want her to know that if she's on. I hope
9 she's on, because a lot of rules, I think, directed towards
10 this Commission, which I think has worked very hard.

11 And one fundamental thing, when you've been in a
12 community like I have and you've work with certain people,
13 Commissioner Ra Amin has worked hard in this city, not just
14 in Ward 5. I've served with him on many things.

15 He's worked hard in this city and when I saw his
16 name involved with this, Mr. Hughes, you're exactly right.
17 He made sure he touched everybody humanly possible on this
18 project, which gives me a comfort level, which is why I
19 have some questions for Ms. Mary Hughes, because when I get
20 conflicting stories from one person and then we got two
21 ANC's united, that hardly ever happens in this city, but it
22 did happen in this particular case.

23 I'm going to go on about it when I get to my
24 questions, but I want Ms. Hughes, Ms. Mary Hughes to
25 understand that I'm coming to her, I'm going to ask her

1 some questions for clarification of how we don't engage
2 residents in the city.

3 First of all, I am a resident of this city. I
4 live here too and I live in Ward 5. So one thing I have
5 always done and this Commission has always done is listen
6 to those who are directly impacted.

7 So looking forward to that discussion, Ms.
8 Hughes, and I hope you online, as Mr. Syndrome (phonetic)
9 will tell you from another case. He and I spoke Friday
10 night, not about the case, but about process and he and I
11 actually had a very good -- I better knock on wood, it was
12 a good conversation he and I had on Friday night, while
13 others were resting, he and I were talking about process
14 and that's the same thing we do here on the Zoning
15 Commission.

16 So let me go to Vice Chair Miller first and then
17 after that I will go to Commissioner Stidham, and then I
18 will end with Commissioner Imamura and then myself. Thank
19 you. In that order.

20 VICE CHAIR MILLER: Thank you, Mr. Chairman and
21 thank you to the applicant's team, Mr. Hughes, Ms. Elliott,
22 and Mr. Simpson.

23 I don't really have -- I associate myself with
24 your remarks, Mr. Chairman, about community engagement. I
25 applaud the applicant on the number of community meetings

1 that you had and the garnering of support from both ANC 5B
2 and 5F, as well as the Edgewood Civic Association and all
3 of the meetings that you've had in the community and with
4 the single-member District Commissioner Amin.

5 You said you had support also from Brookland
6 Civic Association. I'm not sure we have in the record,
7 correct me if I'm wrong, do we have something in the record
8 from Brookland Civic Neighborhood Civic Association, or are
9 you just representing that they didn't have any concerns or
10 they did take a vote in support; is that correct, Mr.
11 Sipson or Mr. Hughes?

12 MR. SIMPSON: Yes. I mean, I actually presented
13 to them online and we did ask them for a letter of support.
14 I'm not sure if made the record, but they overwhelmingly
15 supported our efforts.

16 VICE CHAIR MILLER: I didn't see it in the
17 record, but if someone --

18 MR. HUGHES: No letter has been submitted to the
19 record that we're aware of, Commissioner Miller.

20 VICE CHAIR MILLER: What did you say, Mr. Hughes?

21 MR. HUGHES: We're not aware of a letter having
22 been submitted.

23 VICE CHAIR MILLER: Okay. All right. So okay.
24 Yeah, I was looking for it, but I appreciate your
25 representation of your meeting with them and of their

1 indication of support to you at that meeting.

2 So this is largely, you know, a Comprehensive
3 Plan zoning consistency case, as you've stated, and I think
4 it's pretty clear that the MU-7A zone is within the
5 moderate density/mixed use Land Use Map designation on the
6 Comprehensive Plan, even though there needs to be a text
7 amendment to our zoning regulations to correct a reference
8 to MU-7 being in a medium density category, but the Comp
9 Plan clearly identifies MU-7 as a potential zone for
10 moderate density.

11 And I'll the Office of Planning about where we
12 are with coming forward with that correction or
13 clarification to the zoning regulations in the future, but
14 that does not forestall us going forward, as we have in
15 other cases like this where that designation exists on the
16 Comp Plan and in the zoning text.

17 So this is a map amendment and I realize we don't
18 have a project before us, but you apparently indicated to
19 the community, just by reference to the letter from Edgewood
20 Civic Association Exhibit 12E, they're encouraged about the
21 possibility of 3-bedroom units.

22 So I guess you've, and I think somebody made a
23 reference or maybe you all -- I guess you made a reference
24 that you knew or were aware that community preference and
25 you're considering those family-sized units as part of the

1 residential development that you're contemplating here in
2 the future; is that correct?

3 MR. SIMPSON: Yes, we had multiple designs and we
4 were trying to figure out what's going to be the best
5 design for that site and the way we had -- we had multiple
6 concept plans, which we did show the community, and one of
7 the concept plans that we were trying to make pin,
8 consisted of four 2,500 square foot apartments and/or
9 condos and they would be three bedrooms each.

10 And then based on the IZ, we would create one of
11 the units to make it affordable. Once again, this was
12 definitely discussed and we showed them our tentative plans
13 and the question, and I even sent this to the Edgewood
14 community, I sent it to the ANC, the question is it has to
15 make financial sense in order for us to build anything.

16 But the height definitely gives us the capability
17 of pretty much increasing the density on the site. And
18 forgive me for my hoarseness guys, I have a slight cold.

19 VICE CHAIR MILLER: Yeah, there's a lot of that
20 going around.

21 So good that we're virtual for that reason. I
22 guess.

23 So yeah, on that point, it's going from PDR,
24 which doesn't allow for any residential development, to
25 this MU-7A category, which would allow for an increased

1 height from the 50 feet allowed under the existing zone, to
2 65 feet without counting the penthouse in either case.

3 And so that would -- what is the -- the
4 potential, I think I read, the potential number -- we don't
5 have a project before us, but the potential number of
6 units, if you were able to maximize that FAR and dense
7 (inaudible)_height would be, I think I referenced in DDOT's
8 report there was a total of 31 units and there's a
9 reference in OP's and maybe your reports that six of them,
10 under IZ-Plus, would be -- six of them -- six of the 31
11 would be, if designated IZ-Plus, as affordable if the 50
12 and 60 percent and NFI level.

13 Are those numbers in the ballpark or in terms of
14 the potential number of units that you could get with this
15 increased height and density?

16 MR. SIMPSON: If they're saying that we can do
17 that, that's the case. And I'm sorry, my architect is not
18 online. We were not trying to -- we were trying to program
19 it in a way where it made -- we can do it from a -- it
20 meets certain financial standards because the cost of the
21 land was pretty high.

22 VICE CHAIR MILLER: Right. Right, and if you're
23 doing three-bedroom units, you're going to have less units,
24 because you're going to take up more space with a three-
25 bedroom, but did, in any of your concepts, did it show what

1 the maximum -- what the range of units -- total units might
2 be and the range of total IZ-Plus if you had that potential
3 number? If you don't, that's fine. We have what we have
4 in the record.

5 MR. SIMPSON: Yeah, we didn't -- we haven't
6 gotten that far. My apologies.

7 MR. HUGHES: And Commissioner, there will be a 20
8 percent, the IZ-Plus would be 20 percent, given the
9 conversion from PDR. That would be the IZ component, but,
10 as Ty mentioned earlier, the water easement across the
11 property would reduce the amount of the number of units,
12 the amount of square footage that can be constructed on
13 that ground level.

14 So it would -- I don't know that the Office of
15 Planning took that into consideration when coming up with
16 those numbers, but --

17 VICE CHAIR MILLER: It actually was referenced in
18 the DDOT report. I'm not sure it was referenced in the --

19 MR. HUGHES: I think DDOT took their information
20 from the Office of Planning. I'm not sure. I just wanted
21 to condition that or remind that there is a -- there is a
22 physical condition on that property that will prevent a
23 good bit of that ground level from being utilized, other
24 than for parking.

25 MR. SIMPSON: Yeah, we cannot technically build

1 on top of the easement at all. And we have to have the
2 height at least 20 feet for any type of WASA vehicle to
3 come in to service the water line, just in case they have
4 to access it.

5 So the only type of infrastructure would be an
6 entry point to access the floors above. And that's why we
7 could use the lower level for parking, instead of
8 additional units because we cannot -- we have to create
9 access to the easement.

10 And they may, and to his point, they may have
11 taken that additional ground space as square footage, which
12 we cannot use.

13 VICE CHAIR MILLER: Okay. Yeah, I can appreciate
14 that.

15 Is that waterline, that DC WASA waterline, is
16 that at all related to the mosquito problem that exists on
17 the current property that you referenced or it had nothing
18 to with that, or is that pipe leaking? I mean, what's
19 going on there?

20 MR. SIMPSON: No. It's no leaking. It's
21 interesting, and if I can be candid. When we purchased the
22 property, we thought we had a matter of right to use it as
23 the PDR listing and build our offices.

24 And needless to say, COVID hit and then we went
25 to do some of the work and we realized that no one

1 acknowledged this sewage pipe that this water pipe going
2 through the property.

3 So after contacting WASA, we were then instructed
4 that we're going to have to reinforce and shore up that
5 line, you know, for this development project. So our first
6 order of business would be to utilize one of WASA's
7 companies to go in and strengthen that pipe that drains
8 water that goes diagonally across the property.

9 And it's not leaking or anything of that sort. I
10 just think that this area is -- I think the mosquitos is
11 more of a, you know, that's what living on the property,
12 but overall, the water pipe is pretty sound, we just have
13 to reinforce it based on WASA standards.

14 VICE CHAIR MILLER: Okay. Well, I hope you solve
15 the mosquito problem before residents move into your units.
16 They won't be there very long.

17 MR. SIMPSON: Right.

18 VICE CHAIR MILLER: So you'll have to do that.

19 So the one letter in opposition, Mary Hughes, I'm
20 not sure how close she is to this property on Jackson
21 Street where she is, but she referenced that if it was
22 approved up to that -- we should only approve it at 50
23 feet, which is -- instead of the 65, so that would take a
24 floor off, I guess, or more.

25 So you'd lose probably 20 percent of whatever or

1 more. I don't know. Yeah, 20 percent probably of your
2 square footage for the residential space, which is
3 obviously encouraged by the Comprehensive Plan to have that
4 residential space, both affordable and market rate.

5 Is that about the number of percentage reduction
6 that would happen if you took a floor off?

7 MR. SIMPSON: Yes, and I think our argument was
8 when we purchased this, we did not realize we were losing
9 the bottom floor because the waterline was not indicated on
10 any of the surveys or plans that we got from DCRA at the
11 time.

12 So we were surprised by the waterline, which
13 prevented us from pretty much building on the bottom floor.
14 And you're right, we would lose pretty much the top floor
15 if we lost the 15 feet as well.

16 VICE CHAIR MILLER: Right. Well, I thank you for
17 all of your community engagement, Mr. Simpson and Mr.
18 Hughes, Ms. Elliott.

19 Who are the -- are you a principal of this -- of
20 the ALT-G Investment LLC or you're a representative here
21 today? I mean, who are the principals of ALT-G Investment,
22 if I could ask that question?

23 MR. SIMPSON: It's me. I own it.

24 VICE CHAIR MILLER: Okay. And that LLC is based
25 in the District or --

1 MR. SIMPSON: Yes.

2 VICE CHAIR MILLER: -- and you've done other
3 developments here?

4 MR. SIMPSON: Yes. I'm working on one
5 actually -- we're working on one down the street as well.

6 So just to give the Commission a little history.
7 We purchased this property to move our offices. Our
8 offices are currently located on Capitol Hill. The
9 objective was to pretty much move to a larger space by
10 Catholic, so we acquired this property.

11 Upon acquiring this property and we started doing
12 our research, we thought that we could build as a matter of
13 right. Come to find out, not only was the easement there
14 for the waterline, there was a building restriction line
15 that ran through the property that wasn't indicated on the
16 plans as well.

17 So during this over two-year period to one,
18 remove the building restriction line, and then find out
19 that we have the water easement, we decided to pretty much
20 expand our offices on Capitol Hill.

21 So our objective was to move to this area and
22 just use this is the PDR right to build our offices. My
23 employees, we have 12 to 15 employees in our office. We
24 have probably close to 100 employees overall that pretty
25 much work in the field, but our objective was to pretty

1 much move in here and then with these -- when these other
2 situations arose, COVID hit, we were stuck in a predicament
3 where we were like, what's the best use for this particular
4 triangle, knowing that we're now not going to move our
5 offices there.

6 So we were trying to figure out, you know, show
7 us how we can maximize the lot to create housing, and that
8 was pretty responsive from the neighborhood as well.

9 So you know, it's close to Catholic, walking
10 distance from a subway station, and I think it has the
11 aesthetics of kind of cool spot because it's located right
12 on the Metro line and then train tracks.

13 So that's the overall intent of the project. We
14 bought the project under a 504(d) loan through the SBA, so
15 that's what we did and then, you know, when everything
16 changed, we pretty much backed out of it. We had to
17 satisfy the debt, which we're now sitting on a property
18 that we haven't developed or maximized in the last few
19 years, but we're still carrying a debt service on it.

20 VICE CHAIR MILLER: Well, thank you for going
21 through the process, the processes that you had to go
22 through and the time and the community engagement that is
23 required for our process, our zoning Comprehensive Plan
24 Racial Equity Analysis process and sticking with it, even
25 through these difficult times and not being able to realize

1 what you originally envisioned as a matter of right.

2 So I appreciate you sticking -- being in the
3 District as a District business and expanding your
4 business, even though not in this neighborhood, even though
5 you wanted to, and coming up with a proposal that's
6 compatible with the neighborhood and with the Comprehensive
7 Plan and working with the community on that.

8 So thank you all very much for your effort and I
9 don't think I have any other questions at this time, Mr.
10 Chairman, thank you.

11 CHAIRPERSON HOOD: Okay. Thank you.

12 Commissioner Stidham, any questions or comments?

13 COMMISSIONER STIDHAM: Sorry, I hit mute off and
14 hit mute back on. My apologies.

15 So thank you for your application. It's nice to
16 see that you considered the neighborhood in looking at this
17 and I think what you're suggesting is very appropriate for
18 the neighborhood.

19 While not envisioned in the Small Area Plan, it
20 definitely fits in nicely. So I really don't have any
21 other questions. I think it will provide an opportunity
22 for housing that is in need here, as well as some
23 commercial uses as well.

24 So nothing from me.

25 MR. SIMPSON: Thank you.

1 CHAIRPERSON HOOD: Okay. Commissioner Imamura,
2 any questions or comments?

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

4 Mr. Simpson, I align myself with the comments of
5 my colleagues about your community outreach engagement
6 efforts. I appreciate the backstory to all of this because
7 I did have a question for Ms. Elliott about the
8 appropriateness -- I'm certainly an advocate for increased
9 density when and where it makes sense. And I know Ms.
10 Elliott made a comment that there's another (audio cutout)
11 development across the tracks, west side of the tracks,
12 case number 18-21, and it looked as if they'd zoned in 4, I
13 think. I could be wrong.

14 And so my question is this for Ms. Elliott, but
15 first let me pay the complement that the writeup in the
16 record for community outreach and engagement, I'm not sure
17 if, Ms. Elliott, that was your handywork or someone, but
18 appreciate the thoroughness of that writeup,
19 particularly -- I always try to learn something new and I
20 acknowledge I learned the fact about the two different
21 Brookland neighborhood associations. So just that level of
22 detail there to demonstrate that I did read that section of
23 the report.

24 So I just want to be -- I guess I always try to
25 be careful about where we're increasing density and height.

1 You know, east of 9th Street there we have what appears to
2 be some single-family homes and some perhaps row homes on
3 10th Street.

4 I know Ms. Elliott, you had mentioned, this is a
5 long question, that you were trying to match the height
6 across the train tracks recalling your knowledge in school
7 about Kevin Lynch and the age of the city, nodes, paths,
8 edges, districts, landmarks, we have a clear edge created
9 by the train tracks.

10 And so this parcel, as challenged as it is, this
11 site, is an opportunity for sort of a transition from the
12 height across the train tracks on the west. Thinking about
13 urban design and what's located -- the homes that are
14 located east of 9th Street. What makes MU-7 and the
15 height, and Mr. Simpson, I appreciate your explanation
16 about the WASA waterline, your ability for ground floor
17 use, so I'm starting to understand why you put forward MU-
18 7, but tell me that you gamed out MU-5 as well and why not
19 MU-5 and why MU-7?

20 So I just want to understand sort of how you --
21 sort of the iterations you've gone through and how you
22 gamed this out and landed on MU-7?

23 MS. ELLIOTT: So I can address the
24 appropriateness of the zone.

25 COMMISSIONER IMAMURA: Thank you.

1 MS. ELLIOTT: So the framework specifically
2 provides that the MU-5 or the MU-7 zones are compatible
3 with this moderate density designation. When you look at
4 the MU-5A and MU-5B, the height for both designations is
5 actually higher than what the MU-7A and MU-7B would permit.

6 So MU-5A comes in at 65 feet, but 70 feet with an
7 IZ development and then MU-5B permits 75 feet. So in terms
8 of height, the MU-7 ends up being more compatible and
9 actually a better transition down to the residential to the
10 east.

11 The other thing that we have to consider is that
12 the Comprehensive Plan has been amended. You know when
13 some of these newer developments in this area were
14 approved, there were lower density designations on the
15 Future Land Use Map and then during this last round of
16 revisions, all of that density actually was increased.

17 And so we have the property that's, and I'm sorry
18 I can't read the street names on this map, but Monroe
19 Street. So south of Monroe and north of Kearney and
20 including this parcel between 7th and 9th Street, that all
21 got -- well, we say up flumed, but the -- the potential
22 density was increased for this entire area.

23 And then some of the area even surrounding went
24 up, you know, also got a boost in density. So we see that
25 there's this effort to generally increase the density here.

1 And so the MU-7, it's consistent with moderate density, but
2 it's also in line with the intent of the Comprehensive
3 Plan, based on that last round of revisions.

4 COMMISSIONER IMAMURA: Terrific. Thank you, Ms.
5 Elliott, for answering and responding to my question,
6 thinking on your feet. I'm satisfied with that response.

7 And with that, I have no other questions or
8 comments, Mr. Chairman. I just want to thank the applicant
9 for, as Mr. Miller had mentioned, their sticktoitiveness
10 for a property that is certainly challenged and I think
11 will bring benefit to the neighborhood in whatever design
12 iteration they put forward.

13 So good luck. Mr. Chairman, I yield back.

14 CHAIRPERSON HOOD: Okay. Thank you. Thanks to
15 my colleagues for answering your questions. I just have a
16 few.

17 Ms. Elliott, you mentioned in your presentation
18 about a PDR I hate to say study because I think of that --
19 maybe it's a PDR study, because we studied the study to
20 study.

21 I don't know if you remember. Some years ago
22 there was a PDR study, and I hope you're not talking about
23 that same one. That study's been around as long as I have.
24 So I'm just curious, is that a different study? Something
25 new that's gotten started? I can ask Office of Planning as

1 well.

2 MS. ELLIOTT: There are lots of studies. There
3 was one PDR study and then there was the Ward 5 works
4 transformation --

5 CHAIRPERSON HOOD: Trans --

6 MS. ELLIOTT: -- study. So that is actually the
7 most recent one, but the Comprehensive Plan, at Council's
8 request, actually requires OP to undertake an additional
9 study to address some of the more recent concerns about
10 PDR.

11 You know, there's a concern that there's not
12 enough to accommodate District needs, but then there's also
13 that concern that has come up with Maker's Face, and in
14 deciding what industrial uses are compatible with
15 residential and commercial uses, where we have that mixed
16 stripe on the FLUM.

17 So that's really what that study is trying to
18 achieve. It's sort of an inventory of what the District
19 needs, but it's also addressing that question of mixing
20 uses.

21 So not really applicable to this, but the
22 Commission did ask and so I wanted to answer it. OP may
23 have more to add to that, but as far as I'm aware, it's
24 going to be released in January.

25 CHAIRPERSON HOOD: Okay. And I'm going to ask OP

1 in advance. I want to talk about that PDR study because
2 we've been talking about PDR studies actually since 1998,
3 even though we were calling it industrial.

4 But either way, if it's been that many studies,
5 and I do recall, Ms. Elliott, the study that you were
6 talking about. That's been -- that's -- we've been talking
7 about that for a while.

8 Let me just ask this. In the conversation, maybe
9 this is for Mr. Simpson or Mr. Hughes, whoever was working
10 with the community and went to the meetings.

11 Mr. Simpson, in the meeting did Ms. Hughes -- are
12 you familiar with a resident Ms. Hughes, Mary Hughes?

13 MR. SIMPSON: I'm not familiar with Ms. Hughes.
14 I'm not sure if she's attended the meetings. We did have a
15 few individuals who asked some very difficult questions in
16 the meetings and then, you know, we sat there and talked
17 through them and walked through them.

18 I pretty much attended almost every meeting
19 personally. So if -- does anyone have Mary Hughes'
20 address? I think she said she lives on Jackson Street? So
21 she would be one block behind.

22 I don't know her personally, but I can tell you
23 that most of the people who gave us the hard questions in
24 the meeting ended up supporting us after we explained our
25 concepts and our plans.

1 And we brought kind of like potential story
2 boards, schematic plans to all of our meetings to show them
3 exactly what we were attempting to do on this particular
4 project.

5 CHAIRPERSON HOOD: And I do have an ask.
6 Regardless of our action, whatever this Commission does, if
7 you all could take Ms. Hughes some of those handouts,
8 because her letter said there was no handouts. It was like
9 an empty -- obviously, I believe you all had handouts
10 because I know some of the players who would have probably
11 been in that meeting and if you didn't have any handouts or
12 something to show them, you wouldn't be here with all this
13 support right now.

14 So I'm not naive to that situation, so I get it.
15 I've been doing this a while. So if you could just, as a
16 courtesy, reach out to her and kind of like we say, Mr.
17 Simpson, how you explained some of those tough questions,
18 maybe she was not able to make the meeting. Maybe there's
19 -- maybe there's some misunderstanding.

20 And she brings up some points that 50 feet versus
21 65, I get that, but again, this is a consistency case and
22 we -- regardless, as long as you meet the standards of --
23 and I'm trying not to get into a project, I'm trying to
24 stay -- I'm trying to walk that line because I don't want
25 to get into how many floors anybody did, I'm talking about

1 intensity of use of going from the PDR-1 to the MU-7A, I
2 believe is what we're doing.

3 So I'd like all the comments to kind of stay to
4 that point so we can make sure that we stay in line with
5 our own regulations.

6 Other than that, and I know you met quite a bit.
7 I look at -- I know some of the players. I look at, as I
8 stated earlier, the work that Commissions Ra Amin and his
9 Commission does, as well as let's see Edgewood, from, let
10 me recall his name, my hardworking friend, Mr. Clark, and I
11 know, you know, one thing I know about the folks that I see
12 who here are support, that is not -- you didn't just walk
13 in there and garner support.

14 You walked in there and you answered some
15 questions.

16 MR. SIMPSON: Right.

17 CHAIRPERSON HOOD: I know the folks who live in
18 Ward 5 and I know them well, and they work hard and we want
19 to make sure you're doing -- so I'm just asking to reach
20 out to Ms. Hughes. Because Ms. Hughes also said that we
21 just approve everything, and if Ms. Hughes is not on, I'm
22 going to say this now.

23 Ms. Hughes, one of the things I'm looking at is
24 the record and I hear your comments, but you say we're just
25 messing up the city, but a lot of residents are pushing us

1 to -- they have worked it out, like in this case with Mr.
2 Simpson and others, you have the ANC, both ANC Commissions,
3 you have other civic groups that have gotten us to this
4 point.

5 And I'm sure, Mr. Simpson, when you went in
6 there, you had to discuss how you're going to the MU-7A.
7 You didn't just walk in there and say -- and you had to
8 explain what the difference between PDR-1 and MU-7A.

9 And I'll say this too, PDR-1 has some uses that
10 would not go in a MU-7A, and I'll just leave it at that.
11 Somebody here in Ward 5 is Ms. Elliott Knowles, the trash
12 transfer regulations with the Zone Commission dated in
13 1998, are very critical.

14 So when you start talking about PDR Zone, I
15 think, Ms. Elliott, you alluded to it. That whole question
16 about who has the most PDR, that has been a conversation
17 that's been going on. Ward 6 said they did, Ward 5, we say
18 we did, so that question, that conversation has been going
19 on for years.

20 I'm not sure where it is now, I stopped keeping
21 up with it, but we started, as my colleagues know, we try
22 to make the best zoning decisions as possible, according to
23 the regulations.

24 So that's enough of me going off on a tangent,
25 but I hope Ms. Hughes is here because I do have some

1 questions for her.

2 Are there any follow-up questions or comments
3 from anybody?

4 MR. SIMPSON: Chairman Hood, I just want to thank
5 you because, and you're right, Mr. Amin, Commissioner Amin
6 definitely walked us through the process. And secondly, I
7 want to thank Holland & Knight, they've done a great job.

8 We've had them presenting at our meetings as
9 well. I want to thank Emotive, our architects, they showed
10 up to every meeting as well to present, and our development
11 team.

12 I mean, not only did I walk the neighborhood with
13 flyers for the 200 footers, but other people from my
14 company did the same thing. So, you know, we did -- we
15 thought we did everything we could possibly do to inform
16 the neighborhood throughout this process.

17 And I'm more than happy to follow up with Ms.
18 Hughes on this particular project as well. I mean, I have
19 not problems talking to people in the community.

20 CHAIRPERSON HOOD: Thank you, Mr. Simpson, and
21 I'll say, as the Vice Chair mentioned too, that kind of
22 follow up goes a long way on communities. Even though your
23 project -- you'll probably move on and develop other
24 places, the folks who live there will have to endure
25 whatever is done.

1 And I appreciate all the work you've done. I
2 know Ms. Hughes has an issue and I haven't heard from
3 nobody else, but I know Ms. Hughes has an issue and I like
4 for us to just extend the olive branch and try to be able
5 to, at least -- even if she doesn't come and agree with
6 everything, depending on which way this Commission goes, at
7 least take the courtesy to try to help her walk it through.

8 Because a lot of people don't understand zoning
9 all the time and I do this regularly and sometimes I have
10 to think two or three times to figure it out. So anyway,
11 hats off to you and your team for what you've done in this
12 neighborhood. Thank you.

13 MR. SIMPSON: Thank you.

14 CHAIRPERSON HOOD: All right.

15 Ms. Schellin, do we have anybody representing the
16 ANC that may need to cross examine the applicant?

17 MS. SCHELLIN: Yes, sir. We have Mr. Ra Amin,
18 who is representing ANC 5B.

19 CHAIRPERSON HOOD: Okay. What about the other,
20 5F? We have anybody from 5F?

21 MS. SCHELLIN: I do not.

22 CHAIRPERSON HOOD: Okay. Let's bring up --

23 MS. SCHELLIN: Mr. Amin, if he is going to give
24 the ANC report, just to remind (audio cutout) swear him in
25 because he did not register to testify, so he's not taken

1 the oath yet.

2 MR. AMIN: Yes --

3 CHAIRPERSON HOOD: What I'm going to do -- hold
4 on a second, Commissioner. What I'm going to do is I'm
5 going to find out what he's here to do. Let him take it --
6 I want him to do the cross examine first and then I want
7 him to give a report.

8 MS. SCHELLIN: Yes.

9 CHAIRPERSON HOOD: Okay. Commissioner Ra Amin?

10 MS. SCHELLIN: Right.

11 MR. AMIN: Yeah, I should say that I have not
12 been officially given permission to speak for the whole
13 ANC. I'm here as the Commissioner that the project is in
14 and I'm here mostly as the observant just today.

15 So I was not voted by the Commission to give the
16 official 5B report, but as you can reflected in the vote,
17 that this project did come through 5B04, B and CA and 5 ANC
18 5B anonymous votes every time through several phases of
19 community engagement.

20 CHAIRPERSON HOOD: Okay. Commissioner Ra Amin,
21 what I'm going to do is, since you were not voted on and we
22 can see with the letters. What I'm going to do is when we
23 get to people in support, we'll hear from you at that
24 point.

25 MR. AMIN: Yes, sir.

1 CHAIRPERSON HOOD: Okay? All right. Appreciate
2 it.

3 Ms. Schellin, we have anybody else?

4 MS. SCHELLIN: No, sir. I'm sorry. I misread
5 that. It said he was the point of contact for the
6 resolution.

7 CHAIRPERSON HOOD: Okay.

8 MS. SCHELLIN: So I took that he could represent
9 them.

10 MR. AMIN: That is correct.

11 CHAIRPERSON HOOD: Okay.

12 MR. AMIN: I have been given that authority, a
13 point of contact for the resolution and the form.

14 CHAIRPERSON HOOD: Okay. So in that case, he can
15 cross examine if he has any.

16 MS. SCHELLIN: Yeah. Because the report does say
17 he's the point of contact.

18 CHAIRPERSON HOOD: So Commissioner Ra Amin, you
19 have any questions of the applicant?

20 MR. AMIN: No, Commission, no Chair and
21 Commission, I don't. I do feel that it was very thorough
22 process. I do appreciate all the kind words that come from
23 the Commissioner about 5B because we stand with that and
24 for that over here.

25 And I think Ty and his team, they were very

1 accommodating to us throughout the process, because this
2 process did go on for quite an extended period of time.
3 They did not just walk into the community.

4 So any questions that came up, the project was
5 not allowed to move until the community felt like they were
6 thoroughly answered at each phase.

7 CHAIRPERSON HOOD: Okay. All right. I'm still
8 going to come back to, even though I appreciate that. You
9 didn't have any questions.

10 Ms. Schellin, we're going to continue to move and
11 also, I want to add Mr. Clark as well. I've worked with
12 you all over the years and I know the kind of work you all
13 do.

14 So that give me, whenever I see that, that gives
15 me a comfort level when projects come into this Commission.

16 Let's go to any other government agencies, Ms.
17 Schellin?

18 MS. SCHELLIN: No, sir.

19 CHAIRPERSON HOOD: Okay. We don't have no one
20 here from DDOT, right?

21 MS. SCHELLIN: No one from DDOT, that's correct.

22 CHAIRPERSON HOOD: Okay. And I think we have Ms.
23 Thomas from Office of Planning?

24 MS. SCHELLIN: Correct. Ms. Thomas and Ms.
25 Steingasser, and actually, I see Mr. Lawson is now on also.

1 CHAIRPERSON HOOD: Okay. If we bring everybody
2 up.

3 Ms. Thomas, you may begin whenever you're ready.

4 MS. THOMAS: Yes. Good afternoon, Mr. Chair,
5 members of the Commission. Karen Thomas with the Office of
6 Planning and I just would like to say that we recommending
7 approval of this application and, essentially, stand on the
8 record of our report because of the thorough job Ms.
9 Elliott gave this evening and her team.

10 So we would be happy to take any questions. We
11 are in support of this application. You asked a couple of
12 questions regarding when would the -- to clarify the MU-7
13 zone.

14 The Office of Planning will be bringing forward a
15 text amendment in the early Spring of 2024, and with
16 respect to that study, that PDR study you were asking
17 about, that should be coming out at the end of January
18 2024.

19 So with that, I would be happy to take any
20 questions. Thanks.

21 CHAIRPERSON HOOD: Okay. Let me see if we have
22 any questions.

23 Vice Chair Miller, any questions?

24 VICE CHAIR MILLER: No questions. Thank you, Ms.
25 Thomas, for the Office of Planning report and for your work

1 on this case, and for answering the question about when we
2 would be seeing further work on the zoning text amendment
3 for MU-7 and on the PDR.

4 So I appreciate you providing that up front and
5 all your work on this. Thank you.

6 CHAIRPERSON HOOD: Okay. Thank you.

7 Commissioner Stidham, any questions of the Office
8 of Planning?

9 COMMISSIONER STIDHAM: No questions. Thank you,
10 Ms. Thomas, for your report.

11 CHAIRPERSON HOOD: Okay. I think you said no
12 questions.

13 Commissioner Imamura, any questions for Office of
14 Planning?

15 COMMISSIONER IMAMURA: No questions. Thank you,
16 Ms. Thomas, for your work on this map amendment and the
17 work that you do on behalf of D.C. residents. Thank you so
18 much.

19 CHAIRPERSON HOOD: Okay.

20 Ms. Thomas, I do have a question and maybe Ms.
21 Steingasser might be able to help you. Which PDR study is
22 this one? Because we've done a number of PDR studies and
23 we started doing them when they're -- I can't think of the
24 former and maybe Commissioner Miller will be able to --
25 Vice Chair Miller will be able to help me. It was the

1 directive from 1998, that's when I first started hearing
2 about PDR studies. So I don't know.

3 Could you tell me which one this is? You or Ms.
4 Steingasser?

5 MR. SIMPSON: Ms. Steingasser.

6 CHAIRPERSON HOOD: Ms. Steingasser, could you
7 help me out?

8 MS. STEINGASSER: This is the latest one that was
9 called for in the recent amendments to the Comprehensive
10 Plan. It's asked for -- the Council asked for a
11 comprehensive update and analysis and Ms. Brandice, I mean,
12 Ms. Elliott did summarize it very well, starting with an
13 inventory of needs and land.

14 But it will be coming out in January.

15 CHAIRPERSON HOOD: Okay. And this is not -- is
16 it, I'm just trying to understand it because I know the
17 Ward 5 plan came out once before. Are we using any of that
18 information to go with this or I -- I know things change.
19 That's why I'm kind of glad to hear it, but I'm trying to
20 figure out what are we -- what are -- what are the
21 advantages of us doing these studies?

22 And I don't want to get in trouble with the
23 Chairman of the Council, but what are the advantages of all
24 these studies, study the study the study?

25 MS. STEINGASSER: Well, especially with the

1 industrial uses, that the adjacency of those kind of uses
2 to residential land and the impacts of land use like PDR is
3 one that we do need to check in on every couple of years.

4 We like to look at its impact, look at its
5 location, you know, there's constant changing in the market
6 of what is industrial. What are the federal and local
7 requirements around how it operates.

8 So yes, it's an inventory that does need to be
9 reviewed every so often.

10 CHAIRPERSON HOOD: You know what, Ms.
11 Steingasser, when I heard that I don't know why I couldn't
12 think of that, but that's a very good analysis. We should
13 check in or revisit every so often.

14 What is it like every four years? Every three
15 years we do a check in?

16 MS. STEINGASSER: That seems to be, yeah, every
17 four to five years seems to be what I've experienced here,
18 but there's no direct time and just as the land use is
19 dictated, especially through Comp Plan changes, we like to
20 take a look at it.

21 CHAIRPERSON HOOD: And did we ever find out,
22 because you know PDR's was something I talk about quite a
23 bit. Did we ever find out who has the most PDR land? Is
24 it Ward 5 or is it Ward 6?

25 MS. STEINGASSER: I don't have that at my

1 fingertips, but in January, I'm sure the report will
2 summarize where most of its located.

3 CHAIRPERSON HOOD: Okay. I'll say it's probably
4 in Ward 5.

5 VICE CHAIR MILLER: I think you're probably
6 right, Mr. Chairman, and especially with all the border
7 front development that happened in Ward 6.

8 CHAIRPERSON HOOD: Right. Yeah, and that was the
9 issue. Then we wanted to save the PD -- I don't want to go
10 down that -- start bellyaching about that. Then we wanted
11 to save it when it was all here in Ward 5, around the
12 corner from my house and (inaudible) anyway.

13 All right. All right, so any other questions or
14 comments?

15 Thank you, Ms. Steingasser and Ms. Thomas, we
16 appreciate your testimony, I mean, not testimony, but
17 clarification especially to me. Thank you.

18 Let's see if the applicant, do you have any
19 questions of the Office of Planning?

20 MR. HUGHES: No, sir, we don't. We just thank
21 you for your efforts and thoroughness.

22 CHAIRPERSON HOOD: And Commissioner Ra Amin, you
23 have any questions of the Office of Planning?

24 MR. AMIN: No, I do not.

25 CHAIRPERSON HOOD: Okay. Thank you.

1 All right. Commissioner Ra Amin, so you're the
2 POC, so that's the same thing as representing -- well, I
3 still call that representing the ANC.

4 You want to say anything else? You've already
5 given us -- we know what your report says, if you want to
6 add anything else to your comments, you can do that at this
7 time.

8 MR. AMIN: No, nothing else to add. I just,
9 again, I'm just here to observe our work, the work and
10 continue to represent the community to the end of the
11 process and acknowledge this was a thorough community
12 engagement process that did happen, and also just give a
13 nod to the team, Ty, and his team over there just how the
14 compliance that they took along the way to make sure the
15 community had all their questions asked.

16 And again, as you all know, this is Ward 5, this
17 is Brookland, and those were tough questions to come out.

18 I do want to say, unfortunately, Ms. Hughes, I do
19 know where she lives. She's on Jackson. She's closer
20 to -- Jackson is flanked by 9th and 10th, running north and
21 south and she's closer on the 10th Street part, closer to
22 the end, the 10th Street part, furthest away from this
23 particular project, but I did not -- she did not submit
24 that letter to the ANC or the SMD, and unfortunately, this
25 is my first-time hearing about this, her letter.

1 So I really did not know that -- I did speak with
2 her about it and I can attest that she did come to a
3 meeting and it was the meeting of the 200 footers that was
4 held on site, and the follow-up meeting to answer the
5 questions that came out of that meeting, she did not
6 attend.

7 She has reached out to me for other concerns, but
8 it was not about this project. It was other community
9 concerns within the last year.

10 CHAIRPERSON HOOD: Okay. Thank you, Commissioner
11 Amin, we appreciate your comments.

12 Let me see if anybody has any questions for you.
13 Vice Chair Miller?

14 VICE CHAIR MILLER: No questions. Thank you,
15 Commissioner Amin for your service and work in the
16 community.

17 CHAIRPERSON HOOD: And Commissioner Stidham, any
18 questions, comments?

19 COMMISSIONER STIDHAM: No questions. Thank you,
20 Commissioner Amin for your (audio cutout).

21 CHAIRPERSON HOOD: Okay. And Commissioner
22 Imamura?

23 COMMISSIONER IMAMURA: No questions.

24 CHAIRPERSON HOOD: Does the applicant have any
25 questions? Mr. Hughes?

1 MR. HUGHES: No, sir. No questions, but I do, if
2 I could, just thank Mr. Amin, Commissioner Amin for all his
3 efforts. I had not worked with him before this project,
4 this application, so, like I said earlier, we met on the
5 site in the summer of '22 and then this past winter I
6 attended the first, I think, SMD meeting where this project
7 was discussed and it was very, very deliberative.

8 I hadn't seen that level of deliberation in an
9 SMD meeting in a long time. So I appreciated the
10 diligence. That's all. Thank you.

11 Are you muted? Mr. Chairman, are you muted?

12 CHAIRPERSON HOOD: Thank you. I'm starting to do
13 that more and more. Maybe I'm saying stuff that I don't
14 want nobody to hear.

15 I was just thanking Commissioner Ra Amin for all
16 the work he's done, especially in this case, and other work
17 that I've actually worked with -- he and I worked together
18 on some other things and we work very well. That's how I
19 knew, I knew Commissioner -- I knew that they didn't just
20 walk in there and do anything. Trust me.

21 All right. So thank you, Commissioner, and to
22 your ANC as well.

23 Let me also just read ANC 5F, one second. I want
24 to make sure, Mr. Hughes, they're the abutting ANC,
25 correct?

1 MR. HUGHES: Correct.

2 CHAIRPERSON HOOD: Let me just read. They just
3 basically say, "This resolution came before ANC 5F in a
4 dually noticed meeting on May 23rd". Then they go on. It
5 was five in favor, zero nay and zero abstentions.

6 And I can't make -- I think this might be Chair
7 Bishop, Commissioner Bishop, Chairman -- Chairperson Bishop
8 Henschman has some very good fancy handwriting, but I
9 believe that's who this letter is from. And that's in our
10 Exhibit 12D.

11 All right, Ms. Schellin, do we have anyone here
12 in support or opposition or undeclared?

13 MS. SCHELLIN: No witnesses registered to testify
14 in any category.

15 CHAIRPERSON HOOD: Okay. Okay, thank you, Ms.
16 Schellin.

17 Mr. Hughes, could you give us your -- do you have
18 any rebuttal? If you do you can do that first and then
19 we'll go to closing.

20 MR. HUGHES: No rebuttal, and as for closing, I
21 think the record is complete. We believe this is a very
22 clear case where rezoning is consistent with the
23 Comprehensive Plan or not inconsistent with the
24 Comprehensive Plan.

25 Mr. Simpson has described the travails of his

1 experience with the site and is looking forward to moving
2 forward with a project that will be consistent with the MU-
3 7A zoning and we'll look forward to hopefully your
4 favorable vote.

5 Thank you very much for your time.

6 CHAIRPERSON HOOD: Okay. Thank you.

7 Commissioners to close the record, I think I am
8 ready to move forward. Mr. Simpson has already given us
9 his word here that they will continue to try to work with
10 Ms. Hughes, Ms. Mary Hughes and, Commissioner Ra Amin, I'm
11 sure will be reaching out.

12 But I think, as far as I'm concerned, they meet
13 the standards and I think the merits of this case. We
14 should give our -- I mean, I think the merits allow -- we
15 should give our approval for this case.

16 So I'm going to leave it at that and see what my
17 other colleagues -- because I'm actually ready to move with
18 this one tonight. We have enough on our agenda that we're
19 going to probably have to carry over, but I think this one
20 is ready to move forward.

21 Let me hear from others. Vice Chair Miller?

22 VICE CHAIR MILLER: I concur with you, Mr.
23 Chairman, ready to move forward.

24 CHAIRPERSON HOOD: Commissioner Stidham?

25 COMMISSIONER STIDHAM: Same here, Commissioner.

1 CHAIRPERSON HOOD: Okay. And Commissioner
2 Imamura?

3 COMMISSIONER IMAMURA: Ready to move forward.

4 CHAIRPERSON HOOD: Okay. And Mr. Hughes, do you
5 want a bench decision or do you want us to hold this until
6 January?

7 MR. HUGHES: Bench decision, please.

8 CHAIRPERSON HOOD: I'm just messing with you. I
9 don't have fun like that all the time. Trust me.

10 All right. One more thing --

11 MR. SIMPSON: I was about, Commissioner, I was
12 about to object. I was like, what are you talking about?
13 What are you talking about.

14 CHAIRPERSON HOOD: All right.

15 MR. HUGHES: I was trying to figure out if the
16 Giants were on Monday Night Football, but it's a little too
17 early. Never mind.

18 MR. SIMPSON: Right.

19 CHAIRPERSON HOOD: Well, I appreciate us getting
20 through early, but I'll leave it at that. Just need a win.

21 All right. Would somebody like to make a motion?

22 VICE CHAIR MILLER: I'd like to move, Mr.
23 Chairman, that the Zoning Commission take proposed action,
24 since the two-vote case on case number 23-04, ALT-G
25 Investment LLC, map amendment at Square 3832, Lot 806, 3250

1 9th Street Northeast, which will have a IZ-Plus
2 designation, as recommended by the Office of Planning, and
3 ask for a second.

4 COMMISSIONER IMAMURA: Second.

5 CHAIRPERSON HOOD: Okay. It's been moved and
6 properly seconded.

7 Any further discussion?

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

10 MS. SCHELLIN: Yes.

11 Commissioner Miller?

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: Commissioner Imamura?

14 COMMISSIONER IMAMURA: Yes.

15 MS. SCHELLIN: Commissioner Hood?

16 CHAIRPERSON HOOD: Yes.

17 MS. SCHELLIN: Commissioner Stidham?

18 COMMISSIONER STIDHAM: Yes.

19 MS. SCHELLIN: The vote is four to zero to one to
20 approve proposed action Zoning Commission case number 23-
21 04, the minus one being the third mayoral appointee seat,
22 which is vacant.

23 And we will get this referred to NCPC and we can
24 take this up at our January 25th meeting for final.

25 CHAIRPERSON HOOD: Okay. All right. Final

1 action will be January 25th, which will run our normal
2 course.

3 MS. SCHELLIN: Right. If we can get a draft
4 order from Mr. Hughes, also, in two weeks? Oh, three weeks
5 is fine with the holidays happening.

6 MR. HUGHES: Thank you and that's -- just to say,
7 I wish you all a very happy holidays. I didn't get to
8 piggyback on Ms. Elliott's before, but I want to throw that
9 out there.

10 CHAIRPERSON HOOD: Okay.

11 MR. HUGHES: Thank you.

12 MS. SCHELLIN: Thank you.

13 CHAIRPERSON HOOD: Thank you all for that. But
14 let me just announce, we've got some more cases coming up
15 before we can start celebrating.

16 So let me just say this, the Zoning Commission
17 will meet again December the 14th on these same platforms.
18 It's our regular monthly meeting.

19 And again, I want to thank everyone for their
20 participation tonight. The team, happy holidays from all
21 of us at the Zoning Commission and unless I hear anything
22 else with that, this hearing is adjourned. Good night.

23 (Whereupon the above-entitled meeting was
24 adjourned.)

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REPORTER CERTIFICATE

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This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 11-02-2023

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
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Gary Euell